

CITY OF BAY CITY

ORDINANCE NO. 674

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**. Bay City Ordinance #629 and all prior ordinances for franchises with Tillamook People's Utility District and 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. **TERM**. 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. **FRANCHISE FEE**. The District shall pay to the City, a Franchise Fee of 4% 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 calendar month from customers whose meters are located within the City, for each month during the life of this Agreement, beginning May 1, 2017.

Section 4. **SAVING 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 or 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 ____ day of _____, 2017 and APPROVED by the Mayor this ____ day of _____, 2017.

Shaena E. Peterson, Mayor

ATTEST:

Linda Downey, City Recorder

First Reading: _____

Second Reading: _____

Ayes: _____

Nays: _____

Abstentions: _____