

CITY OF BAY CITY, OREGON

ORDINANCE NO. 629

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE AGREEMENT AND CONTRACT APPROVAL TO THE TILLAMOOK PEOPLE'S UTILITY DISTRICT FOR THE RIGHT TO PROVIDE ELECTRICAL SERVICE WITHIN THE CITY OF BAY CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS FOR SAID PURPOSE AND DECLARING AN EMERGENCY

THE CITY COUNCIL OF THE CITY OF BAY CITY, OREGON ORDAINS AS FOLLOWS:

Section 1. **REPEAL.** All prior franchise agreements between the City of Bay City and the Tillamook People's Utility District shall be terminated and of no further force and effect upon the effective date of this Ordinance.

Section 2. **PURPOSE.** The City of Bay City hereby grants an exclusive franchise agreement to the Tillamook People's Utility District to conduct its electric distribution business within the corporate limits of the City, upon the terms and conditions of the contract attached hereto as Exhibit 1, and hereby incorporates the terms and conditions of the agreement as the terms and conditions of this Ordinance, in addition to any other term and condition set forth in this Ordinance.

Section 3. **TERM.** This Ordinance shall be in effect for five years from February 1, 2007. In the event a successor agreement is not executed prior to the expiration of this Ordinance, then the Ordinance, and the Agreement attached hereto as Exhibit 1, shall continue to be in effect for an additional six (6) months or until a successor agreement is executed, whichever first occurs.

Section 4. **FRANCHISE FEE.** The District shall pay to the City, a Franchise Fee of 2% of the District's gross revenues within the City limits, less adjustments, as more particularly defined in the contract attached hereto, collected during the previous month from customers whose meters are located within the City, for each month during the life of this Agreement, beginning February 1, 2007.

Section 5. **SAVINGS CLAUSE.**

If any clause, sentence, paragraph, section, article, or portion of this ordinance shall, for any reason, be adjudged invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 6. **EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon passage by the Council and approval of the Mayor due to the necessity for continued franchise payments to the City, which is necessary to protect the health, safety and welfare of the City's residents.

PASSED and ADOPTED by the City Council this 13th day of March, 2007 and APPROVED by the Mayor this 13th day of March, 2007.

/s/ Shaena E. Peterson
Shaena E. Peterson, Mayor

ATTEST:

/s/ Linda Dvorak
Linda Dvorak, City Recorder

First reading: 3/13/07
Second reading: 3/13/07
Ayes: 6
Nays: 0
Abstentions: 0