

**CITY OF FLORENCE
ORDINANCE NO. 4, SERIES 2016**

AN ORDINANCE AMENDING ORDINANCE NO. 1, SERIES 2016 GRANTING A NON-EXCLUSIVE FRANCHISE TO HECETA WATER PEOPLE’S UTILITY DISTRICT IN ORDER TO CLARIFY TERMINOLOGY DEFINITIONS.

RECITALS:

1. Chapter II, Section 4(c) of the City of Florence Charter gives the City of Florence ("City") authority to grant local franchises for the use of public ways and to regulate all franchisees.
2. An Agreement for Non-Exclusive Franchise to Operate Water Utility within the City was approved by Florence City Council on February 1, 2016 via Ordinance No. 1, Series 2016.
3. Heceta Water People’s Utility District requested an additional term to be defined.
4. The City will add the definition of “notice” to the existing Franchise Agreement under Section 1: Definitions and Explanations via Addendum 1.
5. Notice shall be defined as notification by one party to the other party via written communication delivered by mail or email. E-mail to the City should be addressed to the then-current City Manager. E-mail to Grantee should be to the then-current General Manager. Notice sent via mail should be sent via USPS First Class Mail. Mailed notice to the City should be addressed to the City Manager at City Hall. Mailed notice to Grantee should be addressed to the General Manager at Grantee’s administrative offices. Except in cases of action taken under emergency conditions as provided in this Agreement, all notices required by this Agreement shall be sent not less than thirty (30) days prior to the action being taken, unless otherwise provided in this Agreement.

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Mayor of the City is authorized to sign the Franchise Agreement Addendum 1 on behalf of the City.
2. This ordinance shall become effective 30 days after adoption.

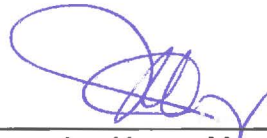
ADOPTION:

First Reading on the 21st day of March, 2016.

Second Reading on the 21st day of March, 2016

This Ordinance is passed and adopted on the 21st day of March, 2016.

AYES	5	Councilors Greene, Preisler, Lyddon, Lacer and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

Addendum 1 to Franchise Agreement

Between: Heceta Water People’s Utility District, an Oregon domestic water supply district;

And The City of Florence, an Oregon municipal corporation.

An Agreement for Non-Exclusive Franchise to Operate Water Utility within the City was approved by Florence City Council on February 1, 2016 via Ordinance No. 1, Series 2016.

Whereas Heceta Water People’s Utility District requested an additional term to be defined, the City has provided the following definition of “notice” to be added to the existing Franchise Agreement under Section 1: Definitions and Explanations.

“Notice” means notification by one party to the other party via written communication delivered by mail or email. E-mail to the City should be addressed to the then-current City Manager. E-mail to Grantee should be to the then-current General Manager. Notice sent via mail should be sent via USPS First Class Mail. Mailed notice to the City should be addressed to the City Manager at City Hall. Mailed notice to Grantee should be addressed to the General Manager at Grantee’s administrative offices. Except in cases of action taken under emergency conditions as provided in this Agreement, all notices required by this Agreement shall be sent not less than thirty (30) days prior to the action being taken, unless otherwise provided in this Agreement.

This Addendum will be effective upon execution by the parties.

Heceta Water People’s Utility District

City of Florence

Wendy Rohner, Board President

Joe Henry, Mayor

Date

Date