



Roll Call Number

13 - 1930

Agenda Item Number

44D

Date December 9, 2013

**RESOLUTION CALLING SPECIAL ELECTION TO CONSIDER ORDINANCE
AMENDING THE ELECTRIC ENERGY AND GAS FRANCHISES GRANTED TO
MIDAMERICAN ENERGY COMPANY RELATING TO A TEMPORARY INCREASE
TO THE FRANCHISE FEE TO BE USED SOLELY TOWARD PAYMENT OF THE
KRAGNES V. CITY OF DES MOINES JUDGMENT**

WHEREAS, by separate action of this date, the City Council passed Ordinance No. 15,244 constituting 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 temporarily increase the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment; and

WHEREAS, Iowa Code Section 364.2(4)(f) requires that such ordinance providing for the temporary increase to the franchise fee greater than five percent (5%) shall not become effective unless approved at an election by a majority vote; and

WHEREAS, in accordance with Iowa Code Section 364.2(4)(f) the City Council must submit the ordinance proposal at a special election held on a date specified in Iowa Code Section 39.2(4)(b) which provides that the next available date for a special election on a public measure is Tuesday, March 4, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that a special election is hereby called on the public measure to consider approval of Ordinance No. 15,244, 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 temporarily increase the franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment, to be held on March 4, 2014.

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BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to promptly certify this Roll Call and give formal notification of the adoption of this resolution to the Polk County Commissioner of Elections for holding the special election in accordance with the terms and provisions of Iowa Code Section 364.2(4)(f).

APPROVED AS TO FORM:

Moved by Coleman to adopt.

[Signature]

Lawrence R. McDowell
Deputy City Attorney

\\CDMFS1\D-VOLUME\APPDATA\LEGAL\LMM-RDL\Renae\LARRY\RC\Franchise Fee - Special Election.docx

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| VOSS | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

[Signature]
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

[Signature]

City Clerk