

## **ORDINANCE No. 185046**

Extend term of a franchise granted to AT&T long-distance to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 162822)

The City of Portland ordains:

Section 1. The Council finds:

1. In March, 1990, the Council granted a franchise to American Telephone and Telegraph Company to build and operate telecommunications facilities within the City's streets. Ordinance No. 162822. The franchisee is now known as AT&T Corp. (AT&T).
2. The Council has extended AT&T's telecommunications franchise several times, most recently by Ordinance No. 183364, which will expire on December 31, 2011.
6. On October 26, 2011, the 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 Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standard franchise language. As the bureau works to complete this process, the Office for Community Technology is recommending that the Council extend existing franchises.

NOW, THEREFORE, the Council directs:

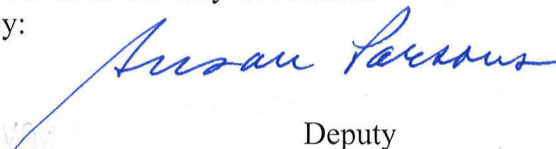
- a. Ordinance No. 162822 is hereby amended to extend the term of the franchise, continuously and without interruption, through December 31, 2012.
- b. Section 3.A.1 of Ordinance No. 162822 is amended to read as follows:

AT&T shall pay a franchise fee of \$3.39 per linear foot through December 31, 2011. Payment shall be made on the basis of \$20,760.24 per month. The amount of the franchise fee specified herein shall increase beginning April 1, 2011 by a percentage equal to the change in the Consumer Price Index (CPI) for urban age earners and clerical workers for the Portland, Oregon metropolitan region for 2010, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor and as published in such Bureau of Labor Statistics Detailed Report. The monthly payment shall be due on the 15<sup>th</sup> day of the following month.
- c. All other terms and conditions of the Franchise shall remain the same and unchanged.

- d. On or before the thirtieth (30<sup>th</sup>) day after this ordinance becomes effective, AT&T shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by AT&T, meeting the approval of the City Attorney. Any failure on the part of AT&T to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance and this ordinance shall thereupon be null and void. Such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms contained in this ordinance.

Passed by the Council: DEC 07 2011

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By:



Deputy

Commissioner Dan Saltzman  
Prepared by: MRiddick/BEWalters  
November 15, 2011

185046

1266 = 1322 =

Agenda No.

ORDINANCE NO.

185046

Title

Extend term of a franchise granted to AT&T long-distance to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 162822)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Dan Saltzman</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: OCT Bureau Head: David C. Olson</p> <p>Prepared by: M Riddick Date Prepared: November 18, 2011</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date <b>November 30, 2011</b></p> <p>City Attorney Approval <i>Stephanie Walters</i></p>	<p>CLERK USE: DATE FILED <u>NOV 22 2011</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>Susan Parsons</i> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p><b>NOV 30 2011 PASSED TO SECOND READING DEC 07 2011 9:30 A.M.</b></p>
--	--

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	—	
Adams	Adams	✓	