

ORDINANCE NO. 60, 1993
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING THE CITY'S ELECTRIC UTILITY AS AN
ENTERPRISE OF THE CITY AND AMENDING
CHAPTER 26 OF THE CITY CODE

DATE FILED: March 8, 2019 6:07 PM
FILE ID: 8864D66F6104C
CASE NUMBER: 2018CV149

WHEREAS, on November 3, 1992, the electors of the State of Colorado approved the passage of Section 20 of Article X of the Colorado Constitution ("Amendment 1"); and

WHEREAS, Amendment 1 imposes certain requirements and limitations upon local governments; and

WHEREAS, according to its terms, the requirements and limitations imposed by Amendment 1 do not apply to "enterprises" of the City, that is, City-owned businesses which are authorized to issue their own revenue bonds and which receive under ten percent of their annual revenue in grants from all Colorado state and local governments combined; and

WHEREAS, the City's Electric Utility receives under ten percent of its annual revenue in grants from all Colorado state and local governments combined; and

WHEREAS, the Fort Collins City Charter, as amended by the electorate on April 6, 1993, permits the City Council, by ordinance, to establish any one or more of its water, wastewater, stormwater or electric utilities as an enterprise of the City and to authorize any such City-owned enterprise to issue its own revenue bonds or other obligations payable solely from the net revenues derived from the operation of such utility; and

WHEREAS, the City Council considers it to be in the best interests of the City that the City's Electric Utility be established as such an enterprise; and

WHEREAS, the City Council believes that the establishment of the Electric Utility as an enterprise is consistent with the intent of Amendment 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby establishes the City's Electric Utility as an enterprise of the City which shall hereafter be authorized, by and through the City Council, sitting as the board of such enterprise, to 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.

Section 2. That Section 26-391 of the Code of the City of Fort Collins is hereby amended so that the definition of "Utility" therein shall read as follows:

Exhibit
A

Sec. 26-391. Definitions.

~~Utility or enterprise, as used in this Article,~~ shall mean the electric utility of the City of Fort Collins, Colorado.

Section 3. That Section 26-392 of the City Code be, and the same hereby is, amended so as to read in its entirety as follows, with the current Sections 26-392 through 26-396 to be renumbered as Sections 26-393 through 26-397, respectively:

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

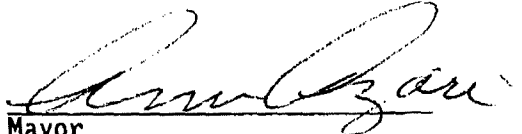
(a) The utility shall constitute an enterprise of the city which may, by ordinance of the City Council, acting ex officio as the board of such enterprise, issue its own revenue bonds or other obligations (including refunding securities) on behalf of the City, which revenue bonds or other obligations 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 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.

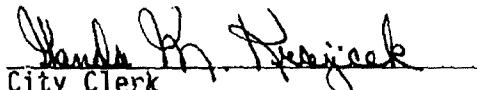
Section 4. Nothing herein shall be construed as authorizing the board of the enterprise to acquire, construct or install or hold title to or dispose of any City-owned property used in the operation of the enterprise, to impose or adjust rates, fees, tolls or charges for the use of any such property or for any service or commodity furnished by the enterprise, to levy special assessments or to exercise any power reserved to the City Council or other City officials by this Charter or otherwise (other than the power to issue revenue bonds and other obligations).

Section 5. Nothing herein shall be construed as affecting the duties and functions of the City's Electric Board, as contained in Section 2-233 of the Code, or as prohibiting the City Council from appointing such other advisory boards or commissions as the City Council may deem appropriate and delegating to such boards or commissions the power to recommend policies and procedures regarding the operation of the enterprise.

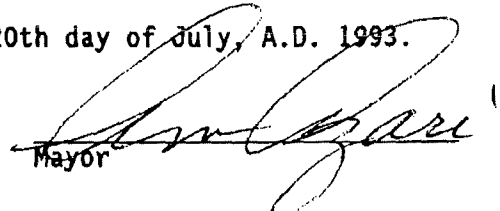
Introduced, considered favorably on first reading, and ordered published this 6th day of July, A.D. 1993, and to be presented for final passage on the 20th day of July, A.D. 1993.


Mayor

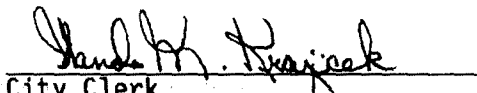
ATTEST:


City Clerk

Passed and adopted on final reading this 20th day of July, A.D. 1993.


Mayor

ATTEST:


City Clerk