

**COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE
SPENCER COUNTY, KENTUCKY**

ORDINANCE NO. 405

**AN ORDINANCE OF THE CITY OF TAYLORSVILLE,
SPENCER COUNTY KENTUCKY, CREATING A
FRANCHISE FOR THE ERECTION, LAYING AND
MAINTENANCE OF ELECTRIC FACILITIES AND
APPURENANT FACILITIES AND EQUIPMENT IN, ALONG
AND ACROSS THE PUBLIC WAYS, ROADS, STREETS,
ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF
TAYLORSVILLE, KENTUCKY: FOR FURNISHING AND
SELLING ELECTICITY BY MEANS OF SAID FACILITIES;
AND PROVIDING FOR THE SALE OF SAID FRANCHISE.**

WHEREAS, the City of Taylorsville ("City") wishes to ensure that electric service continues to be furnished to its citizens in a reliable and efficient manner;

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

WHEREAS, in accordance with Section 163 and 164 of the Kentucky Constitution and KRS 96.010, et seq., the City wishes to provide for the sale of a franchise for electrical service for the benefit of its citizenry;

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1.A non-exclusive franchise ("Franchise") to use the City's public rights-of-way, as described in the Franchise Agreement attached to this Ordinance, is hereby created for providing electrical service within the City of Taylorsville, for a period of 20 years and a franchise fee of at least 3% of the gross receipts from the sale of electricity for consumption within the franchisee's territory within the City of Taylorsville, provided, however, as to be setforth the Franchise

Agreement, the franchise fee may be revised and amended every 5 years from the date of the Franchise Agreement;

Section 2. 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 any applicable City ordinances.

Section 3. The Franchise created by this Ordinance shall be awarded to the highest and best bidder, as shall be determined by the City in its sole discretion. In awarding the Franchise, the City shall consider the technical, managerial, and financial qualifications of the bidder to perform its obligations under the Franchise.

Section 4. The winning bidder and the City shall negotiate, execute and be bound by a Franchise Agreement with terms identical to, or substantially identical to, the Franchise Agreement referenced in Section 1 above and attached hereto, such 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” (KRS Section 96.010). Such Franchise Agreement shall take effect no earlier than 90 days after its execution, to allow the City and the winning bidder to develop appropriate procedures for identifying and reviewing the electrical-consuming entities within the City’s corporate limits.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Should any section, clause, line, paragraph, or part of this Ordinance or the attached Franchise Agreement be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance or the attached Franchise Agreement, as applicable.

Section 7. Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

Section 8. This Ordinance shall become effective from and after its passage and publication.

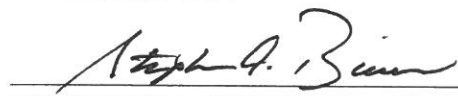
Enacted this the 14th day of April 2020, by the City of Taylorsville.

CITY OF TAYLORSVILLE



MATT DOUGLAS, Mayor

ATTESTED BY:



STEPHEN A. BIVEN, City Clerk

Date of First Reading	<u>March 10, 2020</u>
Date of Second Reading	<u>April 14, 2020</u>
Date Published	<u>April 22, 2020</u>