

CITY OF DUNES CITY

RESOLUTION SERIES 2024, No. 7 (8/07/2024)

A RESOLUTION AUTHORIZING AND DELEGATING THE CITY ADMINISTRATOR TO ENTER INTO A NON-EXCLUSIVE FRANCHISE TO SIUSLAW BROADBAND, LLC LOCALLY KNOWN AS HYAK FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS SYSTEM TO PROVIDE TELECOMMUNICATION SERVICES.

WHEREAS, the City of Dunes City and Siuslaw Broadband, LLC, locally known as Hyak have agreed to terms of a Franchise Agreement for the operation of a telecommunication system to provide telecommunication services within the public rights of way; and

WHEREAS, the City has jurisdiction and exercises regulatory management authority over all City public rights of way pursuant to the City Charter and State law. The City's purpose for exerting its management authority over the public rights of way is to protect and efficiently manage the public's resources, to ensure fair and non-discriminatory access to the public right of way, and to protect the public health, safety and welfare; and

WHEREAS, no Person may occupy or encroach on a public right of way without permission of the City. The City grants permission to use public rights of way through Franchise Agreements and construction permits; and

WHEREAS, the City holds the health, safety, welfare, quality of life and opportunities to prosper, as well as such physical assets such as the public right of way, in trust for all of its citizens and has a fiduciary responsibility to assure that any use of City resources, especially its public ways, benefits all of the citizens and, where it is deemed appropriate, allows for the recovery of a fair and reasonable compensation from private entities using public resources; and

WHEREAS, the negotiated language of the new Franchise Agreement allows the City to charge five percent (5%) of Gross Revenue or \$250, whichever is greater.

WHEREAS, the City reserves the right to regulate and charge communications providers (including cable, internet, and phone providers) operating within the City and the City's rights of ways. Among the purposes of

any such regulation is not only to ensure that the public is properly compensated for the private use of City assets and resources, but also to ensure that all similarly-situated communications providers are treated similarly and fairly to foster technological growth and innovation;

NOW, THEREFORE, BE IT RESOLVED by the Dunes City Council that:

SECTION 1: Authorization. The City Council hereby delegates to and authorizes the City Administrator to sign and enter into the Franchise Agreement attached as Exhibit A.

SECTION 2: Effective Date. This resolution shall take effect on August 7, 2024.

ADOPTED BY THE DUNES CITY COUNCIL THIS 7th DAY OF AUGUST, 2024.

Ayes: 5 Nays: ~~0~~ Abstain: ~~0~~ Absent: 1 Vacant: ~~0~~



Ed McGuire, Mayor



Lila Timmons, City Administrator