

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 854**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, GRANTING AN
EXTENSION OF THE EXISTING FRANCHISE BETWEEN THE TOWN OF
MEAD AND BLACK HILLS GAS DISTRIBUTION, LLC, D/B/A BLACK HILLS
ENERGY, A DELAWARE LIMITED LIABILITY COMPANY, *NUC PRO
TUNC* MARCH 29, 2017, THROUGH MARCH 29, 2018.**

WHEREAS, Black Hills Gas Distribution, LLC D/B/A Black Hills Energy, a Delaware Limited Liability Company, f/k/a SourceGas Distribution LLC received the 2005 Gas Franchise with the Town of Mead by assignment from Kinder Morgan, Inc., the original franchise holder, for the supply and distribution of natural gas, through March 29, 2017; and

WHEREAS, the term of the franchise agreement was thirteen years from the effective date of the franchise; and

WHEREAS, the present franchise agreement expired March 29, 2017; and

WHEREAS, Black Hills Energy has continued to provide natural gas to its customers in the Town under the terms of the original franchise; and

WHEREAS, Black Hills Energy has proposed a new franchise agreement with the Town of Mead for a term of twenty-five years; and

WHEREAS, the Board of Trustees desires to enter negotiations for the new franchise, but is of the opinion that it will be necessary to extend the term of the existing franchise to March 29, 2018, to allow the Town to effectively negotiate the terms and conditions of the franchise;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. The existing franchise between the Town of Mead and Black Hills Energy for the distribution and sale of natural gas within the Town of Mead is hereby extended to March 29, 2018.

Section 2. Effective Date. This Ordinance is adopted *nunc pro tunc* on March 29, 2017, and shall become effective upon the date so adopted.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 13th DAY OF NOVEMBER, 2017, NUNC PRO TUNC to the 29th DAY OF MARCH, 2017.

ATTEST:

By Mary E. Strutt
Mary E. Strutt, Town Clerk



TOWN OF MEAD

By Herman Schranz
Herman Schranz, Mayor Pro Tem