

CONSULTANT SERVICES AGREEMENT  
(MUNICIPAL CABLE ADVISORY COMMITTEE)

This Agreement is between the City of Portland, Oregon (City) and George L. Page (Consultant).

RECITALS:

1. In April 1977 and thereafter, the City Council by ordinance authorized the Bureau of Electronic Services to prepare plans and specifications, advertise for bids, and award contracts for the construction of a cable television system (System) for the Fire Bureau. The initial purpose of the System was for training firefighters, but the System also was to have the capacity for use by the Bureaus of Police, Water Works, and Traffic Engineering and by other bureaus.

2. Following construction of the System, the Bureaus of Police, Water, and Emergency Services made several limited experimental uses of the System. There was, however, no ongoing organized use of the System outside of the Fire Bureau.

3. In June 1980, by Resolution No. 32693, the City assigned to the Municipal Cable Advisory Committee (MCAC) the principal responsibility for developing a 5-year plan for development and use of the System and for providing regular policy advice to the City Council on Council decisions about the System. MCAC's specific objectives were as follows:

- a. Recommend who should use the System, now and in the future.
- b. Recommend priorities for services to be carried on the System.
- c. Recommend the most effective method for management, funding, and maintenance of the System.
- d. Recommend System development projects consistent with policies stated in the 5-year plan.
- e. Recommend in cooperation with the Cable Regulatory Commission the most appropriate method for interconnection of the System with the Cablesystems Pacific system.
- f. Recommend the most effective method for cooperation of the System with other area telecommunications systems.
- g. Serve as a forum for the negotiation of System use disputes.

4. In response to Resolution No. 32693, MCAC has prepared a list of projects for which it needs in-depth technical and economic analysis. MCAC also needs day-to-day expert assistance involving research, report writing, work coordination, and interdepartmental communication necessary to give potential municipal cable users assurance that their programs can be and are being implemented.

5. Consultant is familiar in detail with the characteristics of the System, City activities in general, and the interdepartmental relationships that must be involved in cooperative cable use.

AGREEMENT:

1. Duties of Consultant. - Consultant shall provide the following services to MCAC:

- a. Assist MCAC in developing detailed technical feasibility evaluations, making cost-effectiveness decisions, and developing final priorities for new and expanded System applications.
- b. Research, design, and develop implementation methods for System applications in accordance with priorities and guidelines of MCAC.
- c. Work closely with individual members of MCAC and all City bureaus wishing to use the System to determine their needs and keep them informed in detail on status and progress of their projects.
- d. Give periodic verbal and written status reports to MCAC on the status and progress of all relevant System developments.
- e. Closely coordinate any new or expanded uses of the System with existing programming to prevent incompatible or conflicting uses.
- f. Provide MCAC with detailed analysis and recommendations on methods to assure reliability and security of the System where these attributes are required to protect and maintain the public's health, safety, and welfare.
- g. Provide MCAC with recommendations on an overall management plan for expanded operations of the System.
- h. Attend all regular and special MCAC meetings except when excused by the City's Director of Cable Communications.
- i. Perform related technical assignments and research as assigned.

2. Availability of Consultant - Consultant shall be available 40 hours per week at times generally coincidental with City standard working hours.

Consultant may modify his schedule for special projects or work assignments requiring Consultant's presence during unusual hours, unless otherwise instructed by the Director of Cable Communications.

3. City Administration. - The Director of Cable Communications shall be responsible for monitoring the work of Consultant, for issuing instructions to Consultant regarding the work to be done under Section 1 hereof, and for making any other necessary or discretionary decisions hereunder. Unless otherwise instructed by the Director of Cable Communications, Consultant shall follow all general assignments and priorities issued by MCAC regarding the work to be done under Section 1 hereof.

4. Consultant's Independent Contractor Status. - Consultant shall perform the services required hereunder as an independent contractor without the assistance of others, shall be in control of the manner in which the work is done, and shall not be an employee of the City.

If Consultant at any time should attempt to subcontract work, or use employees to assist him in the performance of work, then those individuals are to be considered employees of Consultant and not the employees of the City. Consultant hereby warrants, represents and agrees to indemnify the City against any and all claims or losses filed by any third parties who, with or without the knowledge of the City, become engaged as employees or subcontractors of Consultant and will hold the City harmless for all costs incurred, including the defense costs.

Consultant recognizes that any attempt to employ or use employees to assist in the performance of this Agreement is forbidden by the City and any employee agreements are not recognized by the City as binding upon it.

Consultant recognizes that if he hires employees to assist him in the performance of this Agreement, he subjects himself to the sanctions of Chapter 656 of the Oregon Revised Statutes, including, but not limited to, being declared a noncomplying employer and being required to qualify either as a direct responsibility employer or as a contributing employer.

Consultant and the City further agree that any attempt to use employees or subcontractors to assist in the performance of this Agreement shall be deemed an immediate and material breach of this Agreement, and this Agreement immediately shall be at an end at the commencement of the business day prior to the employee or subcontractor commencing employment.

5. Consultant's Compensation. - The City shall compensate Consultant at the rate of \$12.75 per hour direct base compensation plus \$4.25 per hour supplemental compensation for overhead, insurance, vacation, and sick leave, for a total of \$17.00 per hour, provided, however, that the total compensation to Consultant hereunder shall not exceed \$35,500.00.

6. Billings. - Consultant shall bill the City for each two weeks work by submitting a bill to the Office of Cable Communications within 10 days following the end of each two-week period. Each bill shall state the location and nature of each general task performed and the amount of time spent on each such task.

7. Termination. - Either party may terminate this Agreement on fifteen days' written notice to the other party. Unless otherwise terminated, this Agreement shall terminate one year after the date hereof.

8. Notice. - Notice hereunder shall be sufficient if deposited in the United States Mail, postage prepaid, and addressed as follows or to such other address as the receiving party may have designated in writing:

If to the City: Director of Cable Communications  
312 City Hall  
Portland, Oregon 97204

If to Consultant: George L. Page  
4242 Lakeview Blvd.  
Lake Oswego, Oregon 97034

Dated: \_\_\_\_\_

CITY OF PORTLAND, OREGON

By \_\_\_\_\_  
Commissioner of Public Affairs

Approved as to form:

By \_\_\_\_\_  
Auditor

\_\_\_\_\_  
City Attorney

CONSULTANT

\_\_\_\_\_  
George L. Page

## ORDINANCE NO. 151929

An Ordinance authorizing a Consultant Services Agreement with George L. Page for the provision of expert services to the Municipal Cable Advisory Committee in an amount not to exceed \$35,500, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. In April 1977, and thereafter, the City Council by ordinance authorized the Bureau of Electronic Services to prepare plans and specifications, advertise for bids, and award contracts for the construction of a cable television system (System) for the Fire Bureau. The initial purpose of the System was for training firefighters, but the System also was to have the capacity for use by the Bureaus of Police, Water Works, and Traffic Engineering and by other bureaus.
2. Following construction of the System, the Bureaus of Police, Water, and Emergency Services made several limited experimental uses of the System. There was, however, no ongoing organized use of the System outside of the Fire Bureau.
3. In June 1980, by Resolution No. 32693, the City assigned to the Municipal Cable Advisory Committee (MCAC) the principal responsibility for developing a 5-year plan for development and use of the System and for providing regular policy advice to the City Council on Council decisions about the System. MCAC's specific objectives were as follows:
  - a. Recommend who should use the System, now and in the future.
  - b. Recommend priorities for services to be carried on the System.
  - c. Recommend the most effective method for management, funding, and maintenance of the System.
  - d. Recommend System development projects consistent with policies stated in the 5-year plan.
  - e. Recommend in cooperation with the Cable Regulatory Commission the most appropriate method for interconnection of the System with the Cablesystems Pacific system.
  - f. Recommend the most effective method for cooperation of the System with other area telecommunications systems.
  - g. Serve as a forum for the negotiation of System use disputes.

4. In response to Resolution No. 32693, MCAC has prepared a list of projects for which it needs in-depth technical and economic analysis. MCAC also needs day-to-day expert assistance involving research, report writing, work coordination, and interdepartmental communication necessary to give potential municipal cable users assurance that their programs can be and are being implemented.
5. George L. Page is familiar in detail with the characteristics of the System, City activities in general, and the interdepartmental relationships that must be involved in cooperative cable use. Because of this familiarity, George L. Page is the only person available to provide the expert services required by MCAC.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Affairs and Auditor are authorized to enter into a Consultant Services Agreement with George L. Page substantially in accordance with the form of agreement attached to this ordinance.
- b. Warrants in payment of services provided under the Agreement shall be charged to BUC 30000015:210.

Section 2. The Council declares that an emergency exists, in that it is essential to commence the expert services provided for as soon as possible; therefore, this ordinance shall be in force and effect after its passage by the Council.

Passed by the Council, **JUL 15 1981**

Commissioner Schwab  
CP:Thomas:mc  
July 9, 1981

Attest:

  
Auditor of the City of Portland

Calendar No. **2317**

**ORDINANCE No. 151929**

**Title**

An Ordinance authorizing a Consultant Services Agreement with George L. Page for the provision of expert services to the Municipal Cable Advisory Committee in an amount not to exceed \$35,500, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	<del>1</del>	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs <del>_____</del>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Prepared By: Christopher P. Thomas	Date: 7/9/81
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	

CALENDAR	
Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>

NOTED BY
City Attorney <i>CPT</i>
City Auditor
City Engineer

Filed JUL 9 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *George Crall*

Deputy