

**RESOLUTION NO. 2023-**

**A RESOLUTION AFFIRMING THE EXISTENCE OF THE INDEPENDENCE  
LIGHT AND POWER f/k/a THE MUNICIPAL LIGHT PLANT AND  
INDEPENDENCE TELECOMMUNICATIONS UTILITY AS ENTITIES  
CREATED AND EXISTING CONSISTENT WITH AND UNDER CHAPTER 24  
OF THE CITY OF INDEPENDENCE CODE OF ORDINANCES AND CHAPER  
388 OF THE IOWA CODE**

**WHEREAS**, the City of Independence, Iowa, operates both an Electric Utility and a Communications Utility, the Electric Utility coming to exist after a referendum was approved by the voters on June 12, 1962, and the Communication Utility coming to exist after a referendum was approved by the voters on November 4, 1997, consistent with the terms and provisions of Chapter 388 of the Iowa Code, §388.2 “Submission to Voters”, and continues to exist and operate in compliance with Chapter 388 at this time, and

**WHEREAS**, the electric utility was originally referred to and known as the “Municipal Light Plant” until a change in name to “Independence Light & Power” was approved by the Board of Trustees at their regular board meeting on February 12, 1992, and

**WHEREAS**, the communication utility is referred to and known as “Independence Telecommunications Utility”, and

**WHEREAS**, the City Council of the City of Independence previously codified Chapter 24 “UTILITY BOARD OF TRUSTEES”, with the purpose being to provide for the operation of municipally owned electric and cable communications systems by boards of trustees, said Chapter including terms and provisions related to the make-up, operation, compensation, and other terms and provisions related to the utilities and their respective Boards, including language providing for the appointment of Trustees by the Mayor subject to City Council approval, and

**WHEREAS**, while the two utilities are utilities of the City of Independence, they each operate independently of one another and independent of the finances of the City of Independence, each having their own Federal Tax Identification Number, and

**WHEREAS**, it has been brought to the attention of the City Council that the City utilities, established and existing as noted above, are at times questioned as to the genesis of their existence, or continuing legal status, and the Council finds it appropriate to approve this Resolution, formally acknowledging background related thereto, for use by the Utilities when and as necessary to support their status and existence as a voter approved utility, existing and operating in full compliance with Chapter 24 of the City Code and as authorized by Chapter 388 of the Iowa Code.

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA**, that Independence Light and Power and Independence Telecommunications Utility, are each acknowledged by the Council to be independent, duly created, established, and existing City of Independence Utilities, approved by referendum of the voters, in full compliance with Chapter 24 of the City of Independence City Code and Chapter 388 of the Iowa Code.

**RESOLUTION NO. 2023-** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 13<sup>th</sup> day of November 2023.

Record of Voting:

Ayes:

Nays:

Absent:

**RESOLUTION NO. 2023-** declared passed and adopted by the Mayor on this 13<sup>th</sup> day of November 2023.

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Brad Bleichner, Mayor, City of Independence, IA

ATTEST:

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Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA