



City of Trinidad, Colorado  
1879

CITY OF TRINIDAD  
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, January 8, 2013, following Work Session at 1:30 p.m. in the Council Chambers at City Hall

The following items are on file for consideration of City Council:

- 1) First reading of an ordinance repealing and re-enacting § 12-12 of Article 2 of Chapter 12 of the Code of the City of Trinidad, Colorado, for the purpose of restructuring rates for electric service, power, and energy, and setting a hearing date for consideration of said ordinance
- 2) EXECUTIVE SESSION
  - a) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;
    - i) For a conference with the City Attorney for attorney/client communications regarding City Manager applications
    - b) For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)
      - i) Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street
      - ii) Robert Leonetti d/b/a Park Café at 608 Arizona Avenue
- 3) Selection of finalists/interviewees for the position of City Manager

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

**ORDINANCE NO.**

AN ORDINANCE REPEALING AND RE-ENACTING § 12-12 OF ARTICLE 2 OF CHAPTER 12 OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF RESTRUCTURING RATES FOR ELECTRIC SERVICE, POWER, AND ENERGY

WHEREAS, Chapter XI, Section 11.1, of the Charter of the City of Trinidad, Colorado, confers upon the City Council "all municipal powers relating to all utilities and franchises including, but without limitation to, all powers and authority now existing and which may be hereafter provided by the Constitution or Statutes of the State of Colorado, or by ordinance or by this Charter."; and

WHEREAS, the City Council has caused an electric rate study to be conducted to determine if the rates charged to its customers for service, power, and energy will sustain the City's Power and Light Fund and ensure its solvency; and

WHEREAS, the City Council hereby finds and declares that amendments to the electric service, power, and energy rates are necessary to ensure both the solvency of the City's Power and Light Fund and the long-term provision of electric service, power, and energy to the City's inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

1. **Repeal and Re-Enactment.** Section 12-12 of Article 2 of Chapter 12 of the Code of the City of Trinidad, Colorado, is hereby repealed in its entirety and re-enacted as follows:

**Section 12-12. Rates for Electric Service, Power, and Energy.**

Effective February 1, 2013, the established rate for electric service, power, and energy delivered shall be as follows, and shall be reflected on utility bills issued on and after February 1, 2013:

(1) RESIDENTIAL ELECTRIC SERVICE:

(a) Applicability: Available for single-family units and individually metered multi-family units within the utility's service area for the purpose of lighting, cooking, household appliances, and space heating. Single-family units and individually metered multi-family units shall be considered as buildings or units used solely as residences. Residences used for commercial purposes shall be billed at the commercial rate, unless the residential and commercial services are arranged to allow separate metering of the residential portion.

(b) Character of service: Alternating current, 60Hz, single-phase, 120/240 volts.

(c) Monthly Rate:	Summer	Winter
	(June-September)	(Oct-May)
Monthly Charge:	\$9.00	\$9.00
First 600 KWH	\$0.1276/KWH	\$0.1276/KWH
Over 600 KWH	\$0.1276/KWH	\$0.0976/KWH

(d) Power Cost Adjustment ("PCA"): When applicable, a power cost adjustment ("PCA"), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All rates are net and subject to applicable taxes.

(f) Multi-family Dwelling Units: Where two or more dwelling units are served through one meter, this rate shall apply by multiplying the above KWH blocks of the rate and the minimum charge by the number of dwelling units so served.

(2) ELECTRIC WATER HEATER SERVICE:

(a) Applicability: Available for individual permanently installed storage type electric water heaters of thirty (30) gallons or more capacity and of a type approved by the utility. Service hereunder shall be supplied through a separate meter. Each element within the water heater will be non-inductive and controlled by a separate thermostat. The upper thermostat and element will be interconnected with the lower thermostat and element to permit operation of only one element at any time.

(b) Character of service: Alternating current, 60HZ, single-phase, 240 volt.

(c) Monthly Rate:

	Summer (June-September)	Winter (Oct-May)
Monthly Charge:	\$3.00	\$3.00
All KWH	\$0.1309/KWH	\$0.0909/KWH

(d) Power Cost Adjustment ("PCA"): When applicable, a power cost adjustment ("PCA"), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All charges are net and subject to applicable taxes.

(3) GENERAL ELECTRIC SERVICE:

(a) Applicability: Available for commercial and non-residential customers for lighting and other electric services where the service is taken through one meter and does not require in excess of 50 KVA of transformer capacity.

(b) Character of Service: Alternating current, 60Hz, single-phase, 120 volts or 120/240 volts; three-phase, three-wire, 240 volts; three-phase, four-wire, 120/208 volts.

(c) Monthly Rate:

	Summer (June-September)	Winter (Oct-May)
Monthly Charge:	\$9.00	\$9.00
First 500 KWH	\$0.1375KWH	\$0.1375KWH
Next 1,000 KWH	\$0.1375KWH	\$0.1175KWH
Over 1,500 KWH	\$0.1375KWH	\$0.0975/KWH

(d) Power Cost Adjustment ("PCA"): When applicable, a power cost adjustment ("PCA"), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All charges are net and subject to applicable taxes.

(f) Multiple Meters: All metering points shall be billed as separate customers.

(4) LARGE LIGHT AND POWER:

(a) Applicability: Available for commercial and industrial customers using electricity for lighting and power purposes through one point.

(b) Character of Service: Alternating current, 60Hz, single-phase, 120 volts or 120/240 volts; three-phase, three-wire, 240 volts; three-phase, four-wire, 120/208 volts; or at available distribution voltages.

(c) Minimum Charge: Demand charge, but not less than eighty percent (80%) of the highest demand of the preceding eleven (11) months or 50 KW, whichever is higher.

(d) Monthly Rate:

	Summer (June-September)	Winter (Oct-May)
Monthly Charge:	\$25.00	\$25.00
Energy:		
First 10,000 KWH	\$0.1012/KWH	\$0.1012/KWH
Next 20,000 KWH	\$0.1012/KWH	\$0.0912/KWH
Over 30,000 KWH	\$0.1012/KWH	\$0.0912/KWH
Demand (30 minute integrated):		
All KW	\$10.00/KW	\$ 7.00/KW

(e) Multiple Meters: All metering points shall be billed as separate customers.

(f) Primary Metering Discount: When service is taken at distribution voltage, without transformation, a three percent (3%) discount will be allowed in both the energy and demand measurements.

(g) Power Cost Adjustment ("PCA"): When applicable, a power cost adjustment ("PCA"), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(h) Tax Adjustment: All charges are net and subject to applicable taxes.

(5) SECURITY LIGHTING:

(a) Applicability: Available for area lighting, in private areas and grounds, for protective and safety purposes only, where the City installs high-pressure sodium ("HPS") type lighting fixtures in sizes determined by the City as appropriate for the area to be lit.

(b) Character of Service: Dusk-to-dawn operation of utility owned HPS fixtures.

(c) Installation Fees: A non-refundable fee for the installation of utility supplied poles shall be Sixty Dollars (\$60.00). The amount necessary for the costs of the wire, connections, and hardware will be calculated and added to the non-refundable fees set forth above.

(d) Monthly Rate:

Lamp Charge	\$/mo.	PCA kWh
175 W MV	12.60	67
200 W MV	13.60	76
400 W MV	26.50	153
100 W HPS	8.10	38
150 W HPS	12.20	58
200 W HPS	17.20	77
250 W HPS	17.20	96
400 W HPS	26.40	153

(e) Power Cost Adjustment ("PCA"): When applicable, a power cost adjustment ("PCA"), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(f) Tax Adjustment: All charges are net and subject to applicable taxes.

(6) STREET LIGHTING:

(a) Applicability: Available for municipal, county, and state street lighting on public roads, streets, and other public areas and grounds, for protective and safety purposes only.

(b) Character of Service: Dusk-to-dawn operation of government agency specified street lamps and poles that are utility installed, owned, and operated.

(c) Monthly Rate:

Lamp type	\$/month	PCA KWH/month
175 MV	12.65	67
200 MV	13.65	76
400 MV	26.62	153
100 HPS	8.16	38
150 HPS	12.24	58
200 HPS	17.34	77
250 HPS	17.34	96
400 HPS	26.52	153
165 INDUCT	12.65	63
70 MH	12.65	27
65 INDUCT	12.65	25

(d) Power Cost Adjustment (“PCA”): When applicable, a power cost adjustment (“PCA”), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All charges are net and subject to applicable taxes.

(7) POWER COST ADJUSTMENT (“PCA”):

(a) Any bill may be adjusted for variations in the cost of power to the utility. Such power cost adjustments (“PCAs”) may be recommended from time to time by utility staff and may be authorized by the City Council. The City Council may authorize a PCA in the event that significant revenue changes are necessary because of unexpected increases in the cost of power, including energy and demand costs; or because of other emergencies that are estimated to be greater than a ten percent (10%) deviation in fiscal year power costs budgeted.

(b) A PCA shall be calculated as follows:

$$PCA = \frac{(A - 0.1033)(KWH \text{ billed during the preceding month}) + B}{KWH \text{ sold during the preceding month}}$$

where "A" equals the energy cost per kilowatt hour ("KWH") billed during the preceding month by the Arkansas River Power Authority, and "B" equals any energy cost adjustment billed during the preceding month by the Arkansas River Power Authority.

(c) If authorized by the City Council, a PCA shall be effective for a period not to exceed twelve (12) months. After such period, the PCA shall automatically expire unless re-authorized by the City Council. When applicable, a PCA shall be applied to all kilowatt hours billed in the current month.

2. **Authorization of Power Cost Adjustment ("PCA").** The City Council hereby does not authorize a power cost adjustment ("PCA"), as set forth in § 12-12(7)(b) of the Code of the City of Trinidad, Colorado. If the Council does authorize a PCA it shall set it for a twelve (12) month period.

3. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_, READ AND ORDERED PUBLISHED  
this \_\_\_\_ day of January, 2013.

FINALLY PASSED AND APPROVED this \_\_\_\_ day of January, 2013.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the 1st day of February, 2013.

\_\_\_\_\_  
BERNADETTE BACA-GONZALEZ, MAYOR

ATTEST:

\_\_\_\_\_  
AUDRA GARRETT, CITY CLERK