

ORDINANCE NO. 841

AN ORDINANCE AMENDING ORDINANCE NO. 835, THE PACIFICORP FRANCHISE ORDINANCE, TO CHANGE THE COMPENSATION REQUIRED PURSUANT TO SAID FRANCHISE, AND DECLARING AN EMERGENCY.

WHEREAS, on September 4, 2001 the City of Stayton granted a non-exclusive franchise to PacifiCorp, dba Pacific Power & Light Co., for the operation of an electric power utility;

WHEREAS, PacifiCorp's electric power utility relies on the use of the City's streets and rights-of-way, for which the City is entitled by law to be compensated for such use in the form of franchise fees;

WHEREAS, state law permits a franchise fee of 5% of gross revenues;

WHEREAS, the City of Stayton presently collects a 4% franchise fee from PacifiCorp, but has reserved the right to impose an additional franchise fee in any amount up to, and including, 5%;

WHEREAS, the City of Stayton has determined that it is necessary and appropriate at this time to establish the PacifiCorp franchise fee at 5%;

WHEREAS, a public hearing on this matter was scheduled and held on June 17, 2002;and

WHEREAS, in order to accomplish the franchise fee change in a manner consistent with the approved 2002-2003 City of Stayton 2002-2003 budget, it is appropriate that an emergency be declared to accommodate the immediate enactment of this ordinance.

NOW, THEREFORE,

SECTION 1. Stayton Municipal Code Section 4.12.060 1.a. of Ordinance No. 835 is hereby amended to read as follows:

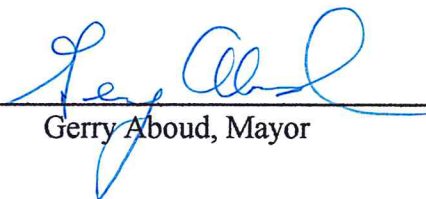
"In consideration of the rights, privileges and franchise hereby granted, PacifiCorp shall pay to City from and after the sixty (60) day notice otherwise required by this section, five percent (5.0%) of its gross revenues derived from within the corporate limits of City."

SECTION 2. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of June, 2002.

CITY OF STAYTON

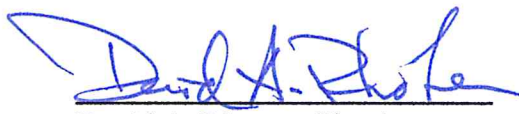
Date: JUNE 19, 2002

By: 
Gerry Aboud, Mayor

Date: 6/19/2002

Attest: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney