

ORDINANCE NO. 15,902

AN ORDINANCE amending the franchise heretofore granted to MidAmerican Energy Company for the production, distribution, transmission and sale of electric energy and amending the franchise heretofore granted to MidAmerican Energy Company for the production, distribution, transmission and sale of gas to repeal the temporary increase to the franchise fee used solely toward payment of the *Kragnes v. City of Des Moines* judgment.

W I T N E S S E T H:

WHEREAS, pursuant to Ordinance No. 14,341, the City of Des Moines granted unto MidAmerican Energy Company an extended and amended franchise for the production, distribution, transmission and sale of electric energy and pursuant to Ordinance No. 14,342 the City of Des Moines granted unto MidAmerican Energy Company an extended and amended franchise for the production, distribution, transmission and sale of gas; and

WHEREAS, Ordinance No. 15,244 passed by the City Council on December 9, 2013 and approved at a special City election held on March 4, 2014 amended said franchises by enacting a new Section 6A to temporarily increase the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment; and

WHEREAS, the City Manager has determined that the judgment bonds issued to pay the *Kragnes v. City of Des Moines* judgment will be paid and redeemed by the temporary increase to the franchise fee and repeal of such temporary increase is appropriate; and

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa:

Section 1. That the electric energy franchise granted to MidAmerican Energy Company by Ordinance No. 14,341 is hereby amended by repealing Section 6A thereof relating to the temporary increase of the franchise fee, as follows:

Section 6A. Repealed by Ordinance No. 15,902.

Section 2. That the gas franchise granted to MidAmerican Company by Ordinance No. 14,342 is hereby amended by repealing Section 6A thereof relating to the temporary increase of the franchise fee, as follows:

Section 6A. Repealed by Ordinance No. 15,902.

Section 3. All other terms and conditions of the electrical energy franchise contained in Ordinance No. 14,341, as amended, and of the gas franchise contained in Ordinance No. 14,342, as amended, not otherwise amended herein shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect on August 10, 2020. In the event a valid petition requesting submission of the ordinance to the voters is accepted for timely

filing with the City of Des Moines, this ordinance shall be in full force and effect only after approval at an election by an affirmative majority vote as certified by the county election commissioner all as provided by law.

FORM APPROVED

Lawrence R. McDowell, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 20-0955), passed by the City Council of said City at a meeting held on June 8, 2020 signed by the Mayor on June 8, 2020 and published and provided by law in the Business Record on June 26, 2020. Authorized by Publication Order No. 11149

P. Kay Cmelik