

**CITY OF DALTON GARDENS
IDAHO
ORDINANCE NO. 171**

AN ORDINANCE OF THE CITY OF DALTON GARDENS, IDAHO, CLARIFYING AND AMENDING CERTAIN PORTIONS OF ORDINANCE NUMBERS 168 AND 169 GRANTING FRANCHISES TO AVISTA CORPORATION FOR NATURAL GAS AND ELECTRICITY.

WHEREAS, The City Council of Dalton Gardens published Ordinance No. 168 and 169, which are ordinances granting gas and electrical franchises to AVISTA Corporation, on August 18, 2004, and then adopted the same at its October 7, 2004, regularly scheduled meeting with a subsequent publication on October 18, 2004, and

WHEREAS, a scrivener's error existed in Ordinance No. 169 which is in need of correction:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO, as follows:

Section 1. Section XIV of Ordinance No. 169 shall be amended and hereafter read:

XIV. FRANCHISE FEES

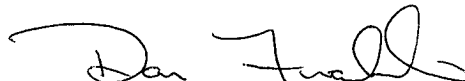
For and in consideration of the rights and privileges set forth herein, Grantee, as consideration therefore, in lieu of the other City fees and as compensation for the use herein granted streets, alleys and other public ways, shall pay to the City a sum equal to 1% of its gross operating revenues which are hereby defined to mean all amounts of money which the Grantee billed for the sale, transmission and/or distribution, less

uncollectables, of ~~electrical power~~ gas service within the City. Grantor shall pay the Grantee, quarterly, a sum equal to 1% of its previous quarter's gross operating revenues. The City shall have the option to adjust fees annually according to applicable laws.

Section 2: The City of Dalton Gardens, Idaho, hereby adopts the text of Ordinance No. 168 and Ordinance 169, with the amendment above stated.


All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

PASSED AND ENACTED as an Ordinance of the City of Dalton Gardens, Idaho this 4th day of November 2004.



Daniel Franklin, Mayor

ATTEST:



Marcia Wingfield, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kattie Hoy

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

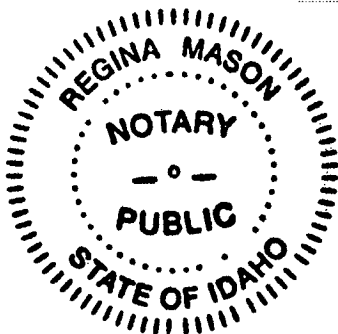
of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for one consecutive day commencing on the 12 day of November 2004 and ending on the 12 day of November 2004 and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kattie Hoy. On this 12 day of November in the year of 2004, before me, a Notary Public, personally appeared Kattie Hoy, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



CITY OF DALTON GARDENS IDAHO

ORDINANCE NO. 171

AN ORDINANCE OF THE CITY OF DALTON GARDENS, IDAHO, CLARIFYING AND AMENDING CERTAIN PORTIONS OF ORDINANCE NUMBERS 168 AND 169 GRANTING FRANCHISES TO AVISTA CORPORATION FOR NATURAL GAS AND ELECTRICITY.

WHEREAS, The City Council of Dalton Gardens published Ordinance No. 168 and 169, which are ordinances granting gas and electrical franchises to AVISTA Corporation, on August 18, 2004, and then adopted the same at its October 7, 2004, regularly scheduled meeting with a subsequent publication on October 18, 2004, and

WHEREAS, a scrivener's error existed in Ordinance No. 169 which is in need of correction:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO, as follows:

Section 1. Section XIV of Ordinance No. 169 shall be amended and hereafter read:

XIV. FRANCHISE FEES

For and in consideration of the rights and privileges set forth herein, Grantee, as consideration therefore, in lieu of the other City fees and as compensation for the use herein granted streets, alleys and other public ways, shall pay to the City a sum equal to 1% of its gross operating revenues which are hereby defined to mean all amounts of money which the Grantee billed for the sale, transmission and/or distribution, less uncollectables, of electrical power gas service within the City. Grantor shall pay the Grantee, quarterly, a sum equal to 1% of its previous quarter's gross operating revenues. The City shall have the option to adjust fees annually according to applicable laws.

Section 2: The City of Dalton Gardens, Idaho, hereby adopts the text of Ordinance No. 168 and Ordinance 169, with the amendment above stated.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

PASSED AND ENACTED as an Ordinance of the City of Dalton Gardens, Idaho this 4th day of November 2004.

Daniel Franklin, Mayor

ATTEST:

Marcia Wingfield, Clerk

Legal 6234
November 12, 2004