

CITY OF SHAKOPEE, MINNESOTA

RESOLUTION NO. 2020-020

**RESOLUTION REJECTING SHAKOPEE PUBLIC UTILITIES
COMMISSION'S MODIFICATION TO THE METHOD OF CALCULATING
THE AMOUNT OF THE COMMISSION'S PAYMENT TO THE CITY**

WHEREAS, on December 16, 2019, the Shakopee Public Utilities Commission ("Commission") adopted Resolution No. 1261 modifying the method of calculating the Commission's payment to the City's General Fund;

WHEREAS, the Commission's action changing the formula for determining its payment to the City resulted in a change in the amount of the Commission's payment to the City;

WHEREAS, the Commission took its action without any prior discussion with, or approval by, the City;

WHEREAS, the Commission is not authorized to change the formula for calculating its payment to the City or the amount of that payment other than by an agreement with the City; and

WHEREAS, the City has not agreed to the changes set forth in Resolution No. 1261.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shakopee, Minnesota, as follows:

1. The City Council rejects the action taken by the Commission in Resolution No. 1261.
2. The City Council requests that the Commission rescind Resolution No. 1261 so that the City and the Commission can engage in discussions and hopefully agree to any change in the formula by which the Commission's payment to the City is calculated and the amount of the Commission's payment.
3. If the Commission fails to rescind Resolution No. 1261 by March 31, 2020, the City Attorney is authorized and directed to initiate an appropriate legal proceeding to obtain a court ruling that Resolution No. 1261 is null and void.

Adopted by the City Council of the City of Shakopee, Minnesota this 4th day of March, 2020.

Mayor

ATTEST:

City Clerk