

**ORDINANCE 15064**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY AMENDING PROVISIONS OF ORDINANCE 14806 AND THE TABLE OF SPECIAL ORDINANCES, TABLE I: FRANCHISES, WITH INTERSTATE POWER & LIGHT COMPANY FOR A GAS UTILITY FRANCHISE**

**WHEREAS**, the City Council of Marshalltown, Iowa adopted Ordinance 14806 establishing a franchise agreement with Interstate Power & Light Company for a Gas Utility Franchise on April 9, 2007; and

**WHEREAS**, the City Council of Marshalltown, Iowa finds it in the City's best interest to amend the Gas Utility Franchise from 0% to 5% for the uses outlined in the adopted Revenue Purpose Statement.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:**

**Section 1. PURPOSE.** The City Council has determined that it is appropriate now to amend a provision of the MARSHALLTOWN gas franchise, Ordinance 14806, relating to franchise fees. The franchisee, Interstate Power and Light Company, has indicated its consent to the change in the ordinance as set forth herein. It is the intent of the City Council that all provisions set forth in the MARSHALLTOWN gas franchise, Ordinance 14806, shall remain in full force and effect except as modified specifically herein relating to franchise fees.

**Section 2. REPEAL AND MODIFICATION.** Sections 7, 8, 9, 10, 11, 12, and 13 of the MARSHALLTOWN natural gas franchise, Ordinance 14806, is repealed and the following adopted in lieu thereof:

Section 7. There is hereby imposed a franchise fee of five percent (5%) upon the gross revenue generated from sales of natural gas by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

**Section 3. CONFLICT AND REPEAL.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 4. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 5. PUBLIC HEARING.** The public hearing required on this ordinance shall be held in the Council Chambers of City Hall, 24 N. Center Street, Marshalltown, Iowa at 5:30 p.m. local time, on the 12<sup>th</sup> day of June 2023 and the City Clerk was directed to cause a publication of the notice of public hearing in one issue of the Marshalltown Times Republican, a newspaper in Marshalltown, Marshall County, Iowa, not less than 4 days nor more than 20 days prior to the date of public hearing fixed herein.

**Section 6. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage and approval, written acceptance by the Company, and publication as required by law. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

Passed this 10<sup>th</sup> day of July 2023, and signed this 11<sup>th</sup> day of July 2023.

## ORDINANCE 15065

### AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY AMENDING PROVISIONS OF ORDINANCE 14807 AND THE TABLE OF SPECIAL ORDINANCES, TABLE I: FRANCHISES, WITH INTERSTATE POWER & LIGHT COMPANY FOR AN ELECTRIC UTILITY FRANCHISE

**WHEREAS**, the City Council of Marshalltown, Iowa adopted Ordinance 14807 establishing a franchise agreement with Interstate Power & Light Company for an Electric Utility Franchise on April 9, 2007; and

**WHEREAS**, the City Council of Marshalltown, Iowa finds it in the City's best interest to amend the Electric Utility Franchise from 0% to 5% for the uses outlined in the adopted Revenue Purpose Statement.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:**

**Section 1. PURPOSE.** The City Council has determined that it is appropriate now to amend a provision of the MARSHALLTOWN electric franchise, Ordinance 14807, relating to franchise fees. The franchisee, Interstate Power and Light Company, has indicated its consent to the change in the ordinance as set forth herein. It is the intent of the City Council that all provisions set forth in the MARSHALLTOWN electric franchise, Ordinance 14807, shall remain in full force and effect except as modified specifically herein relating to franchise fees.

**Section 2. REPEAL AND MODIFICATION.** Sections 9, 10, 11, 12, 13, 14 and 15 of the MARSHALLTOWN electric franchise, Ordinance 14807, is repealed and the following adopted in lieu thereof:

Section 9. There is hereby imposed a franchise fee of five percent (5%) upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

**Section 3. CONFLICT AND REPEAL.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 4. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 5. PUBLIC HEARING.** The public hearing required on this ordinance shall be held in the Council Chambers of City Hall, 24 N. Center Street, Marshalltown, Iowa at 5:30 p.m. local time, on the 12<sup>th</sup> day of June 2023 and the City Clerk was directed to cause a publication of the notice of public hearing in one issue of the Marshalltown Times Republican, a newspaper in Marshalltown, Marshall County, Iowa, not less than 4 days nor more than 20 days prior to the date of public hearing fixed herein.

**Section 6. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage and approval, written acceptance by the Company, and publication as required by law. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

Passed this 10<sup>th</sup> day of July 2023, and signed this 11<sup>th</sup> day of July 2023.