ORDINANCE NO. 2026-1

AN ORDINANCE GRANTING TO THE ELKHORN RURAL PUBLIC POWER DISTRICT, A PUBLIC CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT AND FRANCHISE TO ERECT, OPERATE, MAINTAIN, REPAIR, REPLACE, AND REMOVE AN ELECTRIC LIGHT AND POWER DISTRIBUTION SYSTEM IN THE VILLAGE OF CLEARWATER, NEBRASKA; PRESCRIBING THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR AN EXPIRATION DATE COTERMINOUS WITH THE PROFESSIONAL RETAIL OPERATIONS AGREEMENT; LIMITING RATES; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF CLEARWATER, NEBRASKA:

SECTION 1. GRANT OF FRANCHISE. The Village of Clearwater, Nebraska (hereinafter referred to as "Village"), hereby grants unto the Elkhorn Rural Public Power District (hereinafter referred to as "Grantee"), a public corporation and political subdivision of the State of Nebraska, and to its successors and assigns, the non-exclusive right, privilege, and franchise to construct, erect, operate, maintain, repair, replace, and remove poles, wires, cables, transformers, conduits, fixtures, and other necessary equipment and appliances (collectively, the "System") in, upon, over, under, and across the streets, alleys, avenues, bridges, public ways, and public grounds of the Village of Clearwater, as they now exist or may hereafter be laid out or extended, for the purpose of transmitting and distributing electric energy to the Village and its inhabitants, and to other communities and customers connected to the Grantee's system. This grant is subject to the rights of the Village to use said streets and public grounds for its own purposes.

SECTION 2. TERM OF FRANCHISE. This franchise shall continue in full force and effect until 11:59 P.M. on December 31, 2038, at which time it shall expire, unless effectively renewed or extended by the Village Board of Trustees in accordance with the laws of the State of Nebraska then in effect. The expiration date of this franchise is established specifically to coincide with the expiration of the term of the "Professional Retail Operations Agreement" entered into between the Village and Grantee effective January 1, 2014, ensuring that the legislative grant of authority and the contractual operating agreement terminate simultaneously to facilitate unified renegotiation.

SECTION 3. MAINTENANCE. The Grantee is hereby authorized to trim trees upon and overhanging the streets, alleys, and public places of the Village to the extent necessary to keep the branches of such trees free and clear of the Grantee's electric lines and equipment.

SECTION 4. RATES AND CHARGES. The Grantee is authorized to charge and collect reasonable compensation for electric energy furnished to the Village and its inhabitants. The rates, charges, and rules and regulations regarding the service shall be established by the Board of Directors of the Grantee in accordance with Nebraska law; provided, however, that the Grantee shall at no time during the existence of this franchise charge a greater sum for electric energy for light and power purposes within the Village than is charged by the Grantee in other communities of like size and under similar conditions served by the Grantee.

SECTION 5. All ordinances or parts of ordinances in conflict be and the same hereby are repealed.

SECTION 6. This ordinance shall be effective from and after its passage, approval and publication as provided by law.

SECTION 7. This ordinance shall be published in pamphlet form and available for public inspection during normal village office business hours.

PASSED AND APPROVED THIS 9 DAY OF February, 2026.

VILLAGE OF CLEARWATER, NEBRASKA

By: _____
Chairperson Pro Tempore

ATTEST:

_____
Angie Hupp, Village Clerk

CERTIFICATION

I, Angie Hupp, clerk of the Village of Clearwater, Nebraska, hereby certify that the foregoing is a true and complete copy of Ordinance No. 2026-1 of said village, duly passed and approved according to the law on the 9 day of February, 2025. I certify that said ordinance was published in pamphlet form.

_____
Angie Hupp, Village Clerk

(S E A L)