

ORDINANCE NO. 2025-02

AN ORDINANCE GRANTING TO OKLAHOMA GAS AND ELECTRIC COMPANY A NON-EXCLUSIVE FRANCHISE FOR THE PERIOD OF TWENTY-FIVE (25) YEARS FROM ACCEPTANCE HEREOF TO USE THE STREETS, ALLEYS, PUBLIC GROUNDS OR PUBLIC RIGHT-OF-WAY IN THE TOWN OF LUTHER, OKLAHOMA COUNTY, OKLAHOMA, FOR THE PURPOSE OF BUILDING, EQUIPPING, MAINTAINING, EXTENDING, OWNING AND OPERATING POLES, WIRES, CONDUITS AND OTHER FACILITIES FOR THE PRODUCTION, TRANSMISSION, AND DISTRIBUTION OF ELECTRICITY WITHIN THE TOWN LIMITS AND TO SELL ELECTRICITY THEREIN FOR ALL PURPOSES FOR WHICH IT MAY BE USED TO TOWN INHABITANTS AND THE PUBLIC GENERALLY; PROVIDING COMPENSATION TO THE TOWN OF LUTHER ON GROSS RECEIPTS FROM THE SALE OF ELECTRICITY; DIRECTING THE CALLING OF AN ELECTION ON OCTOBER 14, 2025; REPEALING ORDINANCE NO. 2000-01 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN EXPRESS CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA:

SECTION 1. The Word "Town" as hereinafter used shall mean and designate the Town of Luther, Oklahoma County, Oklahoma, and the word "Company" as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns.

SECTION 2. (a) The Town hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within the corporate limits of the Town for all purposes for which it may be used, to the Town, its inhabitants and the public generally, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds or right-of-way in each and every part of said Town for the purpose of producing, transmitting, distributing and selling electricity to the Town, its inhabitants, and to the public generally. This franchise does not grant the Company the right, privilege or authority to use the streets, alleys, public grounds or right-of-way to engage in any other business within the Town other than the provision, transmission, distribution and sale of electricity. (b) The non-exclusive franchise hereby granted shall be effective from and after the date of approval of this Ordinance by the qualified electors of the Town and acceptance by the Company, and shall remain in full force and effect for a period of twenty-five (25) years from acceptance. Nothing in this Ordinance shall be construed to prevent the Town from granting an electric franchise to any other person, firm, or corporation.

SECTION 3. (a) The Company shall at all times during the term of this Franchise be subject to the lawful exercise of the police powers of the Town, the Town's right to adopt and enforce additional generally applicable ordinances and regulations, and lawful and applicable zoning,

building, permitting and safety ordinances and regulations. (b) The Company shall construct, operate and maintain its property in such manner as will not obstruct nor impede traffic unduly.

SECTION 4. The Company shall defend and indemnify the Town against all liability for injury to any person or property caused by the negligence of the Company in the construction, operation and maintenance of its poles, wires, conduits, transformers, substations, and all other facilities and equipment and the production, transmission, and distribution of electricity.

SECTION 5. Electric service provided hereunder to the Town, its inhabitants, and to the public generally shall be in accordance with orders, rules and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction. Rates charged by the Company are subject to all rules, regulations and orders as are now in effect or that may hereafter be lawfully made by the Corporation Commission of the State of Oklahoma, or by any other regularly constituted regulatory authority.

SECTION 6. The Company shall have the right to assign this franchise and the assignee, by written acceptance thereof, shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the Town of Luther.

SECTION 7. (a) From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay to the Town an annual franchise fee in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the Town, such payment to be made on or before the 25th day of July of each year. Gross revenues shall mean any and all compensation derived and received by Company from the sale of electricity within the corporate limits of the Town. Gross revenues shall include, but not be limited to, franchise fee reimbursement approved by the Oklahoma Corporation Commission. (b) The Company shall abide by any order, rule or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise fee on electric bills to customers. (c) Such franchise fees paid by the Company to the Town shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit or other fees, taxes or assessments, except *ad valorem* taxes and sales taxes.

SECTION 8. The Company shall furnish to the Town without charge each fiscal year during the term hereof electric current to be used exclusively by the Town for operation of traffic signal lights and buildings occupied and operated by the Town for municipal purposes, to be applied by the Company as a credit to billings to the Town, provided that such electric current shall not exceed one-half of one percent (0.5%) of the kilowatt-hours sold by the Company to customers within the corporate limits of the Town during the preceding fiscal year.

SECTION 9. Should the Company accept a franchise from any other city or town in which it agrees to pay a franchise fee that is a higher percentage of gross revenues than the percentage provided for in SECTION 7 above, then and in that event Company shall without demand inform Town's governing body of such occurrence. Thereafter, at the sole discretion of the Town's governing body and pursuant to such process as it deems appropriate, the Company may be directed

by the Town's governing body to increase the percentage of the franchise fee to the higher percentage to the extent such increase is allowed by Town ordinance or other applicable law.

SECTION 10. (a) At all times, the Company shall make and keep full and complete plats, maps, and other records showing the location, nature and size of all of the Company's poles, wires, conduits, transformers, substations, and other facilities and equipment within the corporate limits of the Town. (b) The Company shall maintain and provide to the Town a regularly updated catalogue of street and highway lighting pole and fixture standards and costs, including electricity costs. (c) For the purpose of affording the Town the opportunity to ensure compliance with this Ordinance and franchise, the Company shall, upon written request by the Town, provide an annualized report of the previous calendar year that contains the physical location associated with each OG&E meter located within the municipal boundaries of the Town of Luther ("Meter") and the amount of gross revenues generated from each meter. (d) Municipal boundaries are based upon the information reported to the Center for Spatial Analysis at the University of Oklahoma, or its successor. It is the Town's responsibility to ensure its municipal boundaries are accurate and updated. Furthermore, Company is not responsible for error in the calculation required by this ordinance because of errors in municipal boundaries.

SECTION 11. (a) The Town reserves the right to lay or permit to be laid cables, electric conduits, fiber optic conduits, other pipelines and to do or permit to be done any underground work deemed necessary and proper by the Town in, upon, across, under and over the streets, alleys, public grounds or right-of-way. If the Town determines any such work may cause damage to the Company's property, the Town shall, except in the case of an emergency, provide the Company with written notice that such work is to be performed before it is commenced. In permitting such work to be done and in doing such work, the Town shall not be liable to the Company for any damages unless they are negligently, willfully, or unnecessarily occasioned by the Town. (b) Whenever, by reason of public health, safety and welfare, or establishing a grade or changes in the grade of any street, alley or other public way, the straightening of any street, or in the location or manner of construction of any public way, cables, electric conduits, fiber optic conduits, water, gas, or other underground structures, it shall be deemed necessary by the Town to alter, change, adapt or conform the poles, wires, conduits, transformers, substations, and other facilities and equipment of the Company, or any part thereof, such alterations shall be made within a reasonable time by the Company as directed in writing by the Town, without any claim for reimbursement or compensation for damages against the Town, or any agency, trust or authority formed for, by or for the benefit of the Town.

SECTION 12. A special election is hereby called for the purpose of submitting this Ordinance to the qualified electors of the Town for their approval or disapproval, provided the Company shall pay the cost of such election. The election shall be held on the 14th day of October, 2025. The Mayor of the Town of Luther is authorized and directed to issue an election proclamation calling such election and is further directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the qualified electors of the Town. If a majority of the qualified electors of those voting thereon fail to approve this franchise at said election, no rights shall accrue hereunder.

SECTION 13. In case the franchise hereby granted is approved at said election, the Company shall, within thirty (30) days from the date of such approval, file with the Clerk of the Town, in writing, its acceptance. In the event the Company fails to accept within the said period, such failure shall be deemed a rejection of the franchise.

SECTION 14. The franchise hereby granted shall, on its effective date, supersede and terminate any previous franchise granted to or held by the Company.

SECTION 15. An immediate necessity exists in order that the inhabitants of the Town may be provided an adequate supply of electricity for heating, lighting, cooling and power purposes and for the purpose of providing light, heat, cooling, and power for the streets, alleys, public grounds, parks and other public places and institutions of the Town, and for the preservation of the public health, peace and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage, approval and publication, and the same shall be submitted at a special election.

PASSED AND APPROVED this 12th day of August, 2025, by the Board of Trustees of the Town of Luther, Oklahoma.



Mayor Wm. Terry Arps

ATTEST:



Town Clerk



MINUTES OF A MEETING OF THE **BOARD OF TRUSTEES**
OF THE
TOWN OF LUTHER, OKLAHOMA

The **BOARD OF TRUSTEES** of the **TOWN OF LUTHER**, Oklahoma, convened in regular session at **6:00 PM** on 12th day of **August, 2025**, with the following members present:

	Name	Present	Absent
1	TERRY ARPS, MAYOR	✓	
2	JEFF SCHWARZMEIER, VICE-MAYOR	✓	
3	JARROD DAVIS, TRUSTEE		✓
4	CARLA CARUTHERS, TRUSTEE → Vice Mayor	✓	
5	<i>Cindy Harris Baker</i>	✓	

Thereupon, **Ordinance Number 2025-02** pertaining to the granting of a franchise to the Oklahoma Gas and Electric Company for the use of the streets, alleys, and public places within the **TOWN OF LUTHER**, Oklahoma, and for the production, transmission, distribution and sale of electric current, was introduced. Said Ordinance was read and considered by the **BOARD OF TRUSTEES**, section by section.

Thereupon, it was moved by ARPS (NAME OF TRUSTEE) and seconded by Schwarzmeier (NAME OF TRUSTEE) that said **Ordinance Number** aforesaid be adopted as a whole. Said motion was carried by the following vote:

	Name	Voted Yes	Voted No	Absent or Abstained
1	TERRU ARPS, MAYOR	✓		
2	JEFF SCHWARZMEIER, VICE-MAYOR	✓		
3	JARROD DAVIS, TRUSTEE			✓
4	CARLA CARUTHERS, TRUSTEE → Vice Mayor	✓		
5	<i>Cindy Harris Baker</i>	✓		

Thereupon, the Mayor of the Board of Trustees declared **Ordinance Number 2025-02** passed and adopted by the Board of Trustees of the **TOWN OF LUTHER**, Oklahoma.

Thereupon, the Mayor of the Board of Trustees announced that he approved the Ordinance as passed, and signed the same in open meeting, and his signature was duly attested by the City Clerk.

Thereupon, a Resolution **2025-02R** was introduced calling for a special election in the **TOWN OF LUTHER**, Oklahoma, for the purpose of submitting to the qualified electors of the **TOWN OF LUTHER** the question of whether an Ordinance granting a franchise to Oklahoma Gas and Electric Company should be approved by a majority of the voters; authorizing the Mayor to call the election by Proclamation; and requesting the County Election Board to conduct the election. The Resolution was read and considered by the Town Board section by section.

Thereupon, it was moved by Ares (Name of Trustee) and seconded by Caruthers (Name of Trustee) that said Resolution be adopted as a whole. Said motion was carried by the following vote:

	Name	Voted Yes	Voted No	Absent or Abstained
1	TERRY ARPS, MAYOR	✓		
2	JEFF SCHWARXMEIER, VICE MAYOR	✓		
3	JARROD DAVIS, TRUSTEE			✓
4	CARLA CARUTHERS, TRUSTEE	✓		
5	Cindy Harker's Balcer	✓		

Thereupon, the Mayor of the Board of Trustees declared the Resolution 2025-02R passed and adopted by the Board of Trustees of the **TOWN OF LUTHER**, Oklahoma.

[Signature]
MAYOR
TOWN OF LUTHER, OKLAHOMA

ATTEST:

[Signature]
Clerk
TOWN OF LUTHER, OKLAHOMA



(SEAL)