

AN ORDINANCE CONCERNING THE ARKANSAS RIVER POWER AUTHORITY; AUTHORIZING THE EXECUTION AND DELIVERY OF THE AGREEMENT FOR THE SUPPLY OF ELECTRIC POWER AND ENERGY TO MUNICIPAL MEMBERS OF THE ARKANSAS RIVER POWER AUTHORITY; 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 Agreement for the Supply of Electric Power and Energy to Municipal Members of the Arkansas River Power Authority (the "Agreement"), for consideration, execution and delivery; and

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

WHEREAS, the Authority is a separate governmental entity and a political subdivision in the State of Colorado, created by the Municipalities under the provisions of Colorado enabling legislation, Section 29-1-204, Colorado Revised Statutes 1973, as amended, and pursuant to an Organic Contract, as amended, previously entered into between the Authority and Municipalities; and

WHEREAS, the Authority has been created by the Municipalities for the purpose of providing the Municipalities' wholesale power and energy requirements; and

WHEREAS, pursuant to the Organic Contract, each Municipality, including the City, has its interests represented through its voting members on the Board of Directors of the Authority; and

WHEREAS, among the duties vested in the Authority by the Municipalities pursuant to the Organic Contract are the responsibilities (a) to provide comprehensive planning for obtaining the wholesale power and energy requirements of the Municipalities, (b) to purchase electric power and energy for the benefit of the Municipalities from any supplier, (c) to acquire, construct, operate and maintain generating plants and transmission systems, or interests therein, and (d) to provide such other services or functions as the Authority and the Municipalities determine to be appropriate and necessary; and

WHEREAS, acquisition and provision of the Municipalities' wholesale power and energy requirements on an efficient basis necessitates long-term planning; and

WHEREAS, the Authority could not assume the obligation to plan for, acquire, deliver and sell to the Municipalities their wholesale power and energy requirements without a long-term commitment by the Municipalities; and

WHEREAS, the Agreement sets forth appropriate arrangements pursuant to which the Authority will plan for, acquire, deliver and sell to those Municipalities that execute and deliver the Agreement their wholesale power and energy requirements and said Municipalities will purchase their wholesale power and energy requirements from the Authority; and

WHEREAS, the City, after extensive study of the matter, deems it in the best interests of the City to enter into the Agreement, in order to provide for the City's power and energy requirements.

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 four of the seven other Municipalities and by the Authority, the City shall contract with the other Municipalities and the Authority as set forth in the Agreement.

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

Section 3. All action heretofore taken by the City and its officers, notwithstanding the provisions of this Ordinance, with reference to this Agreement be, and the same hereby is, ratified, approved and confirmed.

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.

Section 6. This Ordinance shall become effective thirty (30) days after publication following final passage and adoption.

INTRODUCED, READ IN FULL, PASSED ON FIRST READING AND ORDERED  
PUBLISHED IN FULL THIS 4<sup>TH</sup> DAY OF OCTOBER, 1983, AND  
SCHEDULED FOR ~~PUBLIC HEARING AND~~ SECOND READING ON THE 1<sup>ST</sup> DAY  
OF NOVEMBER, 1983.

Alfred Buttram  
Mayor,  
CITY OF LAS ANIMAS, COLORADO

[SEAL]

ATTEST:

Lila M. Maypin  
City Clerk

C-LINE #62083  
CLEAR TOPPER



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