

RESOLUTION NO. 19-02

A RESOLUTION TO AMEND THE RIGHTS-OF-WAY USAGE FEE RATES WITHIN THE CITY OF OREGON CITY

WHEREAS, the City of Oregon City has statutory and constitutional authority to manage its Rights-of-Way ("ROW") in accordance with Oregon Revised Statutes 221.510 Municipal Regulation of Telecommunication Carriers; and

WHEREAS, on November 6, 2013, the City enacted Ordinance No. 13-1014 which established Chapter 13.34 of the Oregon City Municipal Code, Utility Facilities in Public Rights-of-Way, and exercised the City's authority to secure compensation to the City and its residents for utility use of the ROW ("Ordinance"); and

WHEREAS, on November 20, 2013, the City adopted Resolution No. 13-26, which set ROW registration, licensing, and usage fees for various utility use of the City's ROW including usage rates for electric utilities, natural gas utilities, communication utilities, cable utilities, water utilities, sanitary utilities, storm utilities and attachments; and

WHEREAS, on November 19, 2014, the City adopted Resolution No. 14-30, amending Resolution 13-26 Rights of Way usage rates for electric and natural gas utilities; and

WHEREAS, on January 14, 2019, the regulatory rulings of the Federal Communication Commission became effective regarding the City's authority to regulate Small Cell facilities in the ROW. These rulings established state and local government authority to adopt usage fees and aesthetic requirements for Small Cell deployment and management as a reasonable approximation of the cost for processing applications and managing deployments in the right-of-way; and

WHEREAS, City staff seeks to clarify the ROW Usage Fee by consolidating Resolution No.13-26 and Resolution No. 14-30; affirm established ROW usage fee rates per utility service sector; and reduce attachment fees reflecting Federal Communication Commission ruling of reasonable approximation of costs for deployment and management of Small Cell attachments.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission of Oregon City authorizes and adopts the Rights-of-Way Usage Fee Schedule as attached (Exhibit A) pursuant to OCMC 13.34 and OCMC 13.24.

Section 2. Rights-of-Way usage minimum fees shall increase annually at 3% from minimum fees established and increased since January 1, 2015. Rights-of-Way annual attachment fees proposed in Resolution 19-02 shall increase 3% annually beginning on January 1, 2020.

Section 3. This Resolution shall be in full force and effect upon its adoption by the Commission.

Approved and adopted at a regular meeting of the City Commission held on the 20th day of February 2019.



Dan Holiday, Mayor

Attested to this 20th day of February 2019:

Kattie Riggs
Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney



City of Oregon City

Public Works

Rights-of-Way Usage Fee Schedule

February 20, 2019

Registration		
Utility Service	Rate	Fee Description
License	5 year Term	\$50
Registration	Annual	\$50

Annual Usage Fee		
Utility Service	Rate	Fee Description
Electric	Annual	5% of Gross Revenue
Natural Gas	Annual	5% of Gross Revenue
Communications	Annual	5% of Gross Revenue
Cable	Annual	5% of Gross Revenue
Water	Annual	6% of Gross Revenue
Sanitary Sewer	Annual	6% of Gross Revenue
Storm Sewer	Annual	6% of Gross Revenue

Attachment Fee		
Utility Service	Rate	Fee Description
Small Cell Facility Minor		
Small Cell Facility Major (installations)	Annual/Per facility	\$1,850
Attachment (non-Small Cell attachments)	Annual/Per facility	\$5,000

Minimum Annual Licensee Fees	
Linear Feet of Utility Facilities in Public Rights of Way	Minimum Annual Fee
Up to 5,000	\$5,796.37
5,001 to 10,000	\$8,694.56
10,001 to 20,000	\$11,592.74
More than 20,000	\$17,389.11

*For any Utility Operator that does not earn gross revenue within the City: \$2.75 per foot of Utility Facilities in the Right of Way (as these terms are defined in OCMC Chapter 13.34.050).

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

Utility Providers shall comply with OCMC Chapter 13.34 Utility Facilities Within Public Rights of Way and Chapter 13.24 Telecommunication Facilities.