

ORDINANCE 05 – SERIES 2025

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, GRANTING A TEMPORARY EXTENSION OF THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF MINTURN AND PUBLIC SERVICE COMPANY OF COLORADO FOR THE USE OF TOWN PROPERTY TO PROVIDE GAS AND ELECTRIC UTILITY SERVICE TO THE TOWN AND ITS RESIDENTS.

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, pursuant to Section 10.1 of the Charter, the Town Council has authority to grant, amend, revoke, or otherwise carry out its powers regarding franchise agreements; and

WHEREAS, as set forth in Ordinance No. 11 – Series of 2005, the Town Council executed a Franchise Agreement (the "Agreement") between the Town and Public Service Company of Colorado, its successors, assigns, affiliates, and subsidiaries (the "Company") granting the Company the right to use Town streets and property to provide gas and electricity service to the Town and the Town's residents (the "Utility Service"); and

WHEREAS, the term of the Agreement is for twenty (20) years, set to expire on June 1, 2025; and

WHEREAS, the Town and the Company are presently engaged in negotiations regarding a new franchise agreement wherein the Town will grant the Company a new non-exclusive franchise to use Town streets, public utility easements, and other Town property to provide Utility Service; and

WHEREAS, the Town and the Company wish to amend the Agreement to provide for a temporary extension of the Agreement to allow the Town and the Company to complete negotiations of a new franchise agreement; and

WHEREAS, the Town Council finds and declares that amending the Agreement to provide for a temporary extension of the Utility Service within the Town is necessary for the preservation of public health, safety, and welfare and is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Amendment of Franchise Agreement. Town Council hereby approves an amendment to provide for a temporary extension of the Agreement. Accordingly, Section 2.2 of the Agreement is hereby deleted in its entirety and replaced with the following:

§ 2.2 Term of Franchise. This franchise shall take effect upon its adoption and shall supersede any prior franchise grants to the company by the Town. The term of this franchise shall be twenty (20) years. In the event the Town and Company

are still negotiating a new franchise agreement near the expiration date of this franchise, the Town may, with agreement of the Company, extend this franchise through August 31, 2025.

Section 3. Effective Date. Upon passage of this Ordinance, the provisions hereof shall become effective on May 28, 2025.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 7th DAY OF MAY 2025. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 21st DAY OF MAY, 2025 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 21st DAY OF MAY, 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

Public Service Company of Colorado, for itself, its successors and assigns, hereby accepts, as of the date stated above, the foregoing Ordinance finally passed by the Town Council of the Town of Minturn and agrees to be bound by all of its terms and provisions.

Public Service Company of Colorado

By: _____
Hollie Velasquez-Horvath
Regional Vice President, State Affairs and
Community Relations