

**ORDINANCE NO. 20-02**

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CREATING A FRANCHISE FOR THE ERECTION, LAYING, AND MAINTENANCE OF ELECTRIC FACILITIES AND APPURTENANT FACILITIES AND EQUIPMENT IN, ALONG, AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS, AND OTHER PUBLIC PLACES IN THE CITY OF RICHMOND, KENTUCKY FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES AND PROVIDING FOR THE GRANTING OF THAT FRANCHISE**

**WHEREAS**, the City of Richmond wishes to ensure that electric service continues to be furnished to its citizens in a reliable and efficient manner; and

**WHEREAS**, the City is aware that the provision of such service requires the continued use of public streets, ways, alleys, and other public places; and

**WHEREAS**, the franchise granted to and acquired by Kentucky Utilities Company on April 18, 2000, under which that utility provided such service, will expire by its terms on April 18, 2020; and

**WHEREAS**, the City wishes to provide for the granting of a new franchise for the benefit of its citizenry, giving effect to Section 96.010 of the Kentucky Revised Statutes;

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

**SECTION I**

An exclusive franchise (the "Franchise") to use the City's public rights-of-way, as described in the Franchise Agreement attached to this Ordinance, is hereby created.

**SECTION II**

The Franchise created by this 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 with the provisions of any applicable City ordinance.

**SECTION III**

The Franchise created by this Ordinance shall be awarded to the highest and best bidder as shall be determined by the City in the exercise of its discretion. In awarding the Franchise, the City shall include in its consideration and bid analysis, but not be limited to, the technical, managerial, and financial qualifications of the bidder to perform its obligations under the Franchise Agreement.

#### **SECTION IV**

The winning bidder and the City shall execute and be bound by a Franchise Agreement with terms identical to, or substantially identical to, the Franchise Agreement referenced in Section I, above and attached hereto, such Franchise Agreement to contain terms that, "... are fair and reasonable to the City, to the purchaser of the Franchise, and to the patrons of the utility..." as is mandated by the provisions of KRS Section 96.010. Such Franchise Agreement shall become effective with the first billing cycle on or after the expiration of the existing franchise agreement, to allow the City and the winning bidder to develop appropriate procedures for identifying and reviewing the electric-consuming entities within the City's corporate limits.

#### **SECTION V**

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

#### **SECTION VI**

Should any section, clause, line, paragraph, or part of this Ordinance or the attached Franchise Agreement be held invalid for any reason, the same shall not affect the remainder of this Ordinance or of the attached Franchise Agreement.

#### **SECTION VII**

Time is of the essence in carrying out the terms and provisions of this Ordinance and of the Franchise created hereby.

#### **SECTION VIII**

This Ordinance shall become effective immediately upon its adoption following second reading, and publication in accordance with the requirements of applicable Kentucky law.

<b>DATE OF FIRST READING:</b>	<b>January 28, 2020</b>
<b>MOTION BY:</b>	<b>Commissioner Grant</b>
<b>SECONDED BY:</b>	<b>Commissioner McDaniel</b>
<b>DATE OF SECOND READING:</b>	<b>February 11, 2020</b>
<b>MOTION BY:</b>	<b>Commissioner Brewer</b>
<b>SECONDED BY:</b>	<b>Commissioner McDaniel</b>

**VOTE**

Commissioner Brewer  
Commissioner Grant  
Commissioner McDaniel  
Commissioner Morgan  
Mayor Blythe

**YES**

**NO**


x  
x  
x  
x  
x

  
\_\_\_\_\_  
Mayor Blythe

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**ATTORNEY'S CERTIFICATION AS TO SUMMARY OF ORDINANCE FOR  
PUBLICATION**

**COMES NOW** the undersigned Garrett T. Fowles, who does certify as follows:

1. That he is a licensed and practicing attorney in the Commonwealth of Kentucky.
2. That he has prepared, for purposes of publication in accordance with the requirements of Chapter 424 of the Kentucky Revised Statutes, the attached summary or summaries of Ordinance(s) duly enacted by the Board of Commissioners for the City of Richmond, Kentucky.

Dated this the 13th day of February, 2020.

  
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Garrett T. Fowles

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