

ORDINANCE No. 186881

Extend term of AT&T long-distance franchise to build and operate telecommunications facilities in 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. 185046, which will expire on December 31, 2014.
3. City staff is negotiating a renewal agreement, including revised standardized franchise language. Although franchise negotiations for a renewal agreement are in progress, the parties have not reached agreement on all terms. City staff recommends that the Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the 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. 162822 is hereby amended to extend the term of the franchise, continuously and without interruption, through January 21, 2017.
- 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, 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.

186881

Passed by the Council:

NOV 12 2014

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



Deputy

Mayor Charlie Hales
Prepared by: HDobson/BEWalters
October 14, 2014

1146-1173

5/10

Agenda No.
ORDINANCE NO.

186881

Title

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INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>OCT 31 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Revenue and Financial Services OMF CAO: Fred Miller Bureau Head: Thomas W. Lannom Prepared by: Hillary Dobson Date Prepared: October 14, 2014 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter Council Meeting Date November 5, 2014	ACTION TAKEN: NOV 05 2014 PASSED TO SECOND READING NOV 12 2014 9:30 A.M.

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	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	