

ORDINANCE 4-A

BE IT RESOLVED THAT THE CITY COUNCIL OF MAYWOOD PARK AMENDS SECTION 6 OF ORDINANCE #4 GRANTING TO PACIFIC NORTHWEST BELL, ITS SUCCESSORS AND ASSIGNS A TELEPHONE FRANCHISE. SAID AMENDMENT IS AS FOLLOWS:

ORIGINAL

Section 6. In consideration of the rights, privileges, and franchise hereby granted, said Grantee, Pacific Northwest Bell Telephone Company, its successors and assigns, shall pay to the City of Maywood Park from and after the effective date of the amendment to this franchise, and until June 30, 1990, annually, three percent (3%) per annum of its gross local service revenues derived from services other than competitive services within the corporate limits of the City of Maywood Park less net uncollectibles and revenue paid directly to the Grantee by the United States of America or any of its agencies. Services that are competitive for purposes of this franchise include Grantee's Centrex and Centrex type services such as Corecom, Private Line and Private Line type services such as Digicom, Radio type services such as Mobile Communications and Bellboy, the provision of inside wiring and any PNB service that is now or hereafter the subject of detariffing, regulatory forbearance or deregulation by the Oregon Public Utility Commission. Revenues derived from competitive services shall be excluded from the franchise fee base under this franchise until June 30, 1990. Effective July 1, 1990, and until the franchise's expiration, said Grantee shall pay to the City of Maywood Park, annually, 7 percent (%) of its gross revenues derived from exchange access services, as defined in ORS 401.710, within the corporate limits of the City of Maywood Park less net uncollectibles and revenue paid directly to the Grantee by the United States of America or any of its agencies. The reasonable value of any utility service or the use of any Grantee facilities used or reserved for use by the City without Grantee's prescribed charges shall be credited toward any payment due the City under this provision. Payment of this franchise fee shall be made on or before the fifteenth day of March of each and every year for the calendar year preceding. For the year 1990, payment of said three percent (3%) shall be made only for the period January 1, 1990 to June 30, 1990 and payment of said 7 percent (%) shall be made for the period July 1, 1990 to December 31, 1990. Such payments made by the Grantee will be accepted by the City of Maywood Park from the Grantee, also in payment of any license, privilege or occupation tax or fee for revenue or regulation, or any permit or inspection fees or similar charges for street openings, installations, construction or for any other purpose now or hereafter to be imposed by the City of Maywood Park upon the Grantee during the term of this franchise.

PASSED BY THE COUNCIL THIS 7TH DAY OF MAY, 1990.

Paul Johnson  
Mayor, City of Maywood Park

THE ABOVE ORDINANCE 4-A OF MAYWOOD PARK IS HEREBY ACCEPTED.

DATED 5-21-90

U.S. WEST COMMUNICATIONS

rec 5/23/90

OUT BY M.B. Congdon  
V.P. + CEO

OP:9.