

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB29

ORDINANCE NUMBER: 2016-29

TITLE: AN ORDINANCE EXTENDING THE ELECTRIC AND GAS FRANCHISE GRANTED BY THE CITY OF BLACK HAWK, GILPIN COUNTY, COLORADO TO PUBLIC SERVICE COMPANY OF COLORADO

WHEREAS, the electric and gas franchise granted by the City of Black Hawk, Gilpin County, Colorado, to Public Service Company of Colorado (“Public Service”) by Ordinance No. 91-23 expired on October 6, 2016 (“Franchise Agreement”);

WHEREAS, Public Service and the City of Black Hawk have been actively negotiating the terms of a new or renewal franchise agreement but have not concluded those negotiations;

WHEREAS, Public Service and the City of Black Hawk mutually agree that an extension of the existing franchise is in the public interest to allow Public Service Company and the City of Black Hawk to conclude franchise negotiations and adopt a new or renewal franchise;

WHEREAS, the City Council of the City of Black Hawk believes that the current Franchise Agreement should be extended to and including January 5, 2017;

WHEREAS, the City Council finds that such an extension of the Franchise Agreement will allow for adequate consideration of the franchise currently being negotiated and will allow time for completion of franchise negotiations and City evaluation of the new or renewal franchise; and

WHEREAS, the City Council finds that such an extension of the Franchise Agreement is appropriate for the successful conclusion of franchise negotiations, review, consideration and adoption of a new or renewal franchise by Council members.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The current franchise between the City of Black Hawk and Public Service Company of Colorado, which was set to expire on October 6, 2016, as set forth in Article 2, section two, of the current franchise, is hereby extended, *nunc pro tunc*, to January 5, 2017.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 26th day of October, 2016.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, City Clerk

