

HAILEY ORDINANCE NO. 1261

AN ORDINANCE OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO, IN ACCORDANCE WITH IDAHO CODE §§ 50-328, 50-329 AND 50-329A, AMENDING HAILEY ORDINANCE NO. 1058, WHICH GRANTS A FRANCHISE TO IDAHO POWER COMPANY, AN IDAHO CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO PROVIDE FOR A TEN-MONTH EXTENSION TO THE ELECTRIC UTILITY FRANCHISE IN THE CITY OF HAILEY, IDAHO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hailey City Council granted through Ordinance No. 1057 an electric utility franchise for Idaho Power Company to operate within the City of Hailey, which will expire on June 30, 2020; and

WHEREAS, the Hailey City Council finds that it is in the best interests of the citizens of Hailey to identify new elements for the electric utility franchise; and

WHEREAS, more time is needed for that effort than exists within the remaining time under the current franchise ordinance; and

WHEREAS, the Hailey City Council finds that it is in the best interests of the citizens of Hailey to amend Ordinance No. 1057 to extend the term of the ordinance by ten (10) months.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO:

Section 1. Hailey Ordinance No. 1057 is amended by the addition of the underlined language within **Section 1** as follows:

1. SECTION 1. The City of Hailey, Idaho (hereinafter called the "City") hereby grants to IDAHO POWER COMPANY, an Idaho corporation, and to its successors and assigns (hereinafter called the "Grantee") the nonexclusive right (subject to the rights of the City set forth in Section 15 hereof), privilege and franchise for a period of ten (10) years and ten (10) months from and after July 1, 2010, however, with the right to amend by mutual agreement in accordance with Section 16, to construct, maintain and operate in and upon the present and future streets, alleys, highways and other public places within the corporate limits of the City, electric utility property and facilities for supplying electricity to the City, and the inhabitants thereof, and to persons and corporations beyond the limits of the City, including the nonexclusive right to physically locate and maintain telephone, cable, fiber optics or other communications facilities of the Grantee or other parties, (provided, that Grantee shall comply with the City's requirements for cable system franchises) all subject to the terms and conditions hereinafter specified. In the case of annexation of property to the corporate limit, such area will be considered under this agreement, upon effective date of the annexation, subject to Section 10 hereof. All such electric utility property and facilities now maintained by the Grantee within the streets, alleys, highways

and other public places within the corporate limits of the City shall be deemed covered by this ordinance as provided herein.

Section 2. Hailey Ordinance No. 1057 is amended by the addition of the underlined language and the deletion of the stricken language within **Section 24** as follows

SECTION 24. This Ordinance shall be in full force and effect on July 1, ~~2020~~¹⁰, and after its passage, approval and publication according to law.

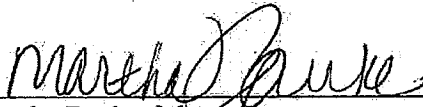
Section 3. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

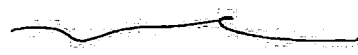
Section 5. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Council of the City of Hailey this 22th day of June, 2020.

ATTEST



Martha Burke, Mayor
City of Hailey



Mary Cone, City Clerk

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ACCEPTANCE

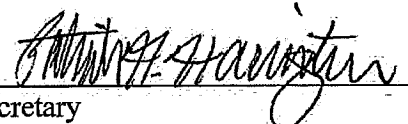
IDAHO POWER COMPANY, as the franchisee, accepts the franchise set forth in the above Ordinance and agrees to abide by the terms and conditions thereof.

DATED this 4 day of August, 2020.

IDAHO POWER COMPANY

ATTEST

By 
Adam Richins
Senior Vice President - Operations


Secretary

(Seal)

