

## ORDINANCE 226

AN ORDINANCE PROVIDING FOR AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A REGIONAL FIBER CONSORTIUM FOR THE OWNERSHIP AND OPERATION OF A FIBER OPTIC SYSTEM.

WHEREAS, ORS. 190.030 provides that a unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any function that party to this agreement has authority to perform, and;

WHEREAS, the City of Lakeside has had discussions with several other units of local governments, including Douglas County, Coos County, Lane County and the cities of Coos Bay, Coquille, Reedsport, Roseburg and others regarding the formation of an entity by way of an intergovernmental agreement for the purpose of mutual assistance in achieving the common goal of better and more advanced telecommunications services in the area;

NOW THEREFORE, THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

SECTION 1: It is the intent of the Lakeside City Council to create an intergovernmental entity, to be known as the Fiber South Consortium by an intergovernmental agreement entered into by the City and other units of local government pursuant to the provisions of ORS 190.003 et seq.

SECTION 11: The effective date of such intergovernmental agreement shall be August 12, 1999, or such later date as shall be the date two participating units of local government shall have adopted an ordinance ratifying the creation of the Regional Fiber Consortium.

SECTION 111: The purpose for which the Regional Fiber consortium shall be created shall be:

1. To assume ownership and control of fiber optic cable obtained by the consortium, or by any member government, that the government, in its discretion, deems it is appropriate to contribute to the consortium;
2. To provide for the members a fiber optic system, or components thereof, that, consistent with available resources, best services the public interest in an efficient manner;
3. To provide a forum for communication and consultation among members and to provide an opportunity for a cooperative and equitable sharing of expenses, data expertise, experience and plans for each unit of local government;
4. if feasible for and agreeable to some or all of the members, take joint or common action to provide the appropriate level of communication services to the citizens of the various jurisdictions; and
5. To acquire such additional tangible and intangible assets as are deemed necessary to fulfill the other purposes of the consortium.

SECTION IV: The powers duties and functions of the Regional Fiber Consortium shall be:


1. Plan for fiber optic system development for the consortium.
2. Direct and manage the use of a fiber optic system or systems obtained by the consortium or its members.
3. When requested, act as the agent of the members in the preparation and negotiation of agreements concerning the acquisition, management and use of the consortium's fiber optic systems.
4. Carry out further responsibilities and functions as provided by the members.

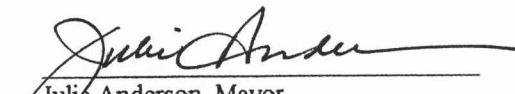
SECTION V: The City Administrator is hereby authorized and directed to evidence this ratification of the creation of the Regional Fiber consortium by executing, on behalf of the City of Lakeside, a copy of an INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A CONSORTIUM OF LOCAL GOVERNMENTS AND THE OWNERSHIP AND OPERATION OF A FIBER OPTIC SYSTEM, substantially in the form of a draft dated July 12, 1999 with such changes as she determines are not inconsistent with the provisions of this ordinance, such determination to be evidenced by her execution of the agreement.

Passed by the Lakeside City Council this 12<sup>th</sup> day of August, 1999.

ATTESTED

APPROVED

  
Susan Chauncey, City Administrator

  
Julie Anderson, Mayor