

ORDINANCE NO. 1431-20

AN ORDINANCE EXTENDING THE PORTLAND GENERAL ELECTRIC FRANCHISE TO A DATE CERTAIN OF JUNE 30, 2020; MAKING RETROACTIVE APPLICATION OF THE ORDINANCE; AND DECLARING AN EMERGENCY

WHEREAS, the City of Tualatin ("City") adopted Ordinance No. 1295-09 to grant Portland General Electric, ("PGE") a "Franchise for Ten Years to Erect, Construct, Maintain and Operate within the City of Tualatin an Electric Light and Power System" ("Franchise");

WHEREAS, the Franchise called for automatic renewal for another 10-year period, unless one party sent notice of its intent not to renew;

WHEREAS, the City sent notice of intent not to have the franchise automatically renew and by its terms the Franchise was to end on December 31, 2019;

WHEREAS, the City adopted Tualatin Municipal Code (TMC) Chapter 3-6 (Utility Facilities in the Rights-of-Way) to permit and manage reasonable access to the City's rights-of-way for utility purposes;

WHEREAS, TMC 3-6-270 allows the City to enter into franchise agreements to clarify, enhance, expand, waive, or vary the provisions of TMC Chapter 3-6, consistent with applicable state and federal law;

WHEREAS, the City and PGE have been negotiating a "short-form" franchise agreement, but have not agreed on all terms and conditions; and

WHEREAS, the City wishes to extend the Franchise to a date certain of June 30, 2020 to allow the parties to operate under the same Franchise terms and conditions, until such time as the parties can come to agreement on a new short-form franchise.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Franchise Agreement adopted by Ordinance No. 1295-09, except Section 2(B), is extended to June 30, 2020.

Section 2. Emergency Clause; Ordinance Retroactive. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and shall take effect immediately upon adoption and its application is retroactive to January 1, 2020.

INTRODUCED AND ADOPTED by the City Council this 13th day of January, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder