

## ORDINANCE No. 186949

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. The franchise has been extended twice, by Ordinance No. 184797 in 2011 and again by Ordinance No. 185775 in 2012.
3. City staff continues to work with telecommunications industry representatives in an effort to standardize and modernize the terms and conditions of all franchises.
4. City staff is negotiating a renewal agreement with NewPath Networks, including revised standardized franchise language for wireless siting on utility poles and how to incorporate small cells and DAS deployment systems. 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. 180376 is hereby amended to extend the term of the franchise, continuously and without interruption, to February 14, 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, 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: **JAN 07 2015**

**Mary Hull Caballero**  
Auditor of the City of Portland  
By



Deputy

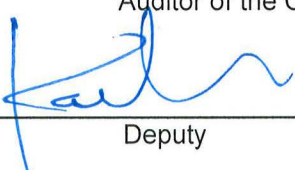
Mayor Charlie Hales  
Prepared by: MRiddick/BEWalters  
November 6, 2014

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Agenda No.  
**ORDINANCE NO. 186949**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Charlie Hales</b>	CLERK USE: DATE FILED <u>DEC 12 2014</u>
<b>COMMISSIONER APPROVAL</b> 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: _____ Deputy
<b>BUREAU APPROVAL</b> Bureau: Revenue & Financial Services OMF CAO: Fred Miller Bureau Head: Thomas W. Lannom  Prepared by: Melvin Riddick Date Prepared: November 12, 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"/> <b>City Auditor Office Approval:</b> required for Code Ordinances  <b>City Attorney Approval:</b> required for contract, code, easement, franchise, compo plan, charter  Council Meeting Date <b>December 17, 2014</b>	ACTION TAKEN: <b>DEC 17 2014 PASSED TO SECOND READING JAN 07 2015</b> <b>9:30AM</b>

<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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	