

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, APPROVING THE EXPENDITURE OF COMMUNITY  
ENHANCEMENT FUNDS FROM HOLY CROSS ENERGY**

**Town of Basalt, Colorado  
Resolution No. 03  
Series of 2019**

**RECITALS**

**WHEREAS**, the Town Council of the Town of Basalt, Colorado, approved Ordinance No. 3, Series of 2008 which granted a franchise to Holy Cross Energy. That franchise was renewed by the Town Council by motion on March 13, 2018 for a period beginning April 3, 2018 and ending April 3, 2028. The 10-year extension was authorized in Ordinance No. 03, Series of 2018 ("2018 Franchise Agreement").

**WHEREAS**, Article 11 of the 2018 Franchise Agreement provides that Holy Cross will voluntarily make monetary resources available to the Town for programs designed to make a difference in people's lives and the communities where they live.

**WHEREAS**, Section 11.1 of the 2018 Franchise Agreement limits the use for which such funds shall be spent to: (1) Beautification projects; (2) Energy conservation projects; (3) Equipment and technology upgrades for schools; (4) Scholarship funds; (5) Acquisition of open space and/or park land and development thereof; (6) Sponsorship of special community events; (7) Undergrounding of overhead electric and other utility lines. Funds made available under this Article may be spent for other purposes only with the express written consent of the Company.

**WHEREAS**, Section 11.4 of the 2018 Franchise Agreement provides that the Town Council is required to approve the expenditure by resolution or ordinance duly enacted by the Town Council, and such resolution or ordinance shall clearly describe the nature and purpose of the project for which the expenditure is made and that prior to any expenditure, the Town shall notify the Company of its intended use of the funds. Unless the Company objects, in writing, prior to such expenditure, the Company shall have waived its right to object in the future if the funds are expended for the use identified in the notice.

**WHEREAS**, accordingly, the Town Council adopted Resolution No. 31, 2018, approving the use of \$40,000 of Community Enhancement Funds for events during 2019; however, the intent of Resolution No. 31, 2018 was for use of funds for events during 2018. The Town Council now wishes to clarify that it desires to use Community Enhance funds of \$40,000 for both 2018 and 2019 by adopting this Resolution and repealing Resolution No. 31, 2018.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, that

Section 1. Town Council hereby approves utilizing the Holy Cross Enhancement Funds as set forth in **Exhibit A**. Town Council believes that the expenditure of these funds will make a difference in people's lives and the Basalt community in which they live. Town Council hereby repeals Resolution No. 31, 2018 and ratifies any actions taken in furtherance of such Resolution.

Section 2. The Town Staff will forward this Resolution to Holy Cross in accordance with Section 11.4 of the 2018 Franchise Agreement.

READ AND ADOPTED by a vote of 7 to 0 on February 12, 2019.

TOWN OF BASALT, COLORADO

By:   
Jacquie R Whitsitt, Mayor

ATTEST:

  
Pamela K Schilling, Town Clerk



## Exhibit A

### **Basalt Community Enhancement Projects**

The Town has had and has scheduled a variety of events for all citizens of Basalt to enjoy. This includes Motors on Midland, The Wednesday Music Series, Holiday Lighting events, Aspen Valley Ski Club Sale, and Basalt Sunday Market.

The Basalt Green Team also supported granting \$10,000 for each of three years to support the efforts of the Habitat for Humanity Project to become a net zero energy neighborhood. This involves making the Basalt Vista Affordable Housing Project behind the Basalt High School an all-electric project.

#### **2018 HCE Projects**

**2018 Events:** The Holy Cross Community Enhancement Contribution for this project is \$40,000.

#### **2019 HCE Projects**

**2019 Events –** The Holy Cross Community Enhancement Contribution for this project is \$40,000.

**2019 Habitat for Humanity Project –** the Holy Cross Community Enhancement Contribution toward this project is \$10,000.