

DISTRIBUTION OF ELECTRICAL SYSTEM FRANCHISE FEE REVENUE

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.48 OF THE SPARKS MUNICIPAL CODE, “ELECTRICAL SYSTEM FRANCHISE AGREEMENT,” TO ALLOW THE CITY COUNCIL TO DISTRIBUTE A PORTION OF ELECTRICAL SYSTEM FRANCHISE FEES BETWEEN A FUND FOR STREET MAINTENANCE AND A FUND FOR PARK MAINTENANCE IN SUCH PROPORTIONS AS THE CITY COUNCIL DIRECTS FROM TIME TO TIME; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 12.48.010, “Electrical system franchise agreement,” is hereby amended as follows:

Section 12.48.010 - Electrical system franchise agreement.

The City of Sparks and the Sierra Pacific Power Company have entered into an Electrical System Franchise Agreement, to be effective on April 26, 2006. A copy of said Agreement is available from the Office of the City Clerk, City of Sparks, Nevada. ~~Two-thirds of t~~The fees collected in excess of 2% of the Franchisee's gross revenues as defined in the Agreement shall be distributed between a fund designated for street maintenance and/or improvements (including, but not limited to, sidewalks, curb and gutter systems) and utility relocations and a fund. ~~One-third of the fees collected in excess of 2% of Franchisee's gross revenues as defined in the Agreement shall be designated for park maintenance and/or improvements in such proportions as the City Council may direct from time to time.~~ A copy of said Agreement is available from the Office of the City Clerk, City of Sparks, Nevada.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 4. This ordinance shall become effective upon passage, approval and publication, and applies retroactively to July 1, 2017.

SECTION 5. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 6. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

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SECTION 7. The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20____, by:

GENO MARTINI, Mayor

ATTEST:

**APPROVED AS TO FORM AND
LEGALITY:**

TERESA GARDNER, City Clerk

CHESTER H. ADAMS, City Attorney