

Official Canvass

of Votes Cast at the

Hamilton

SPECIAL ELECTION

Mid American

September 26

2000

Marion

County, Iowa

Section 50.24, Code



In Testimony Whereof, we have hereunto set our hands and caused this to be attested to and sealed by the
County Auditor of said County this 2nd day of October 2000

William J. Pepperd
K. S. Valente

Earl Wagner

MEMBERS OF THE BOARD OF
SUPERVISORS AND EX OFFICIO
BOARD OF CO. CANVASERS.

(L. S.)

ATTEST:

Dorothy DeVries, Clerk, Board of Supervisors.

Special Election, Held

PUBLIC MEASURE

A

B

QUESTION

QUESTION

QUESTION

HAMILTON FRANCHISE
 PRECINCT #1 CITY HALL
 SPECIAL-FRANCHISE ELECTION
 SHALL THE FOLLOWING PUBLIC
 MEASURE AS SET FORTH IN THE
 FOLLOWING ORDINANCE, BE
 ADOPTED?
 YES
 NO

SHALL THE FOLLOWING PUBLIC
 MEASURE AS SET FORTH IN THE
 FOLLOWING ORDINANCE, BE
 ADOPTED?
 YES
 NO

YES	NO	YES	NO	YES	NO
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OFFICIAL BALLOT
HAMILTON FRANCHISE

September 26, 2000 MARION COUNTY, IA

PRECINCT #1 CITY HALL

SPECIAL FRANCHISE ELECTION
PUBLIC MEASURE A

SHALL THE FOLLOWING PUBLIC MEASURE AS SET FORTH IN THE FOLLOWING ORDINANCE, BE ADOPTED?

YES

NO

ORDINANCE #16

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF HAMILTON, IOWA AN ELECTRIC SYSTEM AND COMMUNICATIONS FACILITIES AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Hamilton, Iowa:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," and its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of Hamilton, Iowa, hereinafter called the "City," a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 1999 or as subsequently amended or changed.

Section 3. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company.

The pruning of trees shall be done to current nationally accepted safety and utility industry standards.

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Section 4. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements which alternative route would not cause the relocation of the Company installations, the City shall consider selecting said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's, the City shall consider selecting the route which requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 5. In making excavations in any streets, avenues, alleys and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable.

Section 6. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, caused or occasioned in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

Section 7. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

Section 8. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

Section 9. This ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance has been approved in accordance with Iowa law. The cost and expense of any municipal election relating to the ordinance and franchise shall be paid by the Company. Within thirty (30) days after the approval of this ordinance, the Company shall file in the office of the clerk of the City its acceptance in writing of all the terms and provisions of this ordinance.

Section 10. Upon the effective date of this ordinance, all prior electric franchises granted to the Company to furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED this 7th day of August, 2000.

CITY OF HAMILTON, IOWA

By: Lorrie Rouse, Mayor

ATTEST: Janice Klobnak, City Clerk

**SPECIAL FRANCHISE ELECTION
PUBLIC MEASURE B**

**SHALL THE FOLLOWING PUBLIC
MEASURE AS SET FORTH IN THE
FOLLOWING ORDINANCE, BE
ADOPTED?**

YES

NO

ORDINANCE #17

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF HAMILTON, IOWA, A NATURAL GAS SYSTEM AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Hamilton, Iowa:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called "Company", and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City of Hamilton, Iowa, hereinafter called the "City", a gas distribution system, to furnish natural gas along, under and upon the streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five(25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 1999, or as subsequently amended or changed.

Section 3. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes, drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

Section 4. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider selecting said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or utility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's cost of relocation, the City shall consider selecting the route requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

B Section 5. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the

a use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

l Section 6. Company shall indemnify and save harmless City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the gas utilities authorized by this franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

1 Section 7. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

P Section 8. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent with applicable Iowa laws and regulations.

a Section 9. This ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance has been approved in accordance with Iowa law. The cost and expense of this election relating to the franchise provided for herein shall be paid by the Company. Within thirty (30) days after the approval of this ordinance, the Company shall file in the office of the clerk of City its acceptance in writing of all the terms and provisions of this ordinance.

g Section 10. Upon the effective date of this ordinance, all prior gas franchises granted to Company to furnish natural gas service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

2 PASSED AND APPROVED this 7th day of August, 2000.

CITY OF HAMILTON, IOWA

By: Lorrle Rouse, Mayor

ATTEST: Janice Klöbnak, City Clerk

VOTING INSTRUCTIONS - Make an X or a check (✓) next to the yes or no of your choice.

MARION COUNTY COMMISSIONER
OF ELECTIONS

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