

## **ORDINANCE NO. 23-693**

### **AN ORDINANCE OF THE CITY COUNCIL OF WILLAMINA EXTENDING THE FRANCHISE GRANTED TO PORTLAND GENERAL ELECTRIC COMPANY.**

**WHEREAS**, the City Council approved Ordinance No. 653 on July 11, 2023, granting an extension non-exclusive electric franchise to Portland General Electric Company (“PGE”), effective July 11, 2013; and

**WHEREAS**, the franchise was granted for a period of ten (10) years from and after the effective date; and

**WHEREAS**, the City and PGE have been negotiating a new franchise agreement but have not yet reached agreement on its terms; and

**WHEREAS**, the City and PGE mutually agreed to extend the Franchise term for an additional period of time until the following City Council meeting on September 12, 2023; and

**WHEREAS**, despite never executing an ordinance to approve such Franchise extension, both City and PGE continued to operate pursuant to the terms and conditions of the Franchise as if it was in full force and effect, under the full impression that such Franchise was in full force and effect; and

**WHEREAS**, the City and PGE now desire to memorialize this extension, and further extend the current Franchise to provide additional time to finalize a new franchise; and

**WHEREAS**, the City Council finds it in the public interest to extend the term of the PGE Franchise; and

**WHEREAS**, this Ordinance is necessary to meet the immediate needs of the City, an emergency is declared to exist, and this Ordinance takes effect on its passage (subject to Section 3 below).

### **NOW THEREFORE, THE CITY OF WILLAMINA ORDAINS AS FOLLOWS:**

Section 1. This Ordinance recognizes the expiration of the Franchise on August 10, 2023. Notwithstanding the foregoing, both City and PGE recognize and agree that they each intended, and continue to intend, to operate under the terms and conditions of the Franchise as if no interruption in their validity and effectiveness occurred. Each of City and PGE expressly ratify and reinstate all other terms of the Franchise.

Section 2. The expiration date of the franchise granted by Ordinance No. 653 is extended to March 10, 2024, unless earlier terminated pursuant to its terms or a new franchise agreement takes effect.

Section 3. This Ordinance is necessary to meet the immediate needs of the City, an emergency is declared to exist, and this Ordinance takes effect on its passage, provided that PGE provides the City written acceptance of this Ordinance upon the effective date.

If PGE fails to provide timely written acceptance, this resolution shall be null and void.

Passed and adopted by the City Council of the City of Willamina this 12 day of September 2023, by the following votes.

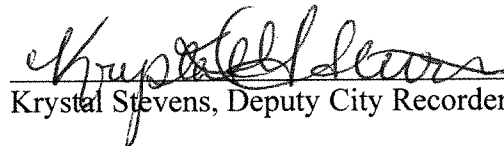
Ila Skyberg	<u>aye</u>
Rita Baller	<u>aye</u>
Barry Wilson	<u>aye</u>
Craig Johnson	<u>aye</u>
Vickie Hernandez	<u>absent</u>
Jennifer Pederson	<u>aye</u>
Karl Klym	<u>aye</u>

Ayes: 6 Nays: 0

Approved by the City Council of the City of Willamina on this 12 day of September, 2023.

  
Ila Skyberg, Mayor

ATTEST

  
Krystal Stevens, Deputy City Recorder

Attachment – Exhibit A  
1. Proposed PGE Franchise Agreement