

ORDINANCE 1919

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND ELECTRIC LIGHTWAVE INC. TO EXTEND THE CURRENT NON-EXCLUSIVE FRANCHISE AGREEMENT.

Whereas, Electric Lightwave, Inc. ("ELI") currently holds a telecommunications franchise with the City of Milwaukie ("City"), granted by Ordinance No. 1736, on April 20, 1993; and

Whereas, ELI's franchise with the City is schedule to expire on April 20, 2003; and

Whereas, ELI and the City have been engaged in renewal negotiations, in good faith, since February, 2003; and

Whereas, the amount of time required to conclude negotiations and allow for public review will exceed the initial expiration date; and

Whereas it is in the public interest to extend the franchise for an additional period of time so that the telecommunications service to ELI's customers in the City will not be interrupted;

NOW THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. That the City Manager is hereby authorized, on behalf of the City of Milwaukie, to execute and otherwise enter into an extension of the non-exclusive franchise agreement with ELI. The extension shall expire and be of no legal effect as of October 31, 2003 or on such date as the City may grant a new non-exclusive franchise to ELI , whichever comes first.

Read for the first time on April 15, 2003, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on April 15, 2003.

Signed by the Mayor on April 15, 2003.

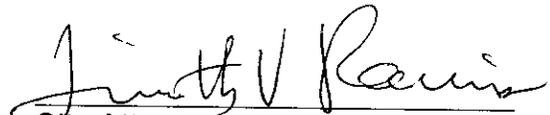


James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal, City Recorder



City Attorney