

**RESOLUTION SETTING BALLOT LANGUAGE FOR A SPECIAL ELECTION  
TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2012  
COORDINATED ELECTION**

**NO. 2012-63**

WHEREAS, the City Council of the City of Commerce City has passed Resolution 2012-44, which called a special election and declared the City of Commerce City's (the "City's") intent to take part in the November 6, 2012, coordinated election;

WHEREAS, on August 6, 2012, the City Council adopted Ordinance 1919 approving a new Franchise Agreement between the City and Public Service Company of Colorado ("PSCo");

WHEREAS, per agreement between the City and PSCo, the question of whether to grant a franchise to PSCo, as described below, shall be placed on the November 6, 2012, ballot for a vote of the registered taxpaying electors of the City; and

WHEREAS, the City Council hereby determines that it is necessary to submit the grant of franchise to the registered taxpaying electors of the City and to set the ballot language accordingly.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The City Council hereby directs and authorizes the City's designated election official to certify to the Clerk and Recorder of Adams County, Colorado, the following ballot question. Such ballot question shall be submitted to the registered taxpaying electors of the City of Commerce City at the November 6, 2012, coordinated election in the following form:

SHALL PUBLIC SERVICE COMPANY OF COLORADO  
BE GRANTED A FRANCHISE, PURSUANT TO CHAPTER  
XVIII OF THE HOME RULE CHARTER OF THE CITY OF  
COMMERCE CITY, COLORADO, GIVING PUBLIC  
SERVICE COMPANY OF COLORADO THE NON-  
EXCLUSIVE RIGHT TO MAKE REASONABLE USE CITY  
STREETS AND OTHER CITY PROPERTY WITHIN THE  
CITY OF COMMERCE CITY: TO FURNISH, SELL AND  
DISTRIBUTE GAS AND ELECTRICITY TO ITS  
CUSTOMERS WITHIN THE CITY OF COMMERCE CITY;  
AND TO ACQUIRE, PURCHASE, CONSTRUCT,  
INSTALL, LOCATE, MAINTAIN, OPERATE AND  
EXTEND INTO, WITHIN AND THROUGH THE CITY OF  
COMMERCE CITY ALL FACILITIES REASONABLY  
NECESSARY FOR THE GENERATION, PRODUCTION,  
MANUFACTURE, SALE, PURCHASE, EXCHANGE,  
STORAGE, TRANSPORTATION, TRANSMISSION AND

DISTRIBUTION OF GAS AND ELECTRIC SERVICE  
WITHIN AND THROUGH THE CITY OF COMMERCE  
CITY?

2. If the majority of votes cast on the above Question is “yes,” the franchise to PSCo shall be deemed granted. If the majority of votes cast on the above Question is “no,” the franchise to PSCo shall not be granted.

RESOLVED AND PASSED THIS 20<sup>TH</sup> DAY OF AUGUST, 2012.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, CMC, City Clerk