

ELECTRIC UTILITY ENTERPRISE BOARD

Exhibit 9 Hearing on City of Fort Collins 2018
Motion for Attorney Fees

9:00 PM

• **CALL MEETING TO ORDER**

DATE FILED: March 15, 2019
CASE NUMBER: 2018CV149

PRESENT: Overbeck, Troxell, Cunniff, Horak, Martinez, Stephens, Summers
Staff Present: Atteberry, Daggett, Jensen

1. **Consideration and Approval of the Minutes From the March 20, 2018 Electric Utility Enterprise Board Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the March 20, 2018 Electric Utility Enterprise Board meeting.

Vice Chair Horak made a motion, seconded by Boardmember Overbeck, to approve the minutes of the March 20, 2018 meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Gerry Horak, District 6 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Overbeck, Troxell, Cunniff, Horak, Martinez, Stephens, Summers |

2. **Items Relating to Electric Utility Enterprise Revenue Bonds, Series 2018. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 003, Authorizing the Issuance and Sale of Its Tax-Exempt Revenue Bonds, Series 2018A, and Its Taxable Revenue Bonds, Series 2018B, Providing for the Sources of Payment of the Bonds and Providing Other Details Concerning the Bonds and the Enterprise's System.*
- B. *Second Reading of Ordinance No. 004, Authorizing the Defeasance of the Enterprises Taxable Revenue Bonds (Direct Pay Qualified Energy Conservation Bonds), Series 2010B.*

These Ordinances, unanimously adopted on First Reading on March 20, 2018, relate to the Electric Utility Enterprise's issuance of revenue bonds for the City's proposed Broadband System. Ordinance No. 003, authorizes the financing and construction of a Municipal Broadband System to provide telecommunication facilities and services, including the transmission of voice, data, graphics, and/or video to customers within Fort Collins. This agenda item is consistent with Strategic Objective 3.9 from the 2016 Strategic Plan: Encourage the development of reliable, high speed internet services throughout the community.

Ordinance No. 004, authorizes the defeasance of the Electric Utility Enterprise's 2018B outstanding bonds, for which remaining payments total \$5,270,000 principal and \$513,328 interest through maturity in 2020. This defeasance is necessary to eliminate certain restrictive covenants in the 2010B bonds that would otherwise affect the Enterprise's ability to issue the 2018 bonds for the Broadband System.

The aggregate principal amount of the Bonds being issued shall not exceed \$150,000,000. The net effective interest rate shall not exceed 5.45% on either the 2018A or 2018B Bonds. The 2018A Bonds shall mature no later than December 1, 2042, and the 2018B Bonds shall mature no later than December 1, 2032.

Colin Garfield complimented the progress and work on the broadband project.

Eric Sutherland stated these meetings do not meet City Charter requirements. He stated none of the thousands of residential units recently constructed in the community have been designed to accommodate or utilize the benefits the AMI project could have delivered to energy consumers or have been constructed to take advantage of a fiber optic hook up to the building.

April 3, 2018

James K. Lane commended the founders of the Fort Collins Citizens' Broadband Committee and thanked Council and staff for their work on the effort.

Vice Chair Horak made a motion, seconded by Boardmember Cunniff, to adopt Ordinance No. 003, on Second Reading.

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| RESULT: | ORDINANCE NO. 003 ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Gerry Horak, District 6 |
| SECONDER: | Ross Cunniff, District 5 |
| AYES: | Overbeck, Troxell, Cunniff, Horak, Martinez, Stephens, Summers |

Vice Chair Horak made a motion, seconded by Boardmember Cunniff, to adopt Ordinance No. 004, on Second Reading.

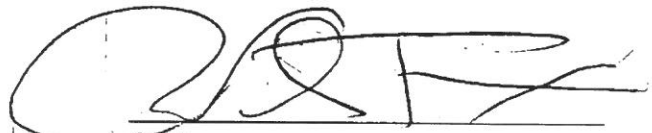
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| RESULT: | ORDINANCE NO. 004 ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Gerry Horak, District 6 |
| SECONDER: | Ross Cunniff, District 5 |
| AYES: | Overbeck, Troxell, Cunniff, Horak, Martinez, Stephens, Summers |

- **OTHER BUSINESS**


Boardmember Cunniff requested staff follow-up to a memo received from the Fort Collins Sustainability Group relative to PRPA. Vice Chair Horak replied PRPA is on the correct path and is moving at the correct speed.

- **ADJOURNMENT**

The meeting adjourned at 9:15 PM.


Chair

ATTEST:


Secretary

