

## RESOLUTION NO. 2003-R-05

**A RESOLUTION OF THE VILLAGE OF VOLENTE, TEXAS ESTABLISHING AND ADOPTING BASE AMOUNT, ACCESS LINE FEES, AND ALLOCATION OF BASE AMOUNT AMONG CATEGORIES OF ACCESS LINES FOR THE USE OF PUBLIC RIGHTS-OF-WAY IN THE VILLAGE BY CERTIFICATED TELECOMMUNICATIONS PROVIDERS PURSUANT TO CHAPTER 283, TEXAS LOCAL GOVERNMENT CODE AND THE RULES OF THE PUBLIC UTILITY COMMISSION OF TEXAS, AND DELEGATING AUTHORITY TO COUNCILMEMBER TO SUBMIT APPROPRIATE DOCUMENTS TO THE PUBLIC UTILITY COMMISSION**

WHEREAS, Chapter 283 of the Texas Local Government Code provides the methodology for payment of compensation to Texas municipalities for the use of public rights-of-way within municipalities by certificated telecommunications providers, including the procedure and regulations for a municipality that did not exist on January 12, 1999 to select its base amount of compensation, to allocate that base amount over three categories of access lines, and to address and determine other issues relevant to such matters; and

WHEREAS, Section 283.053, Texas Local Government Code, provides that a municipality that was not in existence on January 12, 1999, may elect to receive a base amount of right-of-way compensation equal to (a) an amount not greater than the statewide average fee per line for each category of access lines for the certificated telecommunications provider with the greatest number of access lines in the city; (b) an amount not greater than the base amount of a similarly sized city in the same or an adjacent county served by the same certificated telecommunications provider; or (c) the amount of revenue received by the city from all certificated telecommunications providers in 1998; and

WHEREAS, the Public Utility Commission of Texas provides application forms and documents to newly incorporated municipalities for the purpose of complying with Chapter 283; and

WHEREAS, the Village Council of Volente has examined its options in order to determine what is in the best interests of the Village and has determined to delegate to Councilmember Gary Gross the responsibility of obtaining and completing the necessary application forms and other documents for submission to the Public Utility Commission;

**NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE THAT:**

The Village of Volente shall comply with Chapter 283, Local Government Code and shall select a base amount of compensation due the Village of Volente from Certificated Telecommunication Providers for the use of public rights-of-way in the

Village, to allocate that base amount over three categories of access lines, and to do so in the manner that is in the best interest of the Village; and

Councilmember Gary Gross is delegated the authority to complete the necessary application forms and documents for the purpose of accomplishing the foregoing and determining other issues relevant to such matters; and

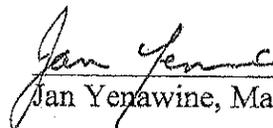
Councilmember Gary Gross is directed to work with the staff of the Public Utility Commission and the Village Attorney to complete such application forms and documents in order to determine the base amount of compensation and allocation of the base amount over three categories that is in the best interest of the Village; and

Councilmember Gary Gross is directed to determine which of the following two options will provide the Village with the greatest amount of compensation: (a) an amount not greater than the statewide average fee per line for each category of access lines for the certificated telecommunications provider with the greatest number of access lines in the city; or (b) an amount not greater than the base amount of a similarly sized city in the same or an adjacent county served by the same certificated telecommunications provider, and to select the option that provides the Village with the greatest amount of compensation; and

Councilmember Gary Gross is directed to sign and submit the application forms and other documents to the Public Utility Commission on behalf of the Village and to report to the Village Council concerning the results of doing so.

**PASSED AND APPROVED** this 15<sup>th</sup> day of July, 2003, by the Village Council of the Village of Volente, Texas.

**VILLAGE OF VOLENTE**

  
Jan Yenawine, Mayor

**ATTEST:**

  
Jennifer L. Zufelt, Village Clerk

**APPROVED AS TO FORM:**

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Alan J. Bojorquez, Village Attorney

