



Roll Call Number

13-1800

Agenda Item Number

24

Date November 18, 2013

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON ORDINANCE
AMENDING THE ELECTRIC ENERGY AND GAS FRANCHISES GRANTED TO
MIDAMERICAN ENERGY COMPANY RELATING TO TEXTUAL
CLARIFICATIONS OF THE FRANCHISE FEE**

WHEREAS, pursuant to Ordinance No. 14,341, the City of Des Moines granted unto MidAmerican Energy Company an extended and amended franchise for the production, distribution, transmission and sale of electric energy and pursuant to Ordinance No. 14,342 the City of Des Moines granted unto MidAmerican Energy Company an extended and amended franchise for the production, distribution, transmission and sale of gas; and

WHEREAS, the City Council has determined that it would be in the best interests of the City of Des Moines and its residents to amend said franchises to make textual clarifications to the franchise fee which do not increase the rate of the franchise fee; and

WHEREAS, pursuant to Section 364.2(4)(a) of the Iowa Code, the City is required to hold a public hearing upon the proposed amendment to the electric energy franchise and the gas franchise pursuant to public notice thereof and advise of the right to petition for an election.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That a meeting of the City Council will be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 5:00 p.m., on December 9, 2013 at which time a public hearing will be held on the proposed ordinance amending the electric energy franchise and the gas franchise granted to MidAmerican Energy Company relating to textual clarifications to the franchise fee which do not increase the rate of the franchise fee and the City Council will hear both those who oppose and those who favor the proposal to enact the amendment of the electric energy franchise and the gas franchise.
2. That notice of said proposal be given by publication once, not less than four (4) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 of the Iowa Code.

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- 3. The notice referred to shall be in substantially the form hereto attached, and the City Clerk is hereby authorized and directed to publish such notice as provided above.

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

\\CDMFS1\D-VOLUME\APPDATA\LEGAL\LMM-RDL\Renae1\LARRY\RRC\Franchise Fee Amendment - Textual Clarifications.docx

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 6 | | | |

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

T. M. Franklin Cownie Mayor

Diane Rauh City Clerk