

City of Portland Charter Amendment 2024 General Election

Measure 26-249: Portland utility franchises

OFFICIAL TITLE: Amends Charter: Deletes outdated, redundant requirements to approve utility franchises.

QUESTION: Shall Charter be amended to streamline Council approval of utility franchise agreements and remove outdated, burdensome and redundant requirements?

REFERRAL: This measure is a Charter amendment referred to voters by the Portland Charter Commission on November 29, 2022, by a vote of 15 yes votes and one abstention.

FINANCIAL IMPACT: The City Budget Office determined the measure has no direct financial impact.

PROBABLE RESULT OF A “YES” VOTE: If this measure passes, Portland approval of utility franchise agreements would require use of the City Council’s standard ordinance process. The current approval process would be deleted from the Charter.

PROBABLE RESULT OF A “NO” VOTE: If the measure fails, Portland utility franchise agreements would continue to require the current process.

BACKGROUND: In Portland, a utility franchise agreement authorizes a utility to use the city streets to provide residents with services, including electrical power, telephone communication, and any other authorized community services.

Currently, the City Council has to use a lengthy and outdated process that takes franchise agreements over six months to become approved. For example, the entire franchise must be published in a local newspaper. These requirements were added to the Charter in 1913 to provide transparency to Portland residents, but now there is concern that these processes are outdated and no longer necessary to approve utility franchise agreements.

All other Portland franchise agreements are approved via the standard ordinance process. This includes ordinance publication, public testimony, as well as adoption and effective date provisions located in the Charter and code.

Portland’s Office for Community Technology initiated this proposal. During the November 2022 public comment period of the Charter Commission on this proposal, it

received three comments related to this proposal. All comments supported the proposal.

PROPOSAL: The Portland Charter Commission has recommended amending the City Charter to streamline City Council approval of utility franchise agreements. Outdated and redundant requirements would be deleted. Instead, the Council would grant franchises using the standard ordinance process.

If the measure is approved, the following requirements would be deleted:

- Redundant filing with the Auditor
- Objection process
- Publication of the lengthy franchise in the newspaper
- Extended time between reading of ordinance to approve franchise
- Extended effective date
- Written acceptance by the franchisee

SUPPORTERS SAY:

- The requirements for the current approval process are outdated, burdensome, and not needed. While these requirements helped improve transparency when they were first included in the Charter, they no longer serve that purpose.
- The current approval process takes a high amount of staff time to complete with very little income. Deleting these requirements would streamline the process to require fewer staff and resources.
- Much of the language surrounding utility franchise agreements is obsolete and no longer necessary to approve these agreements.

OPPONENTS SAY:

As of September 14, 2024, there is no known organized opposition to this measure.