

**ORDINANCE NO. 868**

**AN ORDINANCE EXTENDING THE TERMS OF A FRANCHISE FOR THE SUPPLY AND DISTRIBUTION OF NATURAL GAS GRANTED TO BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, F/K/A SOURCEGAS DISTRIBUTION LLC**

**WHEREAS**, Black Hills Gas Distribution, LLC d/b/a Black Hills Energy, f/k/a SourceGas Distribution LLC (“Black Hills”) and the City of Dacono continue to operate under a franchise granted by City of Dacono Ordinance No. 703, adopted March 11, 2008, for the supply and distribution of natural gas; and

**WHEREAS**, the Franchise was extended by Ordinance No. 847 to June 29, 2018, again by Ordinance No. 850 to October 31, 2018, and again by Ordinance No. 858 to the earlier of April 30, 2019 or the first day of the month following the date on which a new franchise agreement between Black Hills and the City was finally approved by the Colorado Public Utilities Commission; and

**WHEREAS**, Black Hills and the City are in the process of negotiating a renewal of the franchise; and

**WHEREAS**, Black Hills and the City need additional time to complete negotiations and for the City to consider and adopt a proposed franchise renewal; and

**WHEREAS**, once negotiations are completed, additional time will be needed for the Public Utilities Commission to finally approve the franchise agreement; and

**WHEREAS**, Black Hills has agreed to the extension of the Franchise as set forth in this Ordinance; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of the City to extend the term of the franchise to allow for completion of ongoing negotiations regarding a franchise renewal and for review and approval of the franchise agreement by the Colorado Public Utilities Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** That the franchise granted by City of Dacono Ordinance No. 703, adopted March 11, 2008, as extended by Ordinance Nos. 847, 850, and 858, for the supply and distribution of natural gas, between Black Hills and the City, is hereby extended to the earlier of July 31, 2019, or the first day of the month following the date on which a new franchise agreement between Black Hills and the City is finally approved by the Colorado Public Utilities Commission.

**Section 2.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 3.** All actions heretofore taken by Black Hills and City officers and staff relating to the subject matter of the Franchise consistent with its terms are hereby are, ratified, approved and confirmed.

**Section 4.** If any section, paragraph, sentence, clause or provision of this Ordinance shall for any reason be held to be unconstitutional, invalid or unenforceable for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL this 8th day of April, 2019.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 22nd DAY OF APRIL, 2019, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this \_\_\_\_ day of \_\_\_\_\_, 2019.**

CITY OF DACONO, COLORADO

\_\_\_\_\_  
Joe Baker, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Taylor, City Clerk

Summary of Ordinance No. 868, “AN ORDINANCE EXTENDING THE TERMS OF A FRANCHISE FOR THE SUPPLY AND DISTRIBUTION OF NATURAL GAS GRANTED TO BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, F/K/A SOURCEGAS DISTRIBUTION LLC”: Extends the term of a franchise between Black Hills and the City to the earlier of July 31, 2019, or the first day of the month following the date on which a new franchise agreement between Black Hills and the City is finally approved by the Colorado Public Utilities Commission.

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