

**TOWN OF RIDGWAY, COLORADO
EMERGENCY ORDINANCE NO. 05-2023**

**AN EMERGENCY ORDINANCE OF THE TOWN OF
RIDGWAY, COLORADO EXTENDING THE EXPIRATION
DATE OF THE SAN MIGUEL POWER ASSOCIATION, INC.
FRANCHISE, AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter; and

WHEREAS, Article 3-8 of the Ridgway Charter allows for the adoption of an emergency ordinance when the Town Council determines that the ordinance is necessary to the immediate preservation of the public peace, health and safety and includes such a declaration within the ordinance and is adopted by the affirmative vote of six members of the Town Council; and

WHEREAS, the existing San Miguel Power Association, Inc. (“SMPA”) Franchise Agreement granted by Ordinance No. 08-01 (the “Franchise Agreement”), expires on April 9, 2023; and

WHEREAS, on March 8, 2023, the Town Council adopted Emergency Ordinance No. 02-2023 extending the Franchise Agreement to June 9, 2023; and

WHEREAS, although significant progress has been made on a renewal of the Franchise Agreement, the Parties believe that additional time is needed to address some specific provisions in a renewed Franchise Agreement; and

WHEREAS, the failure to have a legally binding Franchise Agreement regulating the use and occupancy of public streets and rights of way within the Town of Ridgway could adversely impact public property warranting an emergency ordinance to extend the terms of the existing Franchise Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, AS FOLLOWS:

Section 1.

The expiration date of the Franchise Agreement granted by Ordinance No. 08-01 is hereby extended to September 13, 2023, to allow time to negotiate and adopt a new franchise ordinance.

Section 2.

The Town Council hereby finds that this ordinance is necessary to the immediate preservation of the public property, health, peace and safety.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AS AN EMERGENCY on June 14, 2023, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado

TOWN OF RIDGWAY

ATTEST

By: _____
John Clark
Mayor

Pam Kraft
Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

**ACCEPTANCE BY SAN MIGUEL POWER ASSOCIATION, INC. OF
ORDINANCE No. 05-2023**

WHEREAS, the Town Council of the Town of Ridgway, Colorado, did on June 14, 2023, pass and approve Ordinance No.05-2023, a copy of which is attached hereto.

NOW, THEREFORE, in consideration of the premises and in pursuance of the provisions of said Ordinance, San Miguel Power Association, Inc. hereby accepts the terms and conditions of said Ordinance.

IN WITNESS WHEREOF, San Miguel Power Association, Inc. has caused its corporate name to be hereunto subscribed by the President of its Board of Directors as of _____, 2023.

SAN MIGUEL POWER ASSOCIATION, INC.

ATTEST:

By: _____
Rube Fellicelli, President

Dave Alexander, Secretary