

TOWN OF HAYDEN, COLORADO

ORDINANCE NO. 737

AN ORDINANCE OF THE TOWN OF HAYDEN, COLORADO, APPROVING AN AGREEMENT EXTENDING THE TERM OF AN ELECTRIC UTILITY FRANCHISE AGREEMENT BETWEEN THE TOWN OF HAYDEN AND THE YAMPA VALLEY ELECTRIC ASSOCIATION (YVEA)

WHEREAS, the Yampa Valley Electric Association (“YVEA”) and the Town of Hayden Colorado (the “Town”) are parties to an Electric Utility Franchise Agreement (“Agreement”), a copy of which is attached as Exhibit “A”, with an effective term commencing on February 3, 2005 through February 1, 2025; and

WHEREAS, the parties have been engaged in negotiations to enter into a new franchise agreement and wish to extend the term of the Agreement for a period of six (6) months (from February 1, 2025 to August 1, 2025) in order to allow for the completion of the negotiations and to permit YVEA to continue to serve its members in the Town and collect the franchise fee pending approval of a new franchise agreement; and

WHEREAS, the Town Council of the Town of Hayden, Colorado finds and determines that the provisions of the Town’s Home Rule Charter governing the Town’s power to grant public utility franchises by ordinance provide the exclusive procedures for granting such public utility franchises and supersede the provisions of Title 31 of the Colorado Revised Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO:

SECTION 1. The above recitals are hereby incorporated by reference.

SECTION 2: The Electric Utility Franchise Extension Agreement (“Extension Agreement”) attached hereto as Exhibit “B” is hereby approved and the Mayor or Mayor Pro-Tempore is authorized to execute the Extension Agreement.

SECTION 3. The provisions of the Town’s Home Rule Charter governing the Town’s power to grant public utility franchises by ordinance provide the exclusive procedures for granting such public utility franchises.

SECTION 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 5. This Ordinance shall be in full force and effect immediately on final passing and adoption, and shall be published in accordance with Section 3-3h of the Home Rule Charter of

the Town of Hayden and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ON JANUARY 16, 2025, AND SETTING A PUBLIC HEARING FOR FEBRUARY 6, 2025 AT THE COUNCIL CHAMBERS OF THE HAYDEN TOWN HALL, LOCATED AT 178 WEST JEFFERSON AVENUE, HAYDEN, COLORADO.

BY: _____
Ryan Banks, Mayor

ATTEST: _____
Barbara Binetti, Town Clerk

PUBLIC HEARING HELD, FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 6 DAY OF FEBRUARY, 2025.

BY: _____
Ryan Banks, Mayor

ATTEST: _____
Barbara Binetti, Town Clerk