COUNCIL ORDINANCE NO. 20639

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20170 GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, TO MAY 11, 2021.

ADOPTED: September 28, 2020

SIGNED: October 1, 2020

PASSED: 6:1

REJECTED:

OPPOSED: Taylor

ABSENT: Evans

EFFECTIVE: November 1, 2020

ORDINANCE NO. 20639

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20170 GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, TO MAY 11, 2021.

The City Council of the City of Eugene finds that:

A. On October 11, 1999, the City Council adopted Ordinance No. 20170 granting to Northwest Natural Gas Company ("NWNG") a twenty-year non-exclusive right and franchise to lay, maintain and operate facilities in and under the public ways within the City of Eugene, Oregon. The Franchise was set to expire on November 11, 2019.

B. On July 22, 2019, the City Council adopted Ordinance No. 20620 granting to NWNG a franchise extension up to and through May 11, 2020. On April 8, 2020, the City Council adopted Ordinance 20627 granting to NWNG another franchise extension up to and through November 11, 2020.

C. The City of Eugene and NWNG have been negotiating in good faith since Fall 2019 regarding franchise renewal and potential franchise terms. Despite the parties' diligence, due to the number of potential franchise terms and relevant issues, many of which are novel for franchise negotiations, the parties have not yet concluded their franchise negotiations. Additionally, the onset of the COVID-19 pandemic in March 2020, temporarily stalled negotiations.

D. Extending the term of the Franchise for six months would allow time for the City of Eugene and NWNG to complete franchise renewal negotiations.

E. The City of Eugene has determined that it serves the public welfare to extend the term of the current franchise up to and through May 11, 2021.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to NWNG in Ordinance No. 20170 shall be extended up to and through May 11, 2021. This extension shall be effective upon NWNG's written acceptance.

Section 2. Other than the duration of the franchise set forth in this Ordinance, all other terms and conditions of Ordinance No. 20170 shall continue in full force and effect.

Passed by the City Council this

28th day of September, 2020

Deputy **City Recorder**

Approved by the Mayor this

1 day of October, 2020

Mayor

WRITTEN ACCEPTANCE OF ORDINANCE NO. 20639
CITY OF EUGENE, OREGON

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF EUGENE, OREGON:

On September 28, 2020, the City Council of the City of Eugene, Oregon enacted Ordinance No. 20639 titled:

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20170 GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, TO MAY 11, 2021.

The Ordinance was duly approved and signed on October 1, 2020, by the Mayor of the City of Eugene, and attested by the City Recorder. The effective date of the Ordinance is November 1, 2020.

The Ordinance extends the franchise term up to and through May 11, 2021. All other terms and conditions of the franchise remain the same and in full force and effect.

NOW, THEREFORE, Northwest Natural Gas Company accepts Ordinance No. 20639 and all of the terms and conditions of the Ordinance, subject to applicable federal, state and local law.

IN WITNESS WHEREOF, Northwest Natural Gas Company has caused this acceptance to be duly executed this 21st day of October, 2020.

Northwest Natural Gas Company

Receipt of the original of the duly executed acceptance by Northwest Natural Gas Company of all the terms and conditions of Ordinance No. 20639 of the City of Eugene, Oregon, is hereby acknowledged this 22 day of October, 2020.

Beth Forrest
City Recorder