

LAKE FOREST PARK CITY COUNCIL

Agenda Item Cover Sheet
Meeting Date February 26, 2015

<u>Title</u>	Introduce Ordinance 1094, extending Seattle City Light Franchise until April 30, 2015	
<u>Originating Department</u>	Public Works	
<u>Contact Person</u>	Frank Zenk	
<u>Attachments</u>	1. Ordinance 1094	
Consent Agenda	Ordinances and Resolutions	Council Discussion or Action
	Action February 26, 2015	

Executive Summary: This is an ordinance to extend the current electric franchise granted to Seattle City Light for two months, until April 30, 2015.

Recommendation: Introduce ordinance and adopt ordinance February 26, 2015.

Background: The current franchise extension expires on February 28, 2015. Franchise fees are anticipated in the 2015 budget to provide \$256,370 in revenue to Lake Forest Park.

There are six cities beside Seattle that are served by Seattle City Light, including Lake Forest Park. Franchise negotiations include all cities. The negotiations have been amicable to date. SCL had apparently not considered the possibility of both a franchise fee and a utility tax being applied until February 20. The tentative agreement has been withdrawn. Therefore, a two month extension is requested to resolve this issue.

Alternatives: Extend the franchise or let the franchise lapse.

Financial Impact: If the franchise lapses, there could be a disruption in the \$20,000 per month in franchise fees. If the franchise fee is normalized, Lake Forest Park may receive more in fees.

ATTACHMENT 1

ORDINANCE NO. 1094

AN ORDINANCE OF THE CITY OF LAKE FOREST PARK,
WASHINGTON, GRANTING A TWO-MONTH EXTENSION OF THE
NON-EXCLUSIVE FRANCHISE WITH SEATTLE CITY LIGHT

WHEREAS, the City of Lake Forest Park, by Ordinance No. 779, granted Seattle City Light, an electric utility owned and operated by the City of Seattle, a non-exclusive franchise to make use of City streets and rights-of-way for purposes of constructing, maintaining operating, replacing and repairing their electric light and power system, effective January 1, 1999 for a term of 15 years; and

WHEREAS, the term of the franchise was extended to December 31, 2014 by Ordinance No. 1074; and

WHEREAS, the term of the franchise was extended to February 28, 2015 by Ordinance 1091; and

WHEREAS, the City of Lake Forest Park and Seattle City Light have been in negotiations for eighteen (20) months on a new electric franchise agreement; and

WHEREAS, an extension of the current franchise for two additional months would provide the City and Seattle City Light with needed time to finalize negotiations of a new franchise and have the proposed franchise routed through the City's and the City of Seattle's legislative process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Franchise Extension. The term of the Seattle City Light electric franchise granted pursuant to Ordinance No. 779 is hereby extended up to and through April 30, 2015, or until such time as the City of Lake Forest Park has adopted a further franchise ordinance that supersedes this ordinance, whichever occurs sooner.

Section 2. Compliance with Franchise Terms. All provisions in Ordinance 779 shall remain in effect throughout the duration of the extension identified in this ordinance, except that Section 3 of Ordinance 779 is hereby amended to read as follows:

3. Franchise Term. The term of the franchise granted hereunder shall expire on April 30, 2015, or until such a time as the City of Lake Forest Park has adopted a further franchise ordinance that supersedes this ordinance, whichever occurs sooner.

1 Section 3. Directions to City Clerk. The City Clerk is hereby authorized and directed to
2 forward certified copies of this ordinance to Seattle City Light.

3 Section 4. Corrections. The City Clerk is authorized to make necessary corrections to
4 this ordinance including, but not limited to, the correction of scrivener's/clerical errors,
5 references, ordinance numbering, section/subsection numbers and any references
6 thereto.

7 Section 5. Severability. If any section, subsection, paragraph, sentence, clause or
8 phrase of this ordinance or its application to any person or situation should be held to be
9 invalid or unconstitutional for any reason by a court of competent jurisdiction, such
10 invalidity or unconstitutionality shall not affect the validity or constitutionality of the
11 remaining portions of this ordinance or its application to any other person or situation.

12 Section 6. Publication and Effective Date. In accord with state law, this ordinance shall
13 be published and shall take effect five days after said publication.

14 **ADOPTED BY THE CITY COUNCIL OF LAKE FOREST PARK THIS 26th DAY**
15 **OF FEBRUARY, 2015, AND SIGNED INTO AUTHENTICATION THIS _____ DAY**
16 **OF _____, 2015.**

17 APPROVED:

18
19
20 _____
21 Mary Jane Goss
22 Mayor

23 ATTEST:

24 _____
25 Evelyn Jahed
26 City Clerk

27 APPROVED AS TO FORM:

28
29 _____
30 Kim Adams Pratt, Interim City Attorney

31 Ordinance No.: _____
32 Introduced: _____
33 Adopted: _____
34 Published: _____
35 Effective: _____