

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2021-195**

**AN ORDINANCE APPROVING ELECTRIC UTILITY FRANCHISE
AGREEMENT BETWEEN THE TOWN OF JOHNSTOWN AND
UNITED POWER, INC.**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the Town Council desires to enter into an Electric Utility Franchise Agreement (“Franchise Agreement”) with United Power, Inc., a Colorado not-for-profit electric cooperative (“United Power”), for the provision of electric utility services to the portion of the Town that the United Power is certified to serve (“Service Area”) and to its residents; and

WHEREAS, the Franchise Agreement, attached hereto and incorporated herein by reference as **Exhibit A**, contains, among others, the following provisions:

- A. Grants to the United Power the non-exclusive right to make reasonable use of Town streets, public utility easements and other public places, subject to the terms and conditions contained therein: (1) to provide electric utility service to the Service Area and its residents and (2) to acquire, construct, install, locate, maintain, operate, and to access, extend into, within, and through the Town the facilities reasonably necessary for the United Power to furnish, sell and distribute electricity within and through the Service Area;
- B. Specifies that the franchise shall be effective for a term of twenty (20) years from its effective date; and
- C. Sets a franchise fee of three percent (3%) of the United Power’s revenues, as defined therein.

WHEREAS, the Town Council finds that the passage of this Ordinance is in the best interests of the Town of Johnstown.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
JOHNSTOWN, COLORADO, AS FOLLOWS:**

Section 1. The Electric Utility Franchise Agreement between the Town of Johnstown and United Power, Inc., a Colorado not-for-profit electric cooperative, attached hereto and incorporated herein by reference as **Exhibit A**, is hereby approved, subject to the condition set forth in Section 2.

Section 2. Pursuant to Article IV of Chapter 5 of the Johnstown Municipal Code, United Power shall pay all expenses associated with the negotiation and execution of the Franchise Agreement.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Johnstown and that it is promulgated for the health, safety and welfare of the public. This Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 4. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 5th day of April, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: Diana Seele
Diana Seele, Town Clerk

By: Gary Lebsack
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor