

ORDINANCE NO. 1681

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING AN AGREEMENT OF FRANCHISE DATED APRIL 3, 1972 WITH PACIFIC NORTHWEST BELL TELEPHONE COMPANY.

WHEREAS, the Public Utility Commission has allowed the telephone companies in Oregon to exclude certain activities from computing franchise fees, and

WHEREAS, this exclusion will decrease the revenues to the City.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Amend Section 6 of the agreement to read as follows:

Section 6. In consideration of the rights, privileges, and franchise hereby granted, said Grantee, Pacific Northwest Bell Telephone Company, its successors and assigns, shall pay to the City of Milwaukie from and after the effective date of the amendment to this franchise, and until June 30, 1990, annually, three percent (3%) per annum of its gross local service revenues derived from services within the corporate limits of the City of Milwaukie less net uncollectibles and revenue paid directly to the Grantee by the United States of America or any of its agencies. Effective July 1, 1990, and until the franchise's expiration, said Grantee shall pay to the City of Milwaukie annually, seven percent (7%) of its gross revenues derived from exchange access services, as defined in ORS 401.710, within the corporate limits of the City of Milwaukie less net uncollectibles and revenue paid directly to the Grantee by the United States of America or any of its agencies. The reasonable value of any utility service or the use of any Grantee facilities used or reserved for use by the City without Grantee's prescribed charges shall be credited toward any payment due the City under this provision. Payment of this franchise fee shall be made on or before the fifteenth day of March and September of each and every year for the calendar half-year preceding. For the year 1990, payment of said three percent (3%) shall be made only for the period January 1, 1990 to June 30, 1990, and payment of said seven percent (7%) shall be made for the period July 1, 1990 to December 31, 1990. Such payments made by the Grantee will be accepted by the City of Milwaukie from the Grantee, also in payment of any license, privilege or occupation tax or fee for revenue or regulation, or any permit or inspection fees or similar charges for street openings, installations, construction or for any other purpose now or hereafter to be imposed by the City of Milwaukie upon the Grantee during the term of this franchise.

Read the first time on May 15, 1990, and moved to second reading by a 5-0 vote of the City Council.

Read the second time and adopted by the City Council on June 5, 1990.

Signed by the Mayor on June 5, 1990.

Roger A. Hall
Roger A. Hall, Mayor

ATTEST:

Jerri L. Widner
Jerri L. Widner, City Recorder

Approved as to Form:

Timothy V. Ramis
Timothy V. Ramis, City Attorney