

ORDINANCE NO. NS-2335

AN ORDINANCE AMENDING BEND CODE SECTION 3.20.020 FEES AND PAYMENT (UTILITY LICENSE FEE) TO INCREASE THE UTILITY LICENSE FEE RATE FOR CERTAIN UTILITIES

Findings:

- A. Bend Code 3.20.020 Fees and Payment sets the rate for the utility license fee payable by all utilities using City rights of way to provide energy and telecommunication utility services.
- B. The City's utility license fees provide a source of revenue that is used to pay for right-of-way maintenance, improvements and administration.
- C. The costs of maintaining, improving and administering rights-of-way continues to increase.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Section 3.20.020 is amended to read:

3.20.020 Fees and Payment.

A. Except as provided in Subsection B of this section, utilities with facilities in rights-of-way shall pay the City a utility license fee based on a percentage of their gross operating revenue as follows:

- 1. Water and sewer utilities: 5% through June 30, 2020, 6% thereafter.
- 2. Utility services that are subject to ORS 221.410 through 221.655: 7%.
- 3. Electric utilities other than cooperatives: 7%.
- 4. Natural gas utilities: 7%.
- 5. All other utilities: 5.0%.

B. To the extent that federal or state law imposes limitations on the amount that the City can charge as a utility license fee that is less than the fee established in Subsection A of this section, the utility license fee shall be the maximum amount allowed by applicable law.

C. If an entity provides services that are subject to ORS 221.410 through 221.655 or are subject to state or federal limitations and also provides other services that are subject to the utility license fee without limitation, it shall

calculate and pay both any amount subject to any limitation and any amount not subject to the limitation,

D. Utilities that pay a franchise fee may deduct the amount of the franchise fee payments from the amount due for the utility license fee. Nothing in this section limits the City's authority to establish a franchise fee that is greater than the utility license fee.

Section 2. All other provisions of the Bend Code, including all other sections of Bend Code Chapter 3.20 remain in effect.

Section 3. This ordinance shall become effective on July 1, 2019.

First Reading: May 1, 2019

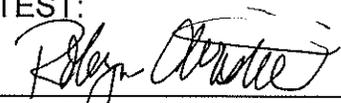
Second reading and adoption by roll call vote: May 15, 2019

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell

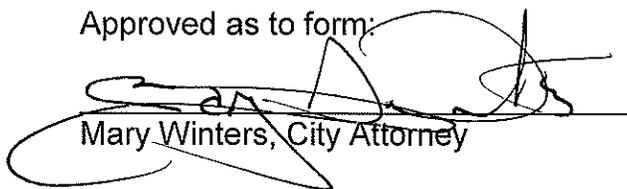
NO: none


Sally Russell, Mayor

ATTEST:


Robyn Christie, City Recorder

Approved as to form:


Mary Winters, City Attorney