

**BEFORE THE CITY COUNCIL FOR THE  
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of Amending the Existing )  
NW Natural Gas Franchise Ordinance )  
To Establish a New Franchise Fee Percentage )  
To Be Paid To the City as Compensation )  
For the Non-Exclusive Franchise Agreement )

**ORDINANCE NO. 2012 - 04**

WHEREAS, this matter having come before the City Council of Adair Village on October 2, 2012 upon recommendation of the City Administrator after review and recommendation by the Budget Committee that the City raise franchise fees for all utility franchises to five percent; and

WHEREAS, the City of Adair Village passed Ordinance 03/04 #1 on April 19, 2004 to update the Non-Exclusive Gas Utility Franchise Ordinance in order to grant a franchise to construct, maintain and operate facilities for the transmission and distribution of a gas utility system within the City of Adair Village and to establish the terms of a franchise fee; and

WHEREAS, Oregon Revised Statute (ORS) 221.420 lets cities determine the terms and conditions under which a public utility may operate, including payment of charges and fees; and

WHEREAS, the City of Adair Village provided written notice to NW Natural Gas requesting a modification of the franchise fee established in Section 12 (1) from three percent (3%) to five percent (5%); and

WHEREAS, it is necessary to amend Section 12 (1) of Ordinance 03/04-#1 in order to set a new franchise fee rate; NOW THEREFORE,


THE CITY OF ADAIR VILLAGE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The initial sentence of Section 12 (1) shall be amended (old language with ~~strike through~~, new language underlined) to read – “As compensation for the franchise granted by this ordinance, the Grantee shall pay to the City an amount equal to ~~three~~ five percent (~~3%~~5%) of gross revenue collected by the grantee from its customers for gas consumed within the City.” The rest of Section 12 (1) shall remain the same.


Section 2. Severability. Should any section or portion of this Franchise Agreement be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this Ordinance shall remain in full force and effect.

City of Adair Village, Oregon, November 6, 2012.

CITY OF ADAIR VILLAGE



MAYOR



CITY ADMINISTRATOR

Approved as to Form:



City Attorney

First Reading: October 2, 2012

Second Reading: By Title November 6, 2012

City Recorder: 