



## AGENDA ITEM ANALYSIS

Project/Issue Name: 23-69 An Ordinance of the City Council Proposing an Amendment to the City Charter by Repealing Section 10.3 Pertaining to Temporary Permitting for Public Utilities; Calling an Election to be Held on April 2, 2024 on the Proposed Amendment; Authorizing and Directing the City Clerk to Give Notice to the County Clerk of Said Election, and Providing for Enactment of the Proposed Amendment if Approved.

Submitted By: Laura Burbridge, City Clerk  
Megan McCullough, City Attorney

Date: December 12, 2023

### Issue Statement

To call an election proposing a charter amendment to the voters of Republic.

### Discussion and/or Analysis

**QUESTION 6: “Shall the Charter of the City of Republic, Section 10.3, be repealed to remove temporary right of way access and permitting for public utilities by ordinance and to allow for such permitting to be administratively managed in accord with the Republic Municipal Code?”**

This question would remove the section from the Charter-which has not been utilized since its adoption in 2019. The Right of Way permitting process is procedural and staff utilize the recently amended Chapter 515 Municipal Code provisions for the requirements and procedures. **The Charter currently reads:**

#### 10.3 Temporary Permits

Temporary permits for the operation of public services utilizing public streets, alleys, bridges, easements, rights-of-way and public places for a period not to exceed two (2) years may be granted by the Council by ordinance without public hearing. Such permit shall be subject to amendment, alteration or revocation at any time at the will of the Council, whether so provided in the ordinance or not. Any permit granted hereunder shall in no event be construed to be a franchise or an extension or amendment of a franchise.

- Repeal the entire section-allow for ROW permitting to be done administratively by BUILDS.

#### Proposed Change:

#### **~~10.3 Temporary Permits~~**

~~Temporary permits for the operation of public services utilizing public streets, alleys, bridges, easements, rights-of-way and public places for a period not to exceed two (2) years may be granted by the Council by ordinance without public hearing. Such permit shall be subject to amendment, alteration or revocation at any time at the will of the Council, whether so provided in the ordinance or not. Any permit granted hereunder shall in no event be construed to be a franchise or an extension or amendment of a franchise.~~



The recently amended 515 code changes are live on our website and can be found at:  
[https://republic.municipalcodeonline.com/book?type=ordinances#name=Chapter\\_515\\_Rights-Of-Way\\_Management](https://republic.municipalcodeonline.com/book?type=ordinances#name=Chapter_515_Rights-Of-Way_Management)

**Recommended Action**

Staff recommends approval.