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190703

Emergency Ordinance

***Authorize signatory authority to the Director of the Office for Community Technology for letter agreements granting access to the public right-of-way**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Office for Community Technology (OCT) has typically granted individually negotiated franchises to each utility operator using the City's right-of-way to provide utility service. OCT has determined it can more effectively, efficiently, fairly, and uniformly manage the City's right-of-way and provide consistent standards for utility use of the right-of-way through a uniform code rather than franchises.
2. The new code is anticipated to be effective January 1, 2023.
3. Until the new code is effective, certain utility operators need temporary authority to access the right-of-way. A letter agreement with terms similar to the proposed code, and which automatically terminates on the date the code becomes effective, meets the utility operators' needs and manages the City's risk until the new code is in place.
4. Portland City Code Chapter 3.114 does not reflect OCT's relatively new status as an independent bureau. Consequently, the OCT Director lacks code authority to sign letter agreements on behalf of the city.

NOW, THEREFORE, the Council directs:

- A. The OCT Director is authorized on behalf of the city to sign letter agreements in a form similar to Exhibit A that grant access to the public right-of-way.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Community Technology](#)

Prepared by

Elisabeth Perez

Date Prepared

February 4, 2022

Requested Agenda Type

Consent

Section 2. The Council declares that an emergency exists because certain utility operators have requested authorization to access the right-of-way and a delay would interrupt the operators' access; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (25.54 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 16, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (22.51 Kb)

Agenda Items

100 Consent Agenda in [February 16-17, 2022 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea