

ORDINANCE No. 185748

Extend term of a franchise granted to McLeodUSA Telecommunications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175061)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 2000, the City Council granted a ten year franchise to McLeodUSA Telecommunications Services, Inc., an Iowa corporation qualified to do business in Oregon, and to its successors and assigns, as approved by the City ("McLeodUSA"), to use the City streets to provide telecommunications services. Ordinance No. 175061. McLeodUSA filed an acceptance of the franchise grant in November, 2000.
2. The City Council previously extended the term of this franchise ordinance until December 31, 2012. Ordinance No. 185021.
3. 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.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175061 is hereby amended to extend the term of the franchise, continuously and without interruption, to December 31, 2014.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, McLeodUSA Telecommunications Services, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by McLeodUSA Telecommunications Services, Inc. meeting the approval of the City Attorney. Any failure on the part of McLeodUSA Telecommunications Services, Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and shall be construed to be an acceptance of all the terms contained in this ordinance.

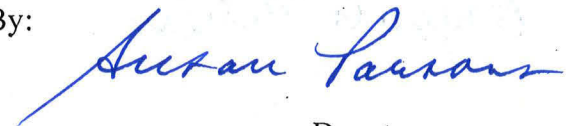
Passed by the Council:

NOV 28 2012

Mayor Sam Adams
Prepared by: MRiddick/BEWalters
October 26, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Agenda No.
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>NOV 08 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	<i>[Signature]</i>
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: <i>[Signature]</i> Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
CAO: Jack D. Graham <i>[Signature]</i>	<i>[Signature]</i>
Bureau: Revenue Bureau Head: Thomas W. Lannom	
Prepared by: Melvin Riddick Date Prepared: October 29, 2012	NOV 14 2012 PASSED TO SECOND READING
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	NOV 28 2012 9:30 A.M.
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date November 14, 2012	
City Attorney Approval <i>[Signature]</i>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	