

**ORDINANCE NO. 83-1**

**THE STATE OF TEXAS &  
COUNTY OF NEWTON &**

**The City Council of the City of Newton, Texas, convened in Regular Meeting, open to the public, ON THE 6<sup>TH</sup> DAY OF DECEMBER, 1983, in the City hall within the City, and the roll was called of the duly constituted officer and members of said Council, the City Secretary, the City Manager and the City Attorney, to wit;**

|                        |                       |
|------------------------|-----------------------|
| <b>Louis Didrikson</b> | <b>Mayor</b>          |
| <b>Teresa Whitten</b>  | <b>Alderman</b>       |
| <b>Don Carter</b>      | <b>Alderman</b>       |
| <b>Chester LaPoint</b> | <b>Alderman</b>       |
| <b>Woodrow Mattox</b>  | <b>Alderman</b>       |
| <b>Clyde Adams</b>     | <b>Alderman</b>       |
| <b>Mertice Jacks</b>   | <b>City Secretary</b> |
| <b>Shelly Hilliard</b> | <b>City Attorney</b>  |

**And all of said persons were present, except the following absentees:**

**Thus constituting a quorum. Whereupon, the following (among other) business was transacted at said meeting: a written ordinance entitled:**

**AN ORDINANCE RELATING TO THE CREATION OF A MUNICIPAL POWER AGENCY UNDER THE PROVISIONS OF 1435A, V.A.T.C.S.; CREATING SUCH AGENCY; DEFINING ITS BOUNDARIES; MAKING PROVISION FOR A BOARD OF DIRECTORS AND THEIR METHOD OF SELECTION; PRESCRIBING A NAME FOR SUCH AGENCY; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE AND DECLARING AN EMERGENCY.**

**Was duly introduced for the consideration of said Council and read in full. Alderman Carter made a motion that the ordinance be adopted. Alderman Whitten seconded the motion for adoption of the ordinance. The motion, carrying with it the adoption of the ordinance, prevailed by the following vote:**

**AYES-5  
NOES-0**

**The Mayor, thereupon announced that the ordinance had been duly and lawfully adopted and was in full force and effect. The ordinance thus adopted follows:**

**AN ORDINANCE RELATING TO THE CREATION OF A MUNICIPAL POWER AGENCY UNDER THE PROVISIONS OF ARTICLE 1435A, V.A.T.C.S.; CREATING SUCH AGENCY; DEFINING ITS BOUNDARIES; MAKING PROVISION FOR A BOARD OF DIRECTORS AND THEIR METHOD OF SELECTION; PRESCRIBING A NAME FOR SUCH AGENCY; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.**

**WHEREAS, under the provisions of Article 1435a, V.A.T.C.S, as adopted by the 63<sup>rd</sup> legislature, Regular Session, 1973, as amended, and as last amended by the 68<sup>th</sup> Legislature, Regular Session, 1983, two or more qualifying public entities are empowered to create a joint powers agency to be known as a municipal power agency as a separate municipal corporation, a political subdivision of the State and a body politic and corporate; and**

**WHEREAS, the incorporated municipalities of Texas known as the City of Caldwell, Texas, City of College Station, Texas, City of Kirbyville, Texas, and the City of Newton, Texas, are each incorporated municipalities and agencies or subdivisions of the State of Texas so that each is a “public entity” within the meaning of that term as defined in Section 2 of said Article 1435a, and**

**WHEREAS, each of the aforesaid public entities is a public entity within the provisions of Section 4b of said Article 1435a, as amended, in that each is an incorporated city, town or village which has authority to engage in the distribution and sale of electric energy to the public and on the 29<sup>th</sup> day of August, 1983 (the effective date of section 4b, Article 1435a, V.A.T.C.S. hereinabove mentioned) and as of the present date were and are engaged in the distribution and sale of electric energy to the public and were and are provided with a major portion of its power through or from an interstate electric system, such electric system being the system of Gulf States Utilities Company; and**

**WHEREAS, this City Council has theretofore caused notice of its intention to adopt this ordinance (to provide for the creation of a municipal power agency) to be published once a week for two consecutive weeks, the date of the first publication having been at least fourteen days prior to the date set for the passage of this concurrent ordinance; and**

**WHEREAS, prior to this date (the date established in this aforementioned notice as of the date for the passage of this ordinance), no petition signed by ten percent (10 percent) of the qualified electors of this City has been submitted to any official of this City requesting that a referendum election be called on the questions of whether this ordinance should be passed and adopted; and**

**WHEREAS, it is now proper for this governing body to proceed with the passage of this ordinance; now, therefore:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS:**

**Section 1. This City Council, pursuant to the provisions of Article 1435a, V.A.T.C.S., as amended, specifically the provisions of Section 4b thereof, and in conjunction with the governing bodies of the remaining public entities mentioned**

**in the preamble hereof, do by this concurrent ordinance hereby establish and create a municipal power agency; and**

- a) shall be known as the Lone Star Municipal Power Agency”; and**
- b) shall have boundaries which include the territory within the corporate limits of the cities of Caldwell, College Station, Kirbyville, and Newton as of the effective date of this ordinance, and no defect or irregularity in the boundaries of any such cities or in any of the proceedings relating to the annexation or disannexation of territory.**