

ORDINANCE NO. 490

AN ORDINANCE CONCERNING THE ARKANSAS RIVER POWER AUTHORITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO ORGANIC CONTRACT CREATING AND ESTABLISHING THE ARKANSAS RIVER POWER AUTHORITY AS A SEPARATE GOVERNMENTAL ENTITY; AND RATIFYING PRIOR ACTION.

WHEREAS, the City Council of the City of Las Animas, Colorado (the "City"), has received, and there are now on file in the office of the City Clerk, copies of a proposed First Amendment to Organic Contract Creating and Establishing the Arkansas River Power Authority as a Separate Governmental Entity (the "First Amendment"), for consideration, execution and delivery; and

WHEREAS, the First Amendment is a proposed agreement among the Cities of La Junta, Lamar, Trinidad and Walsenburg, Colorado, the City of Raton, New Mexico, and the City (the "Municipalities"), the Town of Springfield, Colorado ("Springfield") and the Arkansas River Power Authority (the "Authority"); and

WHEREAS, the First Amendment provides for the addition of Springfield as a full, contracting municipality in the Authority and for the establishment of a more definite and convenient method of allowing additional municipalities to contract with and be included in the Authority in the future and ratifies prior actions; and

WHEREAS, the City, after extensive study of the matter, deems it in the best interests of the City to enter into the First Amendment, pursuant to Section 29-1-204, C.R.S. 1973, as amended, to assist in supplying the electric energy requirements of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO:

Section 1. Contingent only upon similar authorizing action being taken by each of the other Municipalities, Springfield and the Authority, the City shall contract with the other Municipalities, Springfield and the Authority as set forth in the First Amendment.

Section 2. The Mayor and the City Clerk be, and they hereby are, directed to execute and deliver the First Amendment on behalf of the City.

Section 3. All action heretofore taken by the City and its officers in authorizing, executing and delivering the original Organic Contract Creating and Establishing the Arkansas River Power Authority as a Separate Governmental Entity, and all action taken pursuant thereto, be and the same hereby is, ratified, approved and confirmed.

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Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.

Section 5. All ordinances, resolutions, bylaws and regulations of the City in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, or part of any thereof, heretofore repealed.

This Ordinance shall be in full force and effect thirty (30) days after publication following final passage and adoption.

INTRODUCED, READ IN FULL, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 5th DAY OF October, 1982.

151 Alfred C. Tramm
Mayor
CITY OF LAS ANIMAS, COLORADO

(SEAL)

ATTEST:

151 Lila M. Maupin
City Clerk

Passed on 2nd Reading

Nov. 2, 1982.