

ORDINANCE NO. 842

AN ORDINANCE AMENDING STAYTON CITY ORDINANCE NO. 837 TO EXTEND THE TERM OF THE NON-EXCLUSIVE FRANCHISE OF STAYTON COOPERATIVE TELEPHONE COMPANY FROM AUGUST 6, 2002 THROUGH AND INCLUDING FEBRUARY 6, 2003; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton has, through Ordinance No. 617, as amended by Ordinance No. 684, granted a non-exclusive franchise to Stayton Cooperative Telephone Company, an Oregon corporation, to operate a telephone system within the City of Stayton;

WHEREAS, Ordinance No. 816, and subsequently Ordinances No. 820, 828, 833 and 837, extended the franchise term to August 6, 2002; such extension to expire on that date;

WHEREAS, the effective date of this proposed Ordinance, and the franchisee's obligations thereunder, should commence August 6, 2002;

WHEREAS, changes in state and federal laws governing the telecommunications industry dictate that the City utilize an orderly process in the development of a franchise that properly reflects such changes;

WHEREAS, litigation currently pending in the 9th Circuit of the United States Court of Appeals may impact the nature of any subsequent franchise entered into with franchisee;

WHEREAS, it is appropriate that the City of Stayton and Stayton Cooperative Telephone Company be allotted additional time to consider and negotiate a successor franchise;

WHEREAS, Stayton Cooperative Telephone Company has consented in writing to the franchise term extension set forth below;

WHEREAS, upon conclusion of the negotiation for the successor franchise, the new franchise shall, upon approval by the parties, effectively supercede the previous franchise, as extended; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance to ensure continuity so that the franchise remains in full force and effect immediately upon its adoption by the Stayton City Council.

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. City of Stayton Ordinance No. 837, as it relates to Ordinance No. 617, Section 10, is amended to read:

Section 10. The rights, privileges and franchise herein granted shall continue and be in force effective from August 6, 2002 through and including February 6, 2003.

SECTION 2.

All other terms and conditions of Ordinance No. 617, as amended by Ordinance No. 684, shall remain unchanged.

SECTION 3.

Within thirty (30) days after enactment of this ordinance and approval by the Mayor, Stayton Cooperative Telephone Company shall file with the City Administrator for the City of Stayton a written acceptance, attached hereto as Attachment A and by this reference made a part of this ordinance, stating that Stayton Cooperative Telephone Company accepts this amendment to Ordinance No. 837 and agrees to comply with all the terms and conditions of this ordinance.

SECTION 4.

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 5th day of August, 2002.

CITY OF STAYTON

Signed: 8/7, 2002

By: Gerry Aboud
Gerry Aboud, Mayor

Signed: August 7, 2002

ATTEST: Chris Childs
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

ACCEPTANCE OF ORDINANCE NO. 842
City of Stayton, Oregon

TO THE MAYOR AND COUNCIL OF THE CITY OF STAYTON:

WHEREAS, on the 5th day of August, 2002, the City Council of the City of Stayton, Oregon, enacted Ordinance No. 842 which is:

AN ORDINANCE AMENDING STAYTON CITY ORDINANCE NO. 837 TO EXTEND THE TERM OF THE NON-EXCLUSIVE FRANCHISE OF STAYTON COOPERATIVE TELEPHONE COMPANY FROM AUGUST 6, 2002 THROUGH AND INCLUDING FEBRUARY 6, 2003; AND, DECLARING AN EMERGENCY.

WHEREAS, the ordinance was granted upon the condition that the grantee, Stayton Cooperative Telephone Company, shall, within thirty (30) days of the passage and approval of the ordinance, file with the City Administrator or the City of Stayton, its written acceptance of all terms and conditions of the ordinance:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Stayton Cooperative Telephone Company does hereby accept Stayton City Ordinance No. _____ and all the terms and conditions of said ordinance.

IN WITNESS WHEREOF, Stayton Cooperative Telephone Company, Inc. has caused this acceptance to be duly executed this ____ day of _____, 2002.

STAYTON COOPERATIVE TELEPHONE COMPANY

By: Don Lawrence
Don Lawrence, General Manager

Date: 8/12/02

Received by the City of Stayton:

By: CM Childs
Date: 8/12/02