

ORDINANCE NO. 11, SERIES 2004

AN ORDINANCE AMENDING ORDINANCE NUMBER 11, SERIES 2000, AN ORDINANCE GRANTING TO CENTRAL LINCOLN PEOPLE'S UTILITY DISTRICT, A MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER DISTRICT) AN EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN AN ELECTRIC UTILITY ALONG THE STREETS IN THE CITY OF FLORENCE (HEREINAFTER CITY), SECTION 11 PERTAINING TO FEES.

THE CITY OF FLORENCE DOES ORDAIN AS FOLLOWS:

Section 11 Fees within Ordinance No. 11, Series 2000 shall be amended to read as follows:

The franchise fee shall continue to be paid at the rate and in the amount set forth in the prior Ordinance to and including December 31, 2004. Thereafter, commencing January 1, 2005, and continuing thereafter until and unless this ordinance shall be amended, or such fees shall be modified following a rate review, as provided below, District shall pay to City monthly, as a franchise fee, tax and compensation for the rights and privileges granted under the franchise ordinance, a sum equal to three-quarters of one percent (3/4%) of the gross industrial revenue from electrical service rendered within the corporate limits of the City during each billing month (the rate previously in effect) and, in addition, five percent (5%) of all other revenues from electric service rendered within the corporate limits of the City during each billing month. No other license, privilege or occupation tax or fee shall be required of the District during the term of this franchise, provided, however, that City shall have the right it review the fee/tax annually and increase either or both of the rates set forth above following such review. The first such review by the City may occur no earlier than one year after the City's adoption of this Ordinance. The City shall give the District 30 days notice prior to any such review, and shall provide to the District or its representatives, the opportunity to be heard in the course of such review process.

District shall provide to City annually, upon request, such information as may reasonably be necessary to aid City in the review of franchise fees, and payments, and, if determined appropriate by the City, allow the City to audit the District's books and records to verify fees have been correctly calculated and paid.

It is understood by both parties that any franchise fee or tax in excess of three-quarters of one percent (3/4%) of the gross industrial revenue from electric service, and any franchise fee or taxes in excess of three and one-half percent (3 ½ %) of all other revenues from electric service, will entail a separate line item for additional fees or taxes on the bills from the District to its customers receiving electric service within the City (and on the bills for customers receiving electrical service within any other city or government entity imposing charges in excess of such amounts).

In consideration of the costs incurred by the District for this separate line item development, the City shall reimburse the District for the costs so incurred in the amount of three thousand, seven hundred sixty-one dollars and no cents (\$3,761.00)

PASSED BY THE FLORENCE CITY COUNCIL this 4th day of October, 2004.

AYES: 4 – Councilors, Brubaker, Burch, Osbon, and Mayor Burns

NAYS:

ABSTAIN:

ABSENT: 1 – Councilor Braley

APPROVED BY THE MAYOR this 6th day of October, 2004.


Alan Burns, Mayor

ATTEST:


Barbara Miller, City Recorder

ACCEPTANCE OF ORDINANCE

The Central Lincoln People's Utility District, a municipal corporation, owning and operating an electric system in the City of Florence, Oregon, accepts the Franchise terms and conditions as set forth in Ordinance No. 11, Series 2004, adopted the 4th day of October, 2004, by the City Council of the City of Florence, Oregon, entitled:

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ACCEPTED this 19th day of October, 2004.



Tom Tymchuk
President



Curt Abbott
Secretary