

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER SANG
Council Bill No. 23
Ordinance No. 1451
Series 2009

TITLE: AN ORDINANCE APPROVING A GAS AND ELECTRIC UTILITY FRANCHISE WITH PUBLIC SERVICE COMPANY OF COLORADO, SUCH FRANCHISE CONDITIONED ON VOTER APPROVAL OF THE SAME.

WHEREAS, Section 15.6 of the Home Rule Charter of the City of Wheat Ridge ("Charter") provides that no franchise shall be granted except upon approval by the majority of electors voting thereon; and,

WHEREAS, Public Service Company of Colorado ("PSCo") desires to obtain the right, by franchise, to among other things, furnish, sell, and distribute gas and electricity to the City of Wheat Ridge ("City") and all residents therein; and,

WHEREAS, the City and PSCo have negotiated the terms and conditions of said franchise as contained herein; and,

WHEREAS, Charter Section 2.2 sets a regular municipal election to occur on the first Tuesday in November of each odd-numbered year, and therefore a regular municipal election is set for November 3, 2009; and,

WHEREAS, it is the desire of the City Council to adopt this Ordinance approving a franchise between the City and PSCo subject to the terms and condition set forth herein, contingent upon approval by a vote of the electors of the City as required by Charter Section 15.6.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. The City Council approves the franchise agreement with the Public Service Company of Colorado, as such terms and conditions for the same are set forth in **Exhibit A** to this Ordinance, conditioned upon a vote of the registered electors of the City pursuant to Charter Section 15.6.

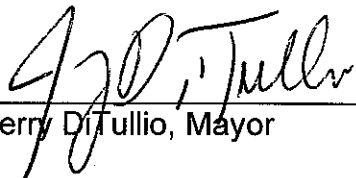
Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. Pursuant to Charter Section 15.6, this Ordinance shall take effect upon approval of the franchise hereby approved by a vote of the registered electors of the City at the November 3, 2009 regular municipal election. In the event said franchise is not approved at the election, this Ordinance shall be deemed null and void.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 10th day of August, 2009, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **August 24, 2009 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 24th day of August, 2009.

SIGNED by the Mayor on this 25th day of August, 2009.

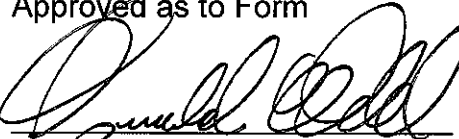


Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: August 13, 2009
Second Publication:
Wheat Ridge Transcript
Effective Date:

Exhibit A
Franchise Agreement between the City of Wheat Ridge and Public Service Company of Colorado

Available in City Clerk's Office and on City's website