

## ORDINANCE No. 185775

Extend term of a franchise granted to NewPath Networks, LLC to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180376)

The City of Portland ordains:

Section 1. The Council finds:

1. In August 2006, the City Council granted a franchise to NewPath Networks, LLC, to build and operate wireless facilities within the City's streets. Ordinance No. 180376.
2. City staff is working with industry in an effort to standardize and modernize the terms and conditions of all franchises.
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:

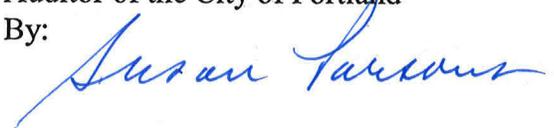
- a. Ordinance No. 180376 is hereby amended to extend the term of the franchise, continuously and without interruption, to February 14, 2015.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, NewPath Networks, LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by NewPath Networks, LLC meeting the approval of the City Attorney. Any failure on the part of NewPath Networks, LLC 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: DEC 05 2012

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

By:



Deputy

Mayor Sam Adams  
Prepared by: MRiddick/BEWalters  
November 8, 2012

Agenda No. **185775**  
**ORDINANCE NO.**  
 Title

Extend term of a franchise granted to NewPath Networks, LLC to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180376)

INTRODUCED BY Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <u>NOV 20 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i>	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	ACTION TAKEN:  NOV 28 2012 PASSED TO SECOND READING DEC 05 2012 9:30 A.M.
BUREAU APPROVAL CAO: Jack D. Graham <i>[Signature]</i> Bureau: Revenue <i>[Signature]</i> Bureau Head: Thomas W. Lannom	
Prepared by: MRiddick/JLi Date Prepared: November 7, 2012	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
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 28, 2012	
City Attorney Approval <i>[Signature]</i>	

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

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