

Sec. 26-392. - Utility considered a city-owned enterprise.

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- (a) The utility shall constitute an enterprise of the City which may, by ordinance of the City Council, acting ex officio as the board of such enterprise, issue its own revenue bonds or other obligations (including refunding securities) on behalf of the City, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the City used in the operation of the enterprise. The ordinance issuing any such revenue bonds or other obligations shall be adopted in the same manner and shall be subject to referendum to the same extent as ordinances of the City Council.
- (b) Any pledge of net revenues derived from the operation of the enterprise shall be subject to limitations on future pledges thereof contained in any ordinance of the City Council authorizing the issuance of outstanding bonds or other obligations of the City payable from the same source or sources. All bonds or other obligations issued by ordinance of the City Council payable from the net revenues derived from the operation of the enterprise and all revenue bonds or other obligations issued by ordinance of the board of the enterprise payable solely from the net revenues derived from the operation of the enterprise shall be treated as having the same obligor and as being payable in whole or in part from the same source or sources.
- (c) The enterprise shall also be authorized to have and exercise the following powers in furtherance of its purposes: to hold meetings concurrently with regular or special meetings of the City Council; to have and use a seal; to issue its revenue bonds for purposes related to the electrical utility system in the manner in which City revenue bonds may be issued; to pledge any revenues of the City's electrical utility system to the payment of such revenue bonds and to pay such revenue bonds therefrom; to enter into contracts relating to the electrical utility system in the manner in which City contracts may be entered into; to make representations, warranties and covenants relating to the electrical utility system on behalf of the City; to exercise rights and privileges of the City relating to the electrical utility system; and to bind the City to perform any obligation relating to the electrical

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utility system other than any multiple-fiscal year direct or indirect debt or other financial obligation of the City without adequate present cash reserves pledged irrevocably and held for payments in all future years.

- (d) All revenues and expenditures of the City or the enterprise relating to the electrical utility system shall be considered revenues and expenditures of the enterprise.
- (e) The enterprise shall annually operate and maintain the City street lighting system as an additional payment in lieu of franchise fees otherwise paid by the enterprise pursuant to Article V, Section 23 of the City Charter.

(Ord. No. 60, 1993, § 3, 7-20-93; Ord. No. 038, 2010, § 1, 4-20-10; Ord. No. 146, 2014, § 5, 12-16-14)