

**TOWN OF MORRISON, COLORADO
BOARD OF TRUSTEES**

ORDINANCE NO. 496

**AN ORDINANCE GRANTING A FRANCHISE TO PUBLIC SERVICE
COMPANY OF COLORADO FOR THE NON-EXCLUSIVE RIGHT TO
PROVIDE, SELL, AND DELIVER GAS AND ELECTRICITY TO THE
TOWN OF MORRISON, ITS RESIDENTS AND OCCUPANTS
THROUGH THE REASONABLE USE OF ITS STREETS, PUBLIC
UTILITY EASEMENTS, AND OTHER TOWN PROPERTY, PURSUANT
TO ARTICLE 11 OF THE MORRISON TOWN CHARTER.**

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to the Home Rule Charter to grant, amend, extend, and terminate franchises for public utilities by ordinance; and

WHEREAS, in the exercise of this authority, the Board has previously granted a franchise to, and the Town is presently served by, Public Service Company of Colorado (“the Company”) for the provision of gas and electric utility service to the Town; and

WHEREAS, the Company has filed an application with the Town requesting the Town grant a non-exclusive gas and electric franchise to it for a period of twenty years; and

WHEREAS, the Company and the Town have negotiated a Franchise Agreement that grants the Company a non-exclusive right to provide, sell, and deliver gas and electricity to the Town, its residents and occupants through the reasonable use of Town streets, public utility easements, and other Town property as provided in the attached Agreement;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado, that:

SECTION 1. The franchise agreement with Public Service Company of Colorado, attached hereto as Exhibit A and incorporated herein by this reference, is hereby adopted *nunc pro tunc* to the effective date specified in §2.3 of said franchise agreement and the Mayor is hereby authorized to execute, and the Town Clerk to attest, the franchise agreement.

SECTION 2. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance, or the standards adopted herein is held to be unconstitutional or invalid for any reason, such decision will not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall take effect fifteen (15) days after final adoption and publication as provided by Section 3.14 of the Home Rule Charter.

INTRODUCED, READ, PASSED AND ADOPTED this 21st day of July, 2020, by a vote of _____ ayes and _____ nays.

TOWN OF MORRISON:

Sean K. Forey, Mayor

ATTEST:

Lyndsey Paavilainen, Town Clerk