

ORDINANCE No. 185020

Extend term of a franchise granted to Electric Lightwave, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)

The City of Portland ordains:

Section 1. The Council finds:

1. On June 19, 1996, the Portland City Council approved an ordinance granting a ten-year franchise to Electric Lightwave, Inc. to provide telecommunications services in Portland (Ordinance No. 170283). The franchise became effective on August 18, 1996.
2. On December 9, 2009, the Council approved Ordinance No. 183379, extending the term of the ELI franchise through December 31, 2011.
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 Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standardized franchise language. As PBOT works to completion of this process, the Office for Community Technology recommends that the City Council extend existing franchises.
4. City staff recommends, in the mutual interest of the parties, an extension of the franchise for a period of one year to allow the development of an updated franchise.

NOW, THEREFORE, the Council directs:

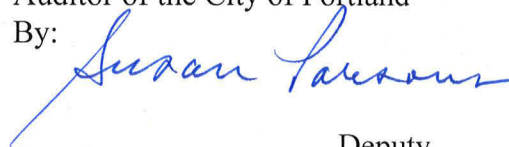
- a. Ordinance Number 170283 is hereby amended to extend the term of the franchise, continuously and without interruption, from the date of passage of this ordinance to December 31, 2012.
- b. All other terms and conditions of the franchise shall remain the same.
- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Electric Lightwave shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Electric Lightwave, meeting the approval of the City Attorney. Any failure on the part of Electric Lightwave 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 30 2011

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
November 4, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

~~1229~~

1280

185020

Agenda No.
ORDINANCE NO. 185020
Title

Extend term of a franchise granted to Electric Lightwave, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)

INTRODUCED BY
Commissioner/Auditor:
Commissioner Dan Saltzman

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL

Bureau: OCT
Bureau Head: David C. Olson

Prepared by: M Riddick
Date Prepared: November 4, 2011

Financial Impact Statement
Completed Amends Budget
Not Required

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes No

Council Meeting Date
November 16, 2011

City Attorney Approval
Benjamin Walters

CLERK USE: DATE FILED NOV 10 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *[Signature]* Deputy

ACTION TAKEN:

NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(for presentation, testimony and discussion)

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 ✓	