



# City of Port Orford

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**TO:** Mayor and City Council

**FROM:** John HuttI, City Administrator

**DATE:** September 20, 2023

**SUBJECT:** Amend Ordinance 3.22 Extending Franchise for LightSpeed Networks

THIS ITEM IS A LATE AMENDMENT TO THE AGENDA. IT WAS INTENDED TO BE SUBMITTED BY THE DEADLINE BUT THAT WAS MISSED. THIS ORDINANCE GENERATES REVENUE FOR THE CITY, AND THERE IS NO JUST CAUSE TO DELAY CONSIDERATION. IT WILL REQUIRE A SECOND READING, SO ANY COUNCIL MEMBER UNCOMFORTABLE WITH THE TIMING OF THIS SUBMITTAL WILL HAVE AN ADDITIONAL 30 DAYS UNTIL THE OCTOBER MEETING TO FURTHER REVIEW.

## Summary

LightSpeed Inc., has an existing franchise with the City of Port Orford to provide telecommunication services by using our rights of way. The franchise is contained in Section 3.22 of our ordinances. This ordinance proposes to amend the existing ordinance.

The existing ordinance was a five-year franchise with an automatic five-year extension, if not cancelled or renegotiated. The original franchise did automatically renew for five years, and is now expiring.

This amendment to the ordinance proposes to extend the franchise for a ten-year duration. This is ten year time frame similar to our ordinance with CCEC.

Also, this amendment proposes to update and standardize the City contact person to City Administrator, instead of a named person.

Recommendation

Adopt Ordinance Amending Code Section 3.22 per above and attached. Move to Second Reading.

Respectfully submitted,

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John HuttI, City Administrator

ORDINANCE NO. 2023-25

AN ORDINANCE AMENDING SECTION 3.22 OF THE MUNICIPAL CODE OF PORT ORFORD, GRANTING TO LIGHTSPEED NETWORKS, INC., DBA "LS NETWORKS" AN OREGON CORPORATION, A TEN-YEAR EXTENSION ON ITS FRANCHISE TO CONSTRUCT, OPERATE and MAINTAIN a TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF PORT ORFORD OREGON

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WHEREAS: Lightspeed Networks, Inc., dba LS Networks, an Oregon Corporation, provides Telecommunications services within the City of PORT ORFORD, Oregon; and

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WHEREAS: Franchisee has an existing franchise for relating to Telecommunications located in the public rights of way, and the City of PORT ORFORD "City"; and

WHEREAS: the term of that franchise is expiring, both parties desiring to extend the franchise for an additional ten years, all other terms and conditions remaining the same; and

WHEREAS: The Common Council of the City of Port Orford finds it is in the best interest of the citizens of Port Orford to extend the term of the franchise;

NOW THEREFORE, THE CITY OF PORT ORFORD HEREBY ORDAINS AS FOLLOWS:

Port Orford Municipal Code Section 3.22.040 is amended as follows:

3.11.040 Term and Termination. The term of this Franchise shall be ~~five~~ **ten (510)** years, commencing with the effective date of this Ordinance. ~~Thereafter, this Franchise shall continue in full force and effect for an additional five (5) years~~ unless notice is given by either party ninety (90) days before expiration, of its intention to terminate or renegotiate the Franchise. Upon termination or expiration of the Franchise, Grantee shall, within one hundred and eighty days (180), remove all its facilities from the City's Rights-of-Way. Should the Grantee fail to remove its facilities within the one hundred and eighty day period (180), the City may remove.

3.22.190 Notice. Any notice provided for under this Franchise shall be sufficient if in writing and (1) delivered personally to the other party or deposited in the U.S. Mail, postage prepaid, certified mail, return receipt requested; (2) sent overnight by commercial air courier; or (3) sent by facsimile transmission, provided receipt of such facsimile is confirmed, in writing, on the first business day following the date of transmission. Notice shall be sent to the following address, or such other address as each party may specify in writing:

Name: City of Port Orford, ~~ATTN: Mike Murphy~~  
Title ~~ATTN: City Manager~~ **Administrator**  
Address: P.O. Box 310

Name: Contracts Administration  
Title: LS Networks  
Address: 921 SW Oregon St., STE 210

Port Orford, OR 97465  
Phone: (541) **366-4568**  
Facsimile: (541) 332-3830

Portland, OR 97205  
Phone: (503) 294-5300  
Facsimile: (503) 227-8585

Notice shall be deemed effective upon the earliest date of actual delivery; three business days after deposit in the U.S. mail as provided herein; one business day after shipment by commercial air courier; or the same day as transmitted by facsimile, provided transmission of such facsimile is confirmed in as provided herein.

[Strike through indicates former text; bold indicates amendment.]

AND FURTHER ORDAINS:

All other terms and conditions of Port Orford Municipal Code section 3.22 to remain the same.

PASSED by the City Council and approved by the Mayor

\_\_\_\_\_  
Pat Cox, Mayor

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Attest: Joseph Harrison, Recorder

First Reading      \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Second Reading    \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Effective 30 days after adoption at second reading, if accepted by Franchisee.

ACCEPTED:                    \_\_\_\_\_, for LightSpeed Networks, Inc  
Randall Brogle, President and CEO