

ORDINANCE

No. 456

AN ORDINANCE REPEALING
ARTICLE 8 OF SECTION 2 of
LAS ANIMAS CITY CODE AND
RE-ENACTING THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO, that Article 3 of Section 2 of the Las Animas City Code is hereby repealed and re-enacted as follows:

ARTICLE III. Las Animas Municipal Light & Power Company

Sec. 2-17. Power Board Created.

There is hereby created a nonpolitical Power Board of five members, to have complete charge and control of the Las Animas Municipal Light & Power Company, and such other electric public utilities as may be acquired by the City.

Section 2-18. Election of members; term of office.

There shall be four elected members of the Power Board who shall serve four-year terms. At the regular City election held in 1979 successors shall be elected to succeed in office those incumbent members whose terms expire in 1979 and 1981. At the regular City election held in 1981 successors shall be elected to succeed in office those incumbent members whose terms expire in 1983 and 1985. All such elections shall be called, conducted, and the results ascertained and declared in the same manner as prescribed by law for the holding of municipal elections in cities of the second class. An elector of the City qualified to vote at the general municipal election shall be qualified to vote for or against candidates to be elected to the Board; provided, that such elector has been registered in accordance with law for the general municipal election.

Sec. 2-19. Mayor to be member.

The Mayor of the City shall be a member of the Power Board during his term of office.

Sec. 2-20. Compensation of members; filling vacancies in office.

The members of the Power Board shall serve without compensation. Each member shall serve until his successor is duly elected and qualified. Any vacancy occurring in the membership of the Power Board shall be filled in the following manner:

(a) In case the vacancy occurs in the office of one of the members elected to office by the qualified electors of the City, then a majority of the City Council shall appoint a successor from the duly qualified electors of the City to fill the vacancy and to serve for the balance of the term.

(b) In case of a vacancy in the office of Mayor, such vacancy shall be filled in the manner provided by the statutes of the state, and the Mayor selected to fill the vacancy shall thereupon become a member of the Power Board.

Sec. 2-21. Meetings; chairman and secretary; quorum.

The Power Board shall hold one regular meeting each month and such other meetings as may be determined by the Power Board, at such times and places as it may by Resolution provide. The

Mayor shall act as chairman of the Power Board, with the privilege of voting on all questions that may come before the Power Board. The Power Board shall elect from its membership a secretary. The majority of the Power Board shall constitute a quorum and all actions by the Power Board shall be taken by a majority thereof. Provided, that all decisions on matters authorizing the expenditure of money shall be by a majority of the members of the Board. All meetings shall be open and public. The Mayor, as chairman, or any three members, shall have the power to call special meetings upon twenty-four hours' written notice served upon each member either in person or by leaving a copy of such notice at his residence.

Sec. 2-22. Powers of Power Board.

The Power Board shall have the following powers:

(a) To employ a competent operating manager for the municipal electric light and power utility, who may or may not be a resident of the City, and to fix the compensation of such manager, to be paid from the revenues derived from the utility; provided, that the compensation to be paid such manager shall at all times be reasonable, shall be compatible with the revenues earned by the utility and not in excess of the customary salaries paid to managers by municipally owned utilities having a similar status as to population, revenues, etc., to the City. (Such manager may be discharged at any time by the affirmative action of a majority of the Power Board.)

(b) To fix the rates, subject to the approval of the Public Utilities Commission, charged for services rendered by any electric public utility operated by the City. All such rates shall be uniform as far as practicable and as low as good service will permit, after making adequate provision for depreciation of the utility and after making similar provision for the payment of the principal of and interest on any bonds which are payable, in whole or in part, from the revenues of such utility, in accordance with the Ordinance authorizing the issuances of such bonds.

(c) To provide for all reasonable capital improvements to any such electric public utility, the costs of all such capital improvements to be paid from the revenues derived from the operation of the utility. No capital improvements to any such utility shall be made except in accordance with the terms of the Ordinance, if any, authorizing the issuance of bonds payable, wholly or in part, from the revenues derived from the operation of such utility; and provided further, that no contract for any such capital improvements shall be made by the Power Board unless the terms thereof are first approved by the City Council; and provided that any such capital improvements that involve an expenditure of \$100,000 or greater shall be approved by City Council by Ordinance.

(d) To purchase and lease all supplies and equipment necessary or proper for the efficient and economical operation of the public utility owned and operated by the City; provided, that no purchase or lease shall be made by the Power Board unless the terms thereof are first approved by the City Council; and provided further, that any such purchase or lease involving an expenditure of One Hundred Thousand Dollars (\$100,000) or greater shall be approved by City Council by Ordinance.

(e) To sell and dispose of all equipment and supplies not used or fully usable in connection with the operation of such public utility; provided, that no such sale or disposal involving a consideration of more than One Thousand Dollars (\$1,000) shall be made, unless the terms thereof have first been approved by Ordinance adopted by the City Council; and provided further, that such sale or disposal shall be made only in accordance with the terms and provisions of any Ordinance authorizing the issuance of bonds payable, in whole or in part, from the revenues of such utility; and provided further, that the Power Board shall have no power to mortgage, pledge or otherwise encumber such utility, or any part thereof, or the revenues derived from its operation.

Sec. 2-23. City Attorney to be legal advisor; City Treasurer to be custodian of funds; financial statements and accounts.

The City Attorney shall be the legal advisor of the Power Board and shall render all legal services required by the Board without additional compensation, unless such additional compensation be first authorized by City Council. The City Treasurer of the City shall act as the legal custodian for any funds under the control of the Power Board. The Power Board shall render a monthly statement, certified by the Treasurer of the City as being correct, to the City Council, which statement shall cover with reasonable detail the financial operations of the Power Board. The accounts of the Power Board shall annually be audited by a certified public accountant satisfactory to the City Council.

All checks over \$50.00 drawn on bank accounts of the Las Animas Light and Power Company shall be signed by the Manager of the Power Company and a member of the Power Board. In case of absence or inability of the said Manager to sign checks, the Power Board shall designate an alternate to sign checks and said designation shall be in writing.

PASSED on first reading this 15th day of May, 1979.

ADOPTED AND APPROVED on second reading this 19th day of June, 1979.

Gerald R. Garcia
GERALD R. GARCIA, Mayor

ATTEST:

Tayoko Namura
TAYOKO NAMURA, City Clerk-DEPUTY

