

## **ORDINANCE NO. 1152 (2024)**

**AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF CRAIG TO YAMPA VALLEY ELECTRIC ASSOCIATION FOR THE NON-EXCLUSIVE RIGHT TO PROVIDE, SELL, AND DELIVER ELECTRICITY TO THE TOWN AND ITS RESIDENTS THROUGH THE NON-EXCLUSIVE REASONABLE USE OF THE CITY STREETS, PUBLIC UTILITY EASEMENTS, AND OTHER CITY PROPERTY**

WHEREAS, the City of Craig (the “City”) is a home rule city duly organized and existing under the laws of the State of Colorado;

WHEREAS, the members of the City Council of the City of Craig have been duly elected and qualified;

WHEREAS, Yampa Valley Electric Association (“Association”) provides electricity within the corporate boundaries to the City of Craig (“City”) to persons, businesses, industries, and governmental agencies including the City residents;

WHEREAS, the Association has filed an application with the City requesting the City grant a non-exclusive electric franchise to it;

WHEREAS, the Article VIII Section 1 of the Home Rule Charter for the City of Craig provides that all franchises shall be granted only by ordinance;

WHEREAS, the Association and the City have negotiated a Franchise Agreement, a copy of which is attached hereto and incorporated herein by reference;

WHEREAS, the Franchise Agreement grants the Association a non-exclusive right to provide, sell, and deliver electricity to the City and its residents through the non-exclusive reasonable use of City streets, public utility easements, and other City property as provided in the Franchise Agreement;

WHEREAS, the City Council has concluded that approval of the Franchise Agreement promotes the public health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CRAIG, COLORADO:**

1. The Mayor is authorized and directed to execute the attached Franchise Agreement, and the Town Clerk shall attest thereto.
2. This Ordinance shall take effect upon final adoption as provided in the City’s Home Rule Charter, subject to the right of referendum as provided in the City’s Home Rule Charter.

Section 2. If any subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 3. The City Council deems it appropriate to publish the title of this ordinance, together with a summary of the ordinance and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 4. This ordinance shall be effective as of July \_\_\_\_\_, 2024.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

\_\_\_\_\_  
Chris Nichols, Mayor

ATTEST:

\_\_\_\_\_  
Liz White, City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

\_\_\_\_\_  
Chris Nichols, Mayor

ATTEST:

\_\_\_\_\_  
Liz White, City Clerk