

STATE OF MISSOURI }
County of Buchanan } ss.
City of St. Joseph }

I, Paula Heyde, City Clerk of the City of St. Joseph, County and State aforesaid, do hereby certify that the foregoing and annexed instrument of writing is a true and correct copy of the original, on file in the office of the City Clerk of Section 13.2 "Granting of franchises" of the
Charter of the City of St. Joseph, Missouri.

IN WITNESS WHEREOF I have hereunto set my hand and
affixed the official seal of the City of Saint Joseph, aforesaid.

Done at the City Clerk's office in the City of St. Joseph, this

23rd day of April 20 08

Paula Heyde
City Clerk

By _____
Deputy

Oxley Printing

CITY
ST JOE
Exhibit No. 1201
Case No(s) EM-2007-0314
Date 4-28-08 Rptr XF

ST. JOSEPH CODE

§12.5

(c) *Withdrawal of petitions.* A recall petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least twenty (20) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(d) *Vacancy.* If any such office becomes vacant by resignation or otherwise prior to the election, the question of recall shall not be submitted, and unless there are other matters to be voted upon, the election, if a special election, shall be cancelled.

Sec. 12.6. Effect of recall.

If a majority of the qualified voters voting on the question of recall shall vote in favor of the recall, then a vacancy in that office shall exist, regardless of any defect in the recall petition. If a majority of the qualified voters shall vote against the recall, the official shall continue in office. Any official who has been recalled shall be ineligible to hold any other elective or appointive office during the remainder of the term for which he/she was originally elected. Any official who is retained in office by a recall election shall not again be subject to recall for a period of six (6) months after certification of the results of the election.

Sec. 12.7. Conduct of recall elections.

Notice of recall elections shall be given and publicized and such elections shall be conducted, the returns canvassed, and the results thereof declared in all respects as in other City elections.

ARTICLE XIII. FRANCHISES

Sec. 13.1. Definitions.

The term "public utilities," for purposes of this article, shall be defined to include, but not limited to, any person or entity engaged in the business of supplying light, water, power, heat, transportation or public communications systems, together with all plants, apparatus, equipment, and distribution facilities necessary to such business, as well as any other service or facility so declared to be by any statute or ordinance.

Sec. 13.2. Granting of franchises.

Prior to the establishment, acquisition, or operation of a public utility within the City, any individual, agent, partnership, trust, estate, joint venture, corporation, or other business entity desiring to establish, acquire, or operate a public utility within the City shall make application to the City Council for a non-exclusive franchise.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than one hundred twenty (120) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than twenty (20) years. Nor franchise shall be transferable directly or indirectly, except with the approval of the Council expressed by ordinance, after a full public hearing.

Sec. 13.3. Right of regulation.

All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the Council to:

(a) Repeal the same for misuse or nonuse, or failure to comply therewith.

(b) Require proper and adequate extension of plant and service, and the maintenance thereof, at the highest practicable standards of efficiency.

(c) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(d) Make an independent audit and examination of accounts at any time, and require reports annually.

(e) Require continuous and uninterrupted service to the public, in accordance with the terms of the franchise, throughout the entire period thereof.

(f) Control and regulate the use of the City streets, alleys, bridges, and public places, and the space above and beneath them.

(4/1/04)

CHT:24