Village of Volente, Texas

Telecom Right-of-Way Compensation

RESOLUTION NO. 2003-R-10

A RESOLUTION OF THE VILLAGE OF VOLENTE, TEXAS, ELECTING THE STATEWIDE AVERAGE FOR SBC TO DETERMINE THE VILLAGE'S BASE RATE FOR RIGHT-OF-WAY COMPENSATION FROM TELECOMMUNICATIONS PROVIDERS; ADOPTING THE MAXIMUM BASE AMOUNT AVAILABLE THEREUNDER; AND ALLOCATING THE AMOUNT OF THE BASE RATE OVER THE THREE CATEGORIES OF ACCESS LINES; PURSUANT TO CHAPTER 283, LOCAL GOVERNMENT CODE

WHEREAS, the Village of Volente is authorized to collect reasonable compensation for the use of public rights-of-way within its corporate limits by providers of telecommunications services; and

WHEREAS, the procedure for determining the amount of such compensation and other procedures applicable to the Village's authority with regard to the use of public rights-of-way by telecommunications providers is contained in Chapter 283, Texas Local Government Code; and

WHEREAS, pursuant to Chapter 283, Texas cities that incorporated after January 12, 1999 are entitled to elect the method for determining their base amount of compensation from among three options; and

WHEREAS, the City Council has determined the option that is in the best interest of the Village is the statewide average fee per line for each category of access line of the certificated telecommunications provider with the greatest number of access lines in the Village multiplied by the number of access lines in each category located within the Village on the date of its incorporation; and

WHEREAS, that certificated telecommunications provider is SBC; and

WHEREAS, Chapter 283 also authorizes cities to allocate their base amounts over three categories of access lines; and

WHEREAS, Chapter 283 allows but does not require a Texas city to elect to decline all or a portion of the compensation to which it is entitled for the use of

public rights-of-way within its corporate limits by providers of telecommunications services; and

WHEREAS, the City Council of the Village of Volente has determined that it is in the best interest of the Village to not decline any portion of the compensation to which it is entitled for the use of public rights-of-way within its corporate limits by providers of telecommunications services;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS THAT:

1. The foregoing recitals are adopted and incorporated herein for all purposes; and

2. The City Council adopts the statewide average fee per line for each category of access line of SBC multiplied by the number of access lines in each category located within the Village on the date of its incorporation as the method for determining the Village's base amount of compensation for the use of public rights-of-way within its corporate limits by providers of telecommunications services; and

3. The City Council elects to receive the full amount of such compensation and does not waive or decline any amount thereof; and

4. The City Council adopts the default allocation of base amount over the three categories of access lines, said amounts being $1.23 for category one (residential); $2.83 for category two (non-residential); and $4.31 for category three (point-to-point).

PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE ON THE 16TH DAY OF DECEMBER, 2003.

VILLAGE OF VOLENTE, TEXAS

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, City Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney