

City of Scottsbluff, Nebraska

Monday, March 7, 2022

Regular Meeting

Item Resolut.3

Council to consider the third reading of the Ordinance relating to the franchise Ordinance granted to Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy to amend the franchise fee in paragraph 8 of Ordinance 3937.

Staff Contact: Kevin Spencer & Liz Loutzenhiser, Interim City Man

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA RELATING TO THE FRANCHISE ORDINANCE GRANTED TO BLACK HILLS NEBRASKA GAS, LLC D/B/A BLACK HILLS ENERGY, A DELAWARE LIMITED LIABILITY COMPANY AND IN PARTICULAR AMENDING PARAGRAPH 8 OF ORDINANCE 3937 DEALING WITH A FRANCHISE FEE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA.

Section 1. Effective upon the passage and acceptance of this Ordinance, Section 8 of Ordinance Number 3937 shall be amended by deleting the language contained in Section 8 and replacing it with the following language:

“SECTION 8. Municipality may, during the term of this Franchise, in its discretion, in compliance with and as authorized by state law and upon a majority vote of a majority of the Members of the Municipality’s City Council then present, pass an ordinance imposing a franchise fee on Grantee’s customers located within Grantor’s corporate limits; provided, however, that the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay the same, unless and until: (1) it is satisfactory to Grantee with respect to its compatibility with Grantee’s billing system; (2) the form of assessment and collection of the franchise fee is based on a volumetric fee based upon Grantee’s delivery of energy within Grantor’s corporate limits; and (3) Grantor has imposed a franchise fee on all other parties supplying energy within Grantor’s corporate limits, calculated in the same manner as the franchise fee imposed on Grantee’s customers.”

Section 2. Paragraph 8 of Ordinance 3937 is now amended and all Ordinances and Sections in conflict with this Ordinance are hereby amended following the passage of this Ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its final passage and publication shall be in pamphlet form.

PASSED and APPROVED on _____, 2022.

Mayor

Attest:

City Clerk (Seal)

Approved as to Form:

City Attorney

CERTIFICATE AS TO ORDINANCE

The undersigned hereby certifies she is the duly appointed, qualified and acting City Clerk of the City of Scottsbluff, Nebraska and the within and foregoing is a true and correct copy of Ordinance No. ____ passed by Mayor and City Council of the City of Scottsbluff, this ____ day of March, 2022.

Attest:

City Clerk (Seal)

CERTIFICATE OF PASSAGE

State of Nebraska)
)
County of Scotts Bluff)ss.
)
City of Scottsbluff)

I, Kimberley Wright, City Clerk of the City of Scottsbluff, Scotts Bluff County, Nebraska, hereby certify the attached Ordinance purporting to be Ordinance Number _____ of said City was passed by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, pursuant to the rules and regulations prescribed by general law and by said City for the passage of Ordinances, it was duly approved by the Mayor of said City, passage and approval having been made on the ____ day of March, 2022 with respect to said Ordinance aforesaid which said Ordinance Number ____ has been published in pamphlet form by authority of the Mayor and Council of said City under direction of its duly constituted authorities pursuant to action by the Mayor and Council thereof with copies made available to the public on such date at the office of the City Clerk.

IN WITNESS WHEREOF, I have hereto affixed my hand and seal of the City of Scottsbluff, Scotts Bluff County, Nebraska ____ day of March A.D., 2022.

Kimberley Wright, City Clerk

SUBSCRIBED AND SWORN to before me this ____ day of March, 2022 by Kimberley Wright.

Notary Public

(seal)