ORDINANCE NO. 6628

AN ORDINANCE AMENDING ORDINANCE NO. 5880 WHICH GRANTED MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE AND PRIVILEGE THROUGH FEBRUARY 2, 2028, TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF COUNCIL BLUFFS, IOWA, AN ELECTRIC SYSTEM AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND AUTHORIZING THE COLLECTION OF A FRANCHISE FEE AND ALSO AMENDING ORDINANCE NO. 6149 WHICH ESTABLISHED AN ANNUAL CAP TO THE AMOUNT OF FRANCHISE FEE THAT COULD BE COLLECTED FROM A QUALIFYING CUSTOMER.

BE IT ENACTED by The City Council of the City of Council Bluffs, Iowa:

WHEREAS, With the passage of Ordinance No. 5880 in 2006 the City Council implemented a two percent (2.00%) franchise fee to be collected by MidAmerican Energy company from its customers; and

WHEREAS, With the passage of Ordinance No. 6149 in 2012 a cap was established on the franchise fee for high volume users (HVU); and

WHEREAS, With the increased demands for electricity it is no longer deemed in the best interest of the city to continue to allow a cap for HVU's who have not as of the passage of this ordinance already qualified as an HVU as defined in Ordinance No. 6149.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Section 7 of Ordinance No. 5880 which had previously been amended by Ordinance No. 6149 is hereby further amended by adding thereto the following provision:

ELIMINATION OF ANNUAL CAPS

The caps established herein shall with the passage of this ordinance be eliminated, except for those that have qualified as a High Volume User (HVU) after the adoption of Ordinance No. 6149, February 27, 2012 and prior to the effective date of this Ordinance, which is on _____ ____, 2025.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication, as by law provided.

PASSED
AND February 24, 2025.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 2-10-25
Second Consideration: 2-24-25
Public Hearing: N/A
Third Consideration: _____