

1 Introduced, March 14, 2017, by Councilman
2 Newcomb, seconded by Councilman Abney, (by
3 request of Administration)

4 **Item No. 17-03-3183**

5 **ORDINANCE NO. 3854**

6
7 An ordinance to amend and extend, for a period of thirty-five (35) years from
8 the effective date of this amendment, Ordinance No. 3646 (adopted March 13, 2012),
9 which ordinance granted a franchise to CLECO POWER LLC, its successors, and assigns
10 for the construction, maintenance, and operation of electric utilities, electric generating
11 facilities and/or transmission and distribution systems in, through, and across the City of
12 Slidell ("Municipality"), and for the use of the streets, alleys, and public places of said
13 Municipality, in connection therewith, for the generation, transmission, distribution, and
14 sale of electric energy, and to modify the terms of said franchise granted in Ordinance No.
15 3646 as hereinafter set forth.

16 The Municipality and CLECO Power LLC ("Company") agree that, in
17 consideration of the covenants and agreements contained herein, and to facilitate the
18 Company's provision of electric service to new and additional customers within the
19 Municipality, Ordinance No. 3646 (adopted March 13, 2012) ("Ordinance No. 3646"), shall
20 be modified and amended as follows:
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22 SECTION 1: Section 5 of Ordinance No. 3646 be and the same is hereby
23 amended to read as follows:
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25 "SECTION 5. That this franchise and the rights, authorities, and
26 privileges herein granted, are not exclusive and are granted for a period of thirty-five
27 (35) years from and after the effective date of the 2017 ordinance (Ordinance No.
28 3854) that amends this ordinance (Ordinance No. 3646) to extend the term of this
29 franchise (the "Initial Term"). The term of this franchise shall be extended without
30 any action necessary on behalf of the Municipality for successive one year periods
31 following the expiration of the Initial Term unless cancelled by either Company or
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4 Municipality by a written notice to cancel said written notice to cancel is received by
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6 the other party not later than one year prior to the expiration of the Initial Term or
7
8 any succeeding term"

9 SECTION 2: To Section 6 of Ordinance No. 3646, the following subsection
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11 (c) is hereby added, to read as follows:

12 "(c)" All customers receiving electric service from the Company in the
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14 Municipality shall be served under the Company's applicable rates as approved by
15
16 the Louisiana Public Service Commission."

17 SECTION 3: Ordinance No. 3646 is hereby amended to add Section 10, to
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19 read as follows:

20 "SECTION 10. If any provision, part, word, section, subsection,
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22 sentence, clause, or phrase of this ordinance shall be held invalid by a court of
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24 competent jurisdiction, such decision shall not affect the validity of the remaining
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26 portions of this ordinance, the provisions hereof to be severable; then, in that event,
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28 only that particular provision, part, word, section, subsection, sentence, clause, or
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30 phrase shall be deemed invalid, and the remaining provisions, parts, words,
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32 sections, subsections, sentences, clauses, and phrases will not be affected and
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34 shall continue in full force and effect."

35 SECTION 4: Except as modified or amended hereinabove, the remaining
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37 sections and provisions of the franchise granted to Cleco Power, LLC in Ordinance No.
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4 3646 shall remain in full force and effect and are hereby reenacted as amended during the
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6 entire extended term of the non-exclusive franchise.

7 SECTION 5: This ordinance shall become effective on the date of its formal
8
9 acceptance in writing by the Company.

10 This ordinance introduced in regular session on the 14th day of March, 2017.

11 This ordinance scheduled for public hearing on the 11th day of April, 2017.

12 The foregoing was then read and considered, section by section, and as a
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14 whole, and thereupon, on motion of Councilman Cusimano, seconded by Councilman
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16 Caruso, the ordinance was adopted, section by section and as a whole, by the following
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18 vote:
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22 YEAS: 8

23 NAYS: 0

24 ABSTAIN: 0

25 ABSENT: 1
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6 **ADOPTED** this 11th day of April, 2017.
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9 Jay E. Newcomb
10 President of the Council
11 Councilman, District F
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14 Freddy Drennan
15 Mayor
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18 Thomas P. Reeves
19 Council Administrator
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DELIVERED	4/13/17
9:00am	to the Mayor
RECEIVED	4/18/17
9:00am	from the Mayor

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5 Attest:

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7 _____
8 Thomas P. Reeves, Council Administrator
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11 _____
12 Freddy Drennan, Mayor
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14 Accepted:

15 4-13-17, 2017
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17 Cleco Power LLC

18 By: 
19 _____

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21 Name: William G. Fontenot
22

23 Title: Chief Executive Officer
24 Cleco Power, LLC
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