

## **ORDINANCE 2023- 04**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, GRANTING A COMPETITIVE NONEXCLUSIVE FRANCHISE TO OWEN ELECTRIC COOPERATIVE, INC., ("OWEN ELECTRIC"), FOR THE ERECTION, LAYING OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES AND APPURTENANT EQUIPMENT IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF WALTON, KENTUCKY, FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES; AND AUTHORIZING AND DIRECTING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN APPROPRIATE FRANCHISE AGREEMENT TO CARRY OUT THE TERMS OF THIS ORDINANCE.**

**WHEREAS**, the City of Walton (“City”) wishes to ensure that the provision of electric services and products continues to be furnished to its citizens in a reliable, affordable and efficient manner;

**WHEREAS**, the City has adopted Ordinance 2022-01 which created nonexclusive competitive franchises (“Franchises”) to use the City’s public rights-of-way, public streets, ways, alleys and other public places in order to facilitate the provision of electric services and products;

**WHEREAS**, Ordinance 2022-01 further provided that the Franchises created by the Ordinance shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statutes, as well as any applicable City Ordinances;

**WHEREAS**, the City advertised for electric franchise bids according to law and Owen Electric Cooperative, Inc., ("Owen Electric") submitted a nonexclusive competitive bid to the City for franchise rights to provide electric services and products to its existing territory throughout the City as shown on the attached Electric Service Territories Map;

**WHEREAS**, the City has determined that Owen Electric’s electric services and products franchise bid is reasonable in light of community needs, and that Owen Electric has the ability to effectuate its franchise application;

**WHEREAS**, the City has determined that Owen Electric’s competitive electric services and products franchise bid meets the community needs and interests of the City of Walton and its citizens; and

**WHEREAS**, the public has had adequate notice and opportunity for comment.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**SECTION 1:** A nonexclusive competitive electric services and products franchise is hereby granted to Owen Electric in order to use the City’s public rights-of-way, public streets, ways, alleys and other public places in order to provide electric services and products to its existing territory throughout the City as shown on Owen Electric’s electric service territories map.

**SECTION 2:** The City’s Mayor, City Clerk, and City Attorney are hereby authorized and directed to work out the terms of the electric Franchise Agreement with Owen Electric; and the Mayor is authorized to execute it, all according to the framework the bidding requirements and to Owen Electric’s bid as submitted to the City and to such additional terms and provisions that are fair and reasonable to the City, to Owen Electric, and to the customers of Owen Electric, pursuant to KRS 96.010. The Franchise Agreement shall take effect upon execution and according to the terms of the Agreement.

**SECTION 3:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4:** Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance or the Franchise Agreement, as applicable.

**SECTION 5:** This Ordinance shall become effective from and after its passage and publication.

**SECTION 6:** This ordinance may be read and published in summary form.

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PASSED AND APPROVED ON FIRST READING BY 5 OF 6 MEMBERS OF CITY COUNCIL ON THE 11<sup>TH</sup> DAY OF APRIL, 2023.

PASSED AND APPROVED ON SECOND READING BY 4 OF 6 MEMBERS OF CITY COUNCIL ON THE 9<sup>TH</sup> DAY OF MAY, 2023.

APPROVED:

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GABRIEL D. BROWN, MAYOR

ATTEST:

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GEVANA HICKS, CITY CLERK

DATE OF PUBLICATION: May, 22, 2023