

ORDINANCE NO. 11-1011

AN ORDINANCE REPEALING ORDINANCE NUMBER 05-1000 AND ELECTING TO USE THE GROSS REVENUE METHOD TO CALCULATE FRANCHISE FEES FOR PORTLAND GENERAL ELECTRIC AND DECLARING AN EMERGENCY

WHEREAS, The City of Oregon City ("City") and Portland General Electric Company ("PGE") entered into a Franchise Agreement dated February 17, 1993, and adopted by Ordinance No. 93-1001 (the "Agreement").

WHEREAS, Section 9 of the Agreement provides for the calculation of the franchise fee to be paid by PGE to the City using a methodology based on a percentage of the gross revenue collected by PGE within the City (the "gross revenue method"); and

WHEREAS, ORS 221.655 was enacted into law subsequent to the effective date of the Agreement, and provides for an alternative method of calculation of the franchise fee which is available to the City (the "volumetric method"); and

WHEREAS, In 1995, the City adopted Ordinance No. 05-1000, which changed the methodology by which PGE calculated and paid the franchise fee from the gross revenue method to the volumetric method for the franchise fee; and

WHEREAS, The City wishes to repeal Ordinance No. 05-1000 and resume use of the gross revenue methodology for the calculation of the franchise fee for PGE; and

WHEREAS, PGE is willing to make such change for the calculation of the payment due on or before April 1, 2012;

WHEREAS, In accordance with the City of Oregon City Charter, Section VIII, it is necessary that this ordinance be considered for immediate adoption. PGE needs to know immediately the method calculating the franchise fee in order to provide the franchise fee to the City in a timely manner. Copies of this ordinance have been distributed to the Mayor and members of the City Commission and have been made available for public inspection at least one week before its adoption.

NOW, THEREFORE, PGE and the City agree as follows:

Section 1. The City and PGE agree to repeal City Ordinance No. 05-1000 and return to the method of calculating the franchise fee found in section 9 of the Agreement as it was originally written.

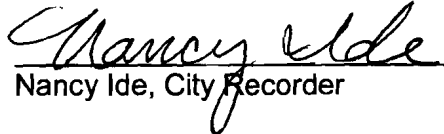
Section 2. All other terms and conditions of the Agreement shall remain in full force and effect.

Section 3. Emergency. Because this ordinance is necessary for the preservation of the public health, public safety and welfare of the City, an emergency is declared to exist and this ordinance shall be in full force and effect on the date this ordinance is adopted.

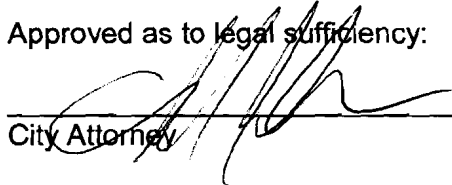
Read for the first and second time at a regular meeting of the City Commission held on November 16, 2011, and the foregoing ordinance was enacted as an emergency by the City Commission this 16th day of November 2011.


DOUG NEELEY, Mayor

Attested to this 16th day of November 2011:


Nancy Ide, City Recorder

Approved as to legal sufficiency:


City Attorney