

Portland, Oregon

# FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

|   |  |   |  |
|---|--|---|--|
| 1. Name of Initiator<br>M. Riddick  |  | 2. Telephone No.<br>Ext. 3-0066   | 3. Bureau/Office/Dept.<br>Revenue  |
| 4a. To be filed (date):<br>November 14, 2012  | 4b. Calendar (Check One)<br>Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/> |   | 5. Date Submitted to<br>Commissioner's office<br>and FPD Budget Analyst:<br>September 30, 2012 |
| 6a. Financial Impact Section:<br><input checked="" type="checkbox"/> Financial impact section completed |  | 6b. Public Involvement Section:<br><input checked="" type="checkbox"/> Public involvement section completed |  |

**1) Legislation Title:**

Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062).

**2) Purpose of the Proposed Legislation:**

Extend the term granted to XO Communications Services, Inc. to December 31, 2014.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |                                    |                                |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional     | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast                 | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                      |                                    |                                    |                                |
| <input type="checkbox"/> Internal City Government Services |                                    |                                    |                                |

**FINANCIAL IMPACT****4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

The City will continue to receive franchise fees. This revenue is intended for the general fund and is not new revenue.

**5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)**

N/A- cost of processing permit is in OCT budget.

**6) Staffing Requirements:**

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)* No.
- Will positions be created or eliminated in *future years* as a result of this legislation?  
NO

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)* N/A

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|------|-------------|-----------------|-----------------|----------------|-------|-------------------|--------|
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |
|      |             |                 |                 |                |       |                   |        |

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

**PUBLIC INVOLVEMENT**

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

- ☐ **YES:** Please proceed to Question #9.  
☒ **NO:** Please, explain why below; and proceed to Question #10.

This Ordinance is a routine franchising item with no new impact on the community. The Ordinance will extend the term of current franchise while the City and the franchisee negotiate the renewal of the current franchise agreement. All other franchise provisions will remain identical to the franchise previously approved by Council.

**9) If "YES," please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

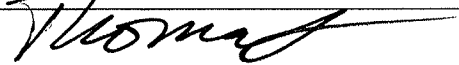
**c) How did public involvement shape the outcome of this Council item?**

**d) Who designed and implemented the public involvement related to this Council item?**

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

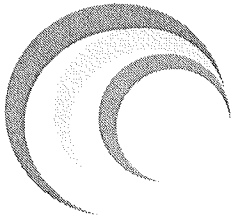
**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

No future public involvement is anticipated or necessary as this Ordinance extends the term of an existing franchise.



BUREAU DIRECTOR (Typed name and signature)

Thomas W. Lannom, Director



**Office for  
Community Technology**

185749

City Council  
Agenda Item  
Staff Supplemental Report

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**TO:** Thomas Lannom, Director

**FROM:** Mary Beth Henry, Manager  
Contact Person: Melvin Riddick, x 3-0066

**DATE:** October 29, 2012

**RE:** Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

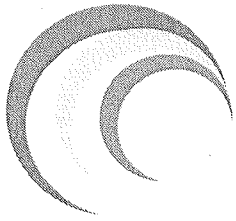
Requested Placement Date: Consent Agenda on November 14, 2012

I. **RECOMMENDATION.** The Office for Community Technology recommend that Council approve the extension of XO Communications Services, Inc. continuously and without interruption to December 31, 2014.

**BACKGROUND.** On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the formal Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

II. **FINANCIAL IMPACT.** The City will continue to receive franchise fees. This revenue is intended for the general fund and is not new revenue.





## Office for Community Technology

Sam Adams, Mayor  
Jack D. Graham, CAO  
Thomas W. Lannom, Director  
**Mary Beth Henry, Manager**  
111 SW Columbia, #600  
Portland, OR 97201

▲ Broadband & Communications Policy    ● Cable Regulation & Consumer Protection    ▲ Utility Franchises, Licenses & Wireless

III. LEGAL ISSUES. See above.

185749

IV. CONTROVERSIAL ISSUES. See above.

V. LINK TO CURRENT CITY POLICIES:  
<http://www.portlandonline.com/cable/index.cfm?c=34419&a=112915>

VI. CITIZEN PARTICIPATION. N/A

VII. OTHER GOVERNMENT PARTICIPATION. N/A

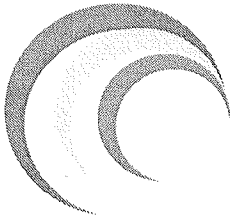
IX. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS  
LICENSE? yes

WHAT IS THEIR BUSINESS LICENSE NUMBER? 678342

IS THEIR ACCOUNT WITH THE CITY CURRENT? yes

IF NOT, HOW MUCH IS OWING? N/A





# Office for Community Technology

▲ Broadband & Communications Policy    ▲ Cable Regulation & Consumer Protection    ▲ Utility Franchises, Licenses & Wireless

185749

Sam Adams, Mayor  
Jack D. Graham, CAO  
Thomas W. Lannom, Director  
**Mary Beth Henry, Manager**  
111 SW Columbia, #600  
Portland, OR 97201

**DATE:** October 29, 2012

**TO:** Mayor Sam Adams

**FROM:** Thomas W. Lannom, Revenue Bureau

**FOR MAYOR'S OFFICE USE ONLY**

Reviewed by Bureau Liaison

**SUBJECT:** Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

1. **INTENDED THURSDAY FILING DATE:** November 8, 2012
2. **REQUESTED COUNCIL AGENDA DATE:** November 14, 2012
3. **CONTACT NAME & NUMBER:** Jennifer Li 503-823-5359
4. **PLACE ON:** X **CONSENT**    **REGULAR**
5. **BUDGET IMPACT STATEMENT ATTACHED:** X **Y**    **N**    **N/A**
6. **(3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM:**    **Y**    **N** X **N/A**

## 7. BACKGROUND / ANALYSIS

On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the formal Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

## 8. FINANCIAL IMPACT

The City will continue to receive franchise fees. This revenue is intended for the general fund and is not new revenue.

## 9. RECOMMENDATION / ACTION REQUESTED

The Office for Community Technology recommends that Council approve the extension of XO Communications Services, Inc. continuously and without interruption to December 31, 2014.

