

ORDINANCE NO. 268

AN ORDINANCE OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SECTION 9 OF ORDINANCE 226 ADDRESSING AVISTA CORPORATION FRANCHISE FEES; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and City Council of the City of Clark Fork, Bonner County, Idaho ("City") as follows:

Section 1: That Section 9 of Ordinance 226, Fees, approved March 21, 2001, shall be, and the same amended to read as follows:

9.0 FRANCHISE FEES

~~In consideration of the rights and privileges granted herein, the Grantee shall pay to the Grantor the sum of one hundred dollars (\$100.00) per month to be paid on or before the 15th of each month during the term of this franchise. As compensation for the franchise granted by this Ordinance, Grantee shall pay to Grantor an amount equal to one percent (1%) of the annual gross revenue collected by Grantee from its customers for electricity consumed within the City to be paid quarterly. Gross revenue will be computed by deducting from the total electric billings of Grantee the total net write-off of uncollectible accounts. Grantor has the right to increase its franchise fee up to three percent (3%) by obtaining Grantee's approval or the approval of a majority of the Grantor voting on the question at an election held in accordance with Chapter 4, Title 50, Idaho Code. Any such vote to increase the franchise fee hereunder shall provide that the increased franchise fee will apply to any electric service provider (other than the City), who utilizes the Grantor's right-of-way to provide electric service within the City, during the term of this franchise. If Grantee fails to pay the franchise fee to the Grantor within thirty (30) days of the end of each calendar quarter, Grantee shall pay a penalty in the amount of five percent (5%) of the amount due.~~

Section 2: Severability. The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 3: Repeal of Conflicting Provisions. All provisions of the ordinances of the City of Clark Fork which conflict with the

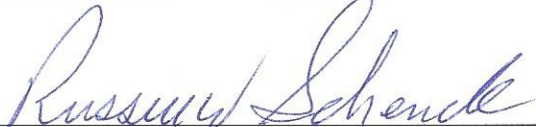
provisions of this ordinance are hereby repealed to the extent of such conflict. This Ordinance expressly repeals Resolution 1-2001 passed May 14, 2001.

Section 4: Effective Date. The Ordinance shall be effective upon approval by the Idaho Public Utilities Commission, and passage and publication as provided by law.

PASSED by the City Council as an Ordinance of the City of Clark Fork upon roll call vote on the 20th day of March, 2017.

CITY COUNCIL MEMBERS:

	YES	NO	ABSENT	ABSTAIN
Shari Jones	<u>√</u>	—	—	—
Blaine Williams	—	—	<u>√</u>	—
Harold Hilton	<u>√</u>	—	—	—
Stanley Spanski	<u>√</u>	—	—	—



Russell W. Schenck, Mayor

Attest:



Amber Burgess, City Clerk

