**Ordinance No**. **\_\_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
GRANTING A THIRD EXTENSION TO PACIFICORP OF A PREVIOUSLY GRANTED RIGHT, PRIVILEGE AND FRANCHISE OF ERECTING, CONSTRUCTING, INSTALLING AND MAINTAINING ELECTRIC LINES CONSISTING OF POLES, CONDUITS, AND/OR OTHER SUITABLE STRUCTURES WITH WIRES, CABLES, AND/OR OTHER APPLIANCES INSTALLED THEREON OR THEREIN, INCLUDING COMMUNICATION CIRCUITS, IN SO MANY AND IN SUCH PARTS OF THE PUBLIC HIGHWAYS, STREETS, ROADS, AND PLACES OF THE COUNTY OF SISKIYOU, STATE OF CALIFORNIA, AS THE GRANTEE OF SAID RIGHT, PRIVILEGE AND FRANCHISE, ITS SUCCESSORS OR ASSIGNS, MAY FROM TIME TO TIME ELECT TO USE FOR THE FOLLOWING PURPOSES, AND OF USING SUCH ELECTRIC LINES FOR TRANSMITTING, CONVEYING, DISTRIBUTING, AND SUPPLYING ELECTRICITY TO THE PUBLIC FOR ANY AND ALL PURPOSES AND DECLARING THE URGENCY THEREOF**

The Board of Supervisors of the County of Siskiyou Ordains as Follows:

SECTION 1: Findings and Declarations.

The Board of Supervisors makes the following findings in support of the enactment of this urgency ordinance:

1. PacifiCorp supplies electricity service within the boundaries of the County.
2. The Board of Supervisors granted PacifiCorp its existing franchise for erecting, constructing, installing and maintaining electric lines in parts of the public highways, streets, and roads on December 13, 2005 pursuant to Ordinance 05-17, which became effective on January 12, 2006, for a term of 15 years (“Franchise”), the term of which was subsequently extended by Urgency Ordinance 20-19 and Urgency Ordinance 21-04.
3. The County is empowered by the Franchise Act of 1937 (Division 3, Chapter 2 of the Public Utilities Code of the State of California) to grant franchises for the transmission and distribution of electricity and to prescribe the terms thereof.
4. PacifiCorp’s existing Franchise expires on October 9, 2021. The County staff and PacifiCorp have commenced negotiations under the Franchise Act of 1937 and negotiations are now believed to be essentially complete (the "New Franchise"). However, as of the date of this Urgency Ordinance, there is insufficient time for the Board of Supervisors to adopt an ordinance granting a new franchise before the existing Franchise expires.
5. It is imperative that PacifiCorp’s electrical service to the County’s residents be continued without interruption in order to protect the public health, safety, and welfare of the residents therein and the general public.
6. To ensure electrical service continues without interruption, the County must grant a new franchise or extend the existing Franchise before the expiration of the existing Franchise.
7. The County desires to extend the term of PacifiCorp’s existing franchise in order to prevent interruption in service and to allow the County to engage in the public processes associated with the consideration and adoption of the New Franchise.
8. Pursuant to Government Code section 25123, the County may enact an ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration setting forth the facts constituting the urgency and which shall be effective immediately.

1. Pursuant to Government Code section 25131, an urgency ordinance may be passed immediately upon introduction.
2. This ordinance to extend the Franchise granted under Ordinance 05-17, the term of which was extended under Urgency Ordinance 20-19 and Urgency Ordinance 21-04, pending the completion of the Board’s consideration of granting the New Franchise to PacifiCorp is necessary for the immediate preservation of the public health, safety and welfare.

SECTION 2: Urgency Declared.

1. Based on the findings set forth above, the Board finds and declares that there is a current and immediate threat to the public health, safety and welfare arising from the impending termination of PacifiCorp’s franchise under Ordinance No. 05-17 as extended by Urgency Ordinance 20-19 and Urgency Ordinance 21-04 for electrical lines to transmit, convey, distribute, and supply electricity to the public without a new franchise being in place.
2. Based on the findings above, the Board of Supervisors determines that this ordinance is urgently needed for the immediate preservation of the public peace, health, safety, and welfare pursuant to the Government Code section 25121 and 25131.

SECTION 3: The Term of Ordinance No. 05-17, As Extended By Urgency Ordinance 20-19 and Urgency Ordinance 21-04, Is Further Extended to and including December 31, 2021, or Until the Effective Date of a New Franchise Granted to PacifiCorp, Whichever Occurs Earlier.

The term of PacifiCorp’s existing franchise under Ordinance No. 05-17, Section 2, as extended by Urgency Ordinance 20-19 and Urgency Ordinance 21-04, is further extended through and including December 31, 2021, or until the effective date of a new franchise granted to PacifiCorp, whichever occurs earlier. Except as otherwise provided in this Urgency Ordinance, all terms and conditions set forth in Ordinance No. 05-17, as extended by Urgency Ordinance 20-19 and Urgency Ordinance 21-04, shall remain in full force and effect during the extension of the term granted herein.

SECTION 4: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 5: Publication. This ordinance, within 15 days of adoption, shall be published once in a newspaper of general circulation, printed and published in the County of Siskiyou as required by law.

**SECTION 6:** Authority/Effective Date. This is an urgency ordinance within the meaning of Section 25131 of the Government Code and an ordinance for the immediate preservation of the public peace, health and safety within the meaning of Section 25123(d) of the Government Code, which shall be passed immediately upon introduction, and shall take effect immediately upon a four-fifths vote.

PASSED AND ADOPTED this 7th day of September, 2021 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

RAY A. HAUPT, Chairman

Board of Supervisors

ATTEST:

LAUREN BYNUM, CLERK,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Deputy