

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SETTING RIGHT-OF-WAY UTILITY FEES  
WITHIN THE CITY OF BEND**

Recitals

- A. The City of Bend (“City”) has constitutional and charter authority to manage its right-of-way and utility usage within the City;
- B. The City of Bend adopted an ordinance regulating utilities operating within the city and exercising the City’s authority to secure compensation to the City and its residents for utility use;
- C. Per the ordinance, the City Council shall by resolution establish utility use and access fees; and
- D. Per the ordinance, the City of Bend City Council shall by resolution establish application, renewal, negotiation, and other related fees.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

- Section 1. The right-of-way license application fee shall be \$300.00 and shall include an initial five-year license (if approved).
- Section 2. The right-of-way license renewal fee shall be \$250.00 for a five-year license (if approved).
- Section 3. The registration fee shall be \$300.00 and shall include an initial five-year term.
- Section 4. The registration renewal fee shall be \$250.00 for a five-year term.
- Section 5. The fee for franchise negotiations shall be \$500.00.
- Section 6. The fee for franchise renewal shall be \$400.00.
- Section 7. The fees established and authorized by Ordinance No. 2023-\_\_\_\_ shall be as follows, and effective as of June 1, 2024, to the extent permitted by applicable law and subject to any applicable limitations imposed by applicable law:

Utility Service	Annual Rights-of-Way Use Fee	Annual Rights-of-Way Access Fee
Electric Utility	7% of gross revenue	7% of gross revenue
Natural Gas Utility	7% of gross revenue	7% of gross revenue
Communications Service Utility	Non-Wireless: 7% of gross revenue  Wireless (non-Small Wireless): \$2,500.00 per facility per year*  Small Wireless Facility: \$270.00 per Small Wireless Facility per year	7% of gross revenue
Water Utility	6% of gross revenue	6% of gross revenue
Cooperative Utility Company	5% of gross revenue	5% of gross revenue
Utility Service Operator that owns facilities but does not provide services within the City or earn gross revenue within the City.	Based on total linear footage of facilities in the right-of-way; \$3.50* per linear foot	

\*Linear feet fees and wireless (non-Small Wireless) facility fees, shall increase three percent (3%) annually on January 1st of each year, beginning on January 1, 2025.

Section 8. The terms in this Resolution shall be defined as set forth in Section 3.20 of the Bend Municipal Code.

Section 9. Notwithstanding Section 7, annual rights-of-way access fees will be 0% of gross revenue until later amended by resolution of the City Council.

Section 10. This resolution is effective on June 1, 2024.

Adopted by motion of the Bend City Council on January 17, 2024.

YES:

NO:

\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:

\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mary A. Winters, City Attorney