

RESOLUTION NO. 1889

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, SUBMITTING TO THE VOTERS A QUESTION PERTAINING TO THE GRANT OF A FRANCHISE TO THE PUBLIC SERVICE COMPANY OF COLORADO, D/B/A XCEL ENERGY

WHEREAS, the Public Service Company of Colorado currently holds a non-exclusive franchise that allows it to utilize the City rights-of-way to provide gas and electric services to the City and residents of Golden; and

WHEREAS, said franchise is scheduled to expire on December 31, 2008; and

WHEREAS, the Public Service Company of Colorado, d/b/a/ Excel Energy, has filed an application to renew the franchise for a period of 20 years, including the payment of a franchise fee of 3% of gross revenues; and

WHEREAS, Section 13.4 of the City of Golden Home Rule Charter requires that any franchise be approved by a majority of taxing electors voting thereon; and

WHEREAS, City Council desires to submit the proposed question of the grant of the franchise to the voters of the City of Golden for their consideration at a special election to be held on November 4, 2008.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The franchise requested by the Public Service Company of Colorado, d/b/a Xcel Energy, to permit the non-exclusive use of municipal rights-of-way for the provision of gas and electric utility services shall be submitted to the voters of the City of Golden for their determination at a special municipal election to be held on November 4, 2008.

Section 2. At said election the ballot question, including absentee ballots, shall state the substance of the question to be voted on and so stated shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL THE CITY OF GOLDEN ENTER INTO A NON-EXCLUSIVE FRANCHISE AGREEMENT WITH THE PUBLIC SERVICE COMPANY OF COLORADO, D/B/A XCEL ENERGY, TO PERMIT THE USE OF CITY RIGHTS-OF-WAY TO PROVIDE ELECTRIC AND GAS UTILITIES, WHICH AGREEMENT SHALL BE FOR 20 YEARS AND SHALL PROVIDE FOR A FRANCHISE FEE OF 3% OF PUBLIC SERVICE COMPANY'S GROSS REVENUES FROM THE SALE OF GAS AND ELECTRIC UTILITIES WITHIN THE CITY?

YES _____

NO _____

Section 3. If the majority of qualified electors voting at said election approve the question, the measure shall be deemed passed and effective as of the certification of the election and City Council is authorized to enter into a franchise agreement to govern the terms of the franchise.

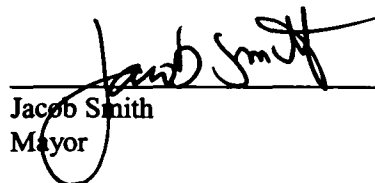
Section 4. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the election of November 4, 2008, shall be conducted as a coordinated election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable there under to effectuate the election as a coordinated, mail ballot election.

Section 5. The Council appoints Susan Brooks, City Clerk, as the designated election official (the "Election Official") for purposes of the election. The Election Official shall have all of the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Jefferson County Clerk and the City with respect to the election as provided in the Intergovernmental Agreement.

Section 6. The City authorizes the City Clerk, to enter into and carry out the terms of an Intergovernmental Agreement (the "Intergovernmental Agreement") with the Jefferson County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the City and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the City and the other participating political subdivisions.

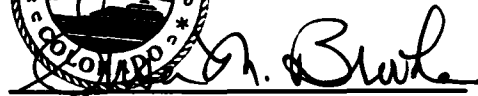
Section 7. Public notice of the election on the question hereby submitted shall be given in compliance with applicable law.

Adopted this 14th day of August, 2008.




Jacob Smith
Mayor





Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:



David S. Williamson
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular business meeting thereof held on the 14th day of August, A.D., 2008.



ATTEST:

A handwritten signature in cursive script, reading "Susan M. Brooks", written over a horizontal line.

Susan M. Brooks, City Clerk of the City of
Golden, Colorado