

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

In the Matter of Amending the Existing )  
Ordinance 77-2 Which Established )  
Franchise Fee Percentages To Be Paid )  
To the City as Compensation For Gas, Electric, )  
And Telephone Utility Franchise Agreements )

**ORDINANCE NO. 2012 - 05**

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 No. 77-3 in February 1977 in order to establish the rights of utilities to construct, maintain and operate within the City of Adair Village; and

WHEREAS, the City of Adair Village passed Ordinance No. 77-2 on February 9, 1977 to establish the terms of fees to be charged for utilities operating within the City of Adair Village; and

WHEREAS, the City of Adair Village passed Ordinance No. 89/90-#9 on June 4, 1990 to amend Sections 2 and 3 of Ordinance 77-2 and to establish new fees to be charged for gas electric and telephone utilities operating within the City of Adair Village; 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, it is necessary to amend Section 3 of Ordinance 89/90-#9 in order to set a new franchise fee rate; NOW THEREFORE,

THE CITY OF ADAIR VILLAGE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Section 3. Rates shall be amended (old language with ~~striketrough~~, new language underlined) to read – “The tax fee imposed under this ordinance shall be at the rate of five (5) percent ~~3% of the gross revenues of a gas utility, 3.5% f the gross revenues of an electric utility and 5% of the gross revenues of a telephone~~ any utility derived within the City of Adair Village.” The rest of Ordinances 77-2 and 89/90-#9 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

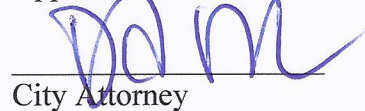


MAYOR



CITY ADMINISTRATOR

Approved as to Form:

  
City Attorney

First Reading: October 2, 2012

Second Reading: By Title November 6, 2012

City Recorder: 