

## **ORDINANCE 4-2024**

**AN ORDINANCE CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE ELECTRIC FRANCHISE TO KENERGY CORP. FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND DISTRIBUTION OF ELECTRICITY FOR LIGHT, HEATING AND OTHER PURPOSES WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF OWENSBORO FOR A TERM OF TEN (10) YEARS, IMPOSING A FRANCHISE FEE OF THREE PERCENT (3%) OF KENERGY CORP.'S GROSS ANNUAL REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN AND AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH KENERGY CORP.**

**WHEREAS**, Ordinance 1-2024, provides for the creation and sale of a non-exclusive franchise, for a term of ten (10) years, for the privilege of constructing, operating, maintaining and distributing electricity along and under public rights-of-way within the corporate boundaries of the City of Owensboro; and

**WHEREAS**, after publication of said advertisement, the only bid received by the City Clerk was from Kenergy Corp. ("Kenergy").

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:**

**Section 1.** That the non-exclusive electric franchise created by Ordinance 1-2024 be, and it hereby is, awarded to the highest and best bidder, Kenergy, for the privilege of constructing, operating, maintaining and distributing electricity for light, heating and other purposes within the public rights-of-way of the City of Owensboro for a term of ten (10) years.

**Section 2.** Pursuant to Ordinance 1-2024, Kenergy shall pay the City of Owensboro a franchise fee of three percent (3%) of Kenergy's gross annual revenues from the sale, distribution, and delivery of electricity within the City of Owensboro.

**Section 3.** That the Mayor shall be, and hereby is, authorized and directed to execute the Electric Franchise Agreement on terms and conditions established in Ordinance 1-2024, a copy of which agreement is attached hereto and incorporated herein by reference. The effective date of the above Electric Franchise Agreement is February 1, 2024.

**Section 4.** All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this 6<sup>th</sup> day of February, 2024.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 20<sup>th</sup> day of February, 2024.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk