

Ordinance 2, Series 2011

**AN ORDINANCE GRANTING A NON EXCLUSIVE ELECTRIC FRANCHISE TO PUBLIC SERVICE COMPANY, OF COLORADO (D/B/A XCEL ENERGY) AND SETTING THE CONSIDERATION, TERMS AND CONDITIONS THEREOF**

**WHEREAS**, the current franchise between the Town of Jamestown and the Public Service Company of Colorado (d/b/a Xcel Energy) (the "Company") is scheduled to expire on July 13, 2011; and

**WHEREAS**, the Town of Jamestown and the Company have completed negotiations for a new franchise agreement; and

**WHEREAS**, the Town of Jamestown and the Company desire to enter into a new franchise agreement for a period of twenty (20) years.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF JAMESTOWN, COLORADO, as follows:**

Section 1. Grant of Franchise. The Board of Trustees hereby approves the proposed Franchise Agreement by and between the Town of Jamestown, Colorado and Public Service Company of Colorado in the form of such Franchise Agreement accompanying this Ordinance, and hereby authorized the grant of franchise therein contained subject to and upon the terms and conditions of said Franchise Agreement. The new utility franchise granted by this Ordinance is for a period of twenty (20) years commencing on July 14, 2011 and terminating on July 14, 2031.

Section 2. Authorization for Contract. The Mayor and Town Clerk are authorized to execute the Franchise Agreement on or after the effective date of this Ordinance.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED BY TITLE THIS 2<sup>ND</sup> DAY OF May, 2011.

APPROVED AND ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 6<sup>th</sup> DAY OF JUNE 2011.

TOWN OF JAMESTOWN

By: Tara Schoedinger

Tara Schoedinger, Mayor

ATTEST:

By: Mary Ellen Burch

Mary Ellen Burch, Town Clerk/Treasurer