



## RESOLUTION 2008-057

### A RESOLUTION TO ESTABLISH PRIVILEGE TAXES FOR PUBLIC UTILITIES OPERATING WITHIN THE CITY OF SHERWOOD RIGHT-OF-WAY

**WHEREAS**, the City of Sherwood has statutory and Constitutional authority to manage its Right-of-Way (ROW), and

**WHEREAS**, the City of Sherwood established Ordinance 2008-011 Utility Facilities in Public Right-Of-Way which establishes the authority to secure fair and reasonable compensation to the City and its residents for permitting use of the public ROW, and

**WHEREAS**, the City of Sherwood Master Fees and Charges for Fiscal Year 2008-09, established by Resolution 2008-043, was developed and adopted in June 2008 and needs to be amended to reflect the privilege taxes and additional fees established in the Ordinance.

#### **NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1:** The City of Sherwood Master Fees and Charges is amended as follows:

1. Re-title SECTION 1: GENERAL Paragraph D) Franchise Fees (as set by franchise agreements) to D) Franchise Fees, Privilege Taxes, and Other Associated Fees.
2. Delete Subparagraphs 1 through 7
3. Add a new Paragraph: D.1) Franchise Fees (as set by franchise agreements);
4. Add the following Subparagraphs under Paragraph D.1:
  - a. 1.) Garbage and Solid Waste  
Pride Disposal  
5% of gross revenue  
Ordinance N. 98-1049  
Expires November 1, 2012
  - b. 2.) Garbage and Solid Waste  
Newberg Garbage Service  
5% of Gross revenue  
Resolution N. 2004-061  
Expires October 1, 2014
5. Add a new Paragraph: D.2) Privilege Taxes and Associated Fees and the following new subparagraphs:

**Note:** Privilege tax payments shall be reduced by any franchise fee payments received by the City, but in no case will be less than \$0.0

1.) Electricity

Portland General Electric

Privilege Tax: 3.5% of defined gross revenue as defined in the franchise granted to Portland General Electric by Ordinance 92-951.

[Existing Franchise: Ordinance 92-951 Expires August 1, 2012]

2.) Cable

Verizon Northwest

Privilege Tax: 5% of gross revenue as defined in the franchise granted to Verizon Northwest by Ordinance 2007-008.

[Existing Franchise: Ordinance 2007-008; Expires August 21, 2015]

3.) Natural Gas

Northwest Natural Gas

Privilege Tax: 5% of gross revenue as defined in the franchise granted to Northwest Natural Gas by Ordinance 2006-016.

[Existing Franchise: Ordinance 2006-016 Expires November 16, 2016]

4.) Cable

Comcast

Privilege Tax: 5% of gross revenue as defined in the franchise granted to Comcast by Resolution 2000-857.

[Existing Franchise: Resolution 2000-857 Expires January 31, 2015]

5.) Telecommunications Utilities (as defined in ORS 759.005)

Privilege Tax: 7% of gross revenue as defined in ORS. 221.515

6.) Utility Operators (as defined in SMC 12.16.050) Not Listed Above

Privilege Tax: 5% of gross revenues as defined in SMC 12.16.120.

7.) License Application Fee: \$50.00

**Section 2:** This resolution is and shall be effective from and after its passage by the Council.

**Duly passed by the City Council this 7<sup>th</sup> day of October 2008.**

  
Keith S. Mays, Mayor

ATTEST:

  
Sylvia Murphy, City Recorder