

COUNCIL BILL NO. 3138

RESOLUTION NO. 2162

**A RESOLUTION SETTING THE RIGHT-OF-WAY UTILITY LICENSE AND USAGE FEE RATES
WITHIN THE CITY OF WOODBURN**

WHEREAS, the City of Woodburn ("City") has constitutional and charter authority to manage its rights-of-way and utility usage within the City; and

WHEREAS, the Woodburn City Council adopted an ordinance regulating utilities operating within the City and exercising the City's authority to secure compensation to the City and its residents for utility use;

WHEREAS, per the ordinance the Woodburn Council shall by resolution establish Utility Licensing fees;

WHEREAS, per the ordinance the Woodburn Council shall by resolution establish a Franchise negotiations fee; and

WHEREAS, per ordinance the Woodburn City Council shall by resolution establish Usage fees; **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The Utility License application fee shall be \$300.00 (excluding Small Cell Wireless Facilities) and shall include an initial five-year license (if approved).

Section 2. Utility License application fee for Small Cell Wireless Facilities, as they involve both access to rights-of-way and vertical infrastructure shall be \$500.00 for up to 5 sites and \$100.00 for each additional site, plus any additional reasonable fees the City must incur for outside expertise to evaluate such applications, including compliance with the Federal Communication Commission "RF" standards.

Section 3. The Utility License renewal fee (excluding Small Cell Wireless Facilities) shall be \$250.00 for a five-year license.

Section 4. The refundable franchise negotiation deposit shall be \$5,000.00;

Section 5. The usage fee shall be as follows, to the extent permitted under applicable law:

<i>Service</i>	<i>Usage Fee Rate</i>
Electric: Provides services to customer within Woodburn via owned or non-owned facilities located within the City's ROW	5% of gross revenue
Natural Gas: Providing services to customer within Woodburn via owned or non-owned facilities located within the City's ROW.	5% of gross revenue
Cable Television	5% of gross revenue
Communications* (other than Small Cell Wireless** Facilities): Providing services to customer within Woodburn via owned or non-owned facilities located within the City's ROW	7% of gross revenue
Attachment fee (other than Small Cell Wireless** Facilities)	\$5,000 per attachment per year
Small Cell Wireless** Communications Facilities	\$270.00 per attachment per year
Usage of owned or non-owned facilities in the rights-of-way for purposes other than generating revenue or providing services to customers within the City.	\$3.00 per linear foot of Utility Facilities in the rights-of-way or a minimum annual fee of \$5,000.00, whichever is greater. The per-linear-foot fee and the minimum fee shall increase 3% annually on July 1 st of each year, beginning July 1, 2022

"Gross Revenue" shall have the meaning defined in the Utility Services Ordinance.


Section 6: The annual attachment fee (excluding Small Cell Wireless Facilities) shall be \$5,000.00 per attachment. The attachment fee shall increase 3% annual on July 1st of each year, beginning on July 1, 2022.

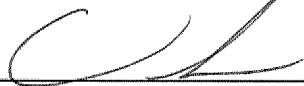
Section 7: The annual attachment fee for Small Cell Wireless Facilities shall be the fair market value of such attachments, but until the Federal Communications Commission September 26, 2018 small cell order is overturned, City staff are directed to establish what the reasonable approximation of costs for such attachment are, but if no case less than \$270.00 per attachment, per year.

* "Communications" shall have the meaning defined in Woodburn's Utility Service Ordinance and shall include telecommunication utilities, long distance providers, private networks, wireless, wireline, VoIP, ILEC, CLEC, inter and intrastate.

** "Small Cell Wireless Facilities" shall have the meaning defined in Woodburn's Utility Service Ordinance.

Section 8. The fees implemented by this Resolution take effect on January 1, 2021.

Approved as to Form:  11/9/2020
City Attorney Date

APPROVED: 
Eric Swenson, Mayor

Passed by the Council
Submitted to the Mayor
Approved by the Mayor
Filed in the Office of the Recorder

November 23, 2020
November 24, 2020
November 25, 2020
December 8, 2020

ATTEST: 
Heather Pierson, City Recorder
City of Woodburn, Oregon