

ORDINANCE

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CANVASS OF ELECTION BY BOARD OF SUPERVISORS

WHEREAS, the City Council of the City of Farmington, in the County of Van Buren, State of Iowa, heretofore did legally order the submission of a special franchise election to be held on the 27th day of September, 1977, and did submit thereat to the voters of said municipal corporation, the following proposition:

“Shall the following non-exclusive franchise Ordinance No. 13 (previously 137) passed by the City Council of the City of Farmington, Iowa, on the 8th day of August, 1977, be adopted?”

Ordinance No. 13a

AN ORDINANCE GRANTING UNTO IOWA ELECTRIC LIGHT AND POWER COMPANY, AN IOWA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE AND RIGHT FOR A PERIOD OF TWENTY FIVE YEARS TO ERECT, CONSTRUCT, RECONSTRUCT, MAINTAIN AND OPERATE A POWER PLANT OR PLANTS FOR THE GENERATION OF ELECTRICITY AND/OR SYSTEMS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY IN THE CITY OF FARMINGTON, IOWA AND TO ENTER UPON AND TO USE AND OCCUPY THE STREETS, AVENUES, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES OF SAID CITY FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, MAINTAINING AND OPERATING THEREON, THEREIN, THEREUNDER AND THEREOVER SAID SYSTEMS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, CONSISTING OF POLES, POSTS, WIRES, CABLES, CONDUITS AND OTHER EQUIPMENT, APPURTENANCES AND CONSTRUCTION NECESSARY OR INCIDENT TO SAID SYSTEMS AND INCLUDING HIGH POTENTIAL ELECTRIC ENERGY TO SAID CITY FOR ALL PURPOSES, AND PRESCRIBING THE TERMS AND CONDITIONS OF THE GRANT AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH:

AND, WHEREAS, there was also submitted to the voters of said municipal corporation, the following proposition:

“Shall the following non-exclusive franchise Ordinance No. 13 passed by the City Council of the City of Farmington, Iowa, on the 8th day of August, 1977, be adopted?”

Ordinance No. 13b

AN ORDINANCE GRANTING UNTO IOWA ELECTRIC LIGHT AND POWER COMPANY, AN IOWA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE AND RIGHT FOR A PERIOD OF TWENTY FIVE YEARS TO ERECT, CONSTRUCT, RECONSTRUCT, MAINTAIN AND OPERATE A NATURAL GAS PLANT OR PLANTS, AND/OR DISTRIBUTING SYSTEMS FOR THE DISTRIBUTION OF NATURAL GAS, IN THE CITY OF FARMINGTON, IOWA, AND TO ENTER UPON AND TO USE AND OCCUPY THE STREETS, AVENUES, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES OF SAID CITY FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, MAINTAINING AND OPERATING THEREIN, THERON AND THEREUNDER SAID SYSTEMS FOR THE DISTRIBUTION OF NATURAL GAS OR ANY AND ALL OTHER TYPES AND KINDS OF GAS, CONSISTING OF MAINS, PIPES, PIPE LINES, DISTRIBUTING LINES, CONDUITS AND OTHER EQUIPMENT, APPURTENANCES AND CONSTRUCTION NECESSARY OR INCIDENT TO SAID DISTRIBUTION SYSTEMS, AND TO SELL, DISTIRBUTE AND SUPPLY NATURAL GAS AND/OR ANY AND ALL OTHER TYPES AND KINDS OF GAS, TO SAID CITY AND THE INHABITANTS THEREOF AND OTHERS WITHIN AND WITHOUT SAID CITY FOR ALL PURPOSES, AND PRESCRIBING THE TERMS AND CONDITIONS OF THE GRANT AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH:

AND, WHEREAS, legal, sufficient and timely notice of the submission of said propositions at said election and of the date and hours of said election, and the number of voting precincts and the address of the respective polling places in each precinct, was duly published; and said election was duly conducted by the Commissioner of Elections or his duly appointed authorized representative.

NOW, THERFORE, it is resolved by the Board of Supervisors of the County of Van Buren, in the State of Iowa, as follows:

SECTION 1 That it is hereby found, determined and declared:

First—That said election was held and conducted in the voting precinct of said municipal corporation at the respective polling place pursuant to due notice, and in strict compliance with law, and that said propositions and the submission to the voters at said election comply strictly with law.

Second—That at said election, on Ordinance No. 13a above set out, as shown by the tally lists, there were 114 ballots, of which 109 votes were cast “Yes” and 4 votes were cast “No”, and 1 ballot was cast blank or defectively marked, the vote by precinct being as follows:

Abstract of Votes

Precinct	Votes "Yes"	Votes "No"	Blank or Defective	Total
No. 1	<u>109</u>	<u>4</u>	<u>1</u>	<u>114</u>
Absentee Ballots	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Counting precinct	<u> </u>	<u> </u>	<u> </u>	<u> </u>

That the total number of persons voting in all precincts at said election on said date, as shown by the election registers and poll tally lists, was 114.

Third- That Ordinance No. 13 was duly carried by a vote of such authorization equal to fifty percent or more of the total vote cast for and against said Ordinance No. 13 at said election, and is in effect.

Fourth- That at said election, on Ordinance No. 13b above set out, as shown by the tally lists, there were cast 114 ballots, of which 109 votes were cast "Yes" and 4 votes were cast "No", and 1 ballot was cast blank or defectively marked, the vote by precinct being as follows:

Abstract of Votes

Precinct	Votes "Yes"	Votes "No"	Blank or Defective	Total
No.1	<u>109</u>	<u>4</u>	<u>1</u>	<u>114</u>
Absentee Ballots	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Counting Precinct	<u> </u>	<u> </u>	<u> </u>	<u> </u>

That the total number of persons in all precincts at said election on said date, as shown by the election registers and poll tally lists, was 114.

Fifth- that Ordinance No. 13 was duly carried by a vote in favor of such authorization equal to fifty percent or more of the total vote cast for and against said Ordinance No.13 at said election, and is in effect.

Sixth- Neither the above propositions nor any proposal incorporating any portion of them was submitted to the electors of such municipal corporation during the period of six clear months prior to the election canvassed hereby.

SECTION 2 That said propositions, and the results of the vote thereon shall be entered at large in the minute book; and the County Auditor, as County Commissioner of Elections, is hereby directed to certify the results of said election to the Mayor and Council of the City of Farmington, in the County of Van Buren, State of Iowa, all in conformity with Chapter 50, and in particular Section 50.24 of the Code of Iowa, 1975.

SECTION 3 That a copy of this Resolution, the Abstract of Votes, and the original tally lists are hereby delivered to the Commissioner of Elections for filing as required by law.

Passed and approved: October 3, 1977

Attest: Jon P. Finney, County Auditor and Commissioner of Elections

William V. Marsh, Chairman Board of Supervisors'

Darrell R. Morris, Supervisor

T.C. Nutt, Supervisor

Reviewed – 1/20/1978

Reviewed – 9/10/2015