

ORDINANCE NO. 2

Series 2016

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO GRANTING A FRANCHISE AND APPROVING A FRANCHISE AGREEMENT TO AND WITH GUNNISON COUNTY ELECTRIC ASSOCIATION, INC., A COLORADO ELECTRIC COOPERATIVE

WHEREAS, Gunnison County Electric Association, Inc. ("GCEA") submitted a notice of its intention to apply for a public utility franchise to the governing body of the Town of Pitkin, Colorado (the "Town"), and for passage of an Ordinance granting such a franchise; and

WHEREAS, GCEA caused proper notice to be published in a newspaper of general circulation in the Town in accordance with applicable statutes and presented proof of compliance to the Town's governing body in the form of a publisher's Affidavit of Publication.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado:

Section 1. GRANT OF FRANCHISE

There is hereby granted by the Town to GCEA a franchise for the right, privilege, and authority to locate, build, rebuild, construct, reconstruct, extend, maintain and operate into, within and through the public rights-of-way for the storage, exchange, purchase, and distribution of electrical energy, including selling and distribution of electrical energy to the Town as a retail consumer, and to the inhabitants of the Town, for any purposes, by means of conduits, cable, poles with wires strung thereon, structures or otherwise, on over, under, along, across, and through the public rights-of-way in the Town and any extension, connection with or continuation of the same as they may be hereafter laid out within the territory now or hereafter included in the boundaries of the Town.

Section 2. APPROVAL OF FRANCHISE AGREEMENT AND AUTHORIZATION OF EXECUTION

The Mayor and the Town Clerk are authorized and directed to enter into a Franchise Agreement with GCEA that more fully describes and sets forth the terms and conditions of the franchise hereby granted. Such Franchise Agreement shall generally be in the form and substance approved by the Board of Trustees at the first reading of the Ordinance. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. TERM -EFFECTIVE DATE

This ordinance shall become effective as provided by law, thirty (30) days after its publication following final passage, and the franchise shall remain in full force and effect as set forth in the Franchise Agreement.

Section 4. VALIDITY

The provisions of this Ordinance are declared to be severable and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this Ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, provision, or part of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application thereof to other persons or circumstances should not be effected thereby.

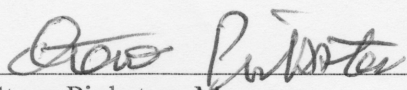
Section 5. NECESSITY

In the opinion of the Board of Trustees of the Town of Pitkin, this Ordinance is necessary for the preservation and protection of the health, safety, welfare, and property of the inhabitants and owners of property in the Town of Pitkin.

Section 6. CERTIFICATION

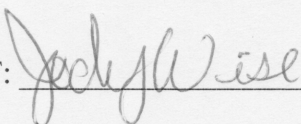
The Town Clerk shall certify the passage of this Ordinance and make two (2) copies of the adopted Ordinance and Franchise Agreement available for inspection by the public by posting one at the Post Office in Pitkin, Colorado and one at the Town Hall in Pitkin, Colorado.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 12th, day of April, 2016, on first reading by a vote of 6 to 0, and adopted this 10 day of May, 2016, by a vote of 7 to 0.

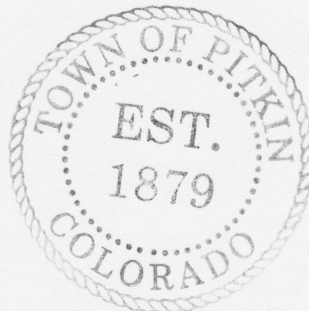


Steve Pinkston, Mayor

(SEAL)

ATTEST: 

Jody Wise, Town Clerk



Published in the Gunnison Country Times on 4/28/16.