

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 869**

**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, THROUGH
SEPTEMBER 30, 2018**

WHEREAS, Black Hills Gas Distribution, LLC, D/B/A Black Hills Energy, a Delaware limited liability company, formerly known as Source Gas Distribution LLC (“Black Hills Energy”), received the 2005 Gas Franchise with the Town of Mead (“Town”) by assignment from Kinder Morgan, Inc., the original franchise holder, for the supply and distribution of natural gas, through March 29, 2017; and

WHEREAS, by adopting Ordinance 854, the Town Board of Trustees extended the term of the franchise agreement to March 29, 2018; and

WHEREAS, by adopting Ordinance 862, the Town Board of Trustees extended the term of the franchise agreement to June 29, 2018; 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 for a term of twenty-five years; and

WHEREAS, the Board of Trustees desires to negotiate the terms of a new franchise agreement, and desires to extend the term of the existing franchise through September 30, 2018, to allow the Town sufficient time to 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. Franchise Extended. 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 September 30, 2018.

Section 2. Effective Date. This Ordinance shall become effective as provided by law.

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 Town Board hereby declares that it would have passed this 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 and motions of the Board of Trustees of the Town of Mead or parts thereof in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion 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, AND ADOPTED THIS 25th DAY OF JUNE, 2018.

ATTEST:

TOWN OF MEAD

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



By Joyce E. Palaszewski
Joyce E. Palaszewski, Mayor Pro Tem