

## AGENDA

Village of Bailey's Prairie  
Regular Meeting of the Board of Aldermen  
September 20, 2018  
6:30 pm

Notice is hereby given that the Village of Bailey's Prairie Board of Aldermen will meet on Thursday, September 20, 2018, at 6:30 pm, at Village Hall, 1680 Jimmy Phillips Blvd., Angleton, Texas, within the limits of the Village of Bailey's Prairie.

At said meeting the Council will discuss, consider and / or take action on any and all of the following matters.

1. Call to order.
2. Public Comments

*Citizens who desire to address the Board of Aldermen on any matter may register to do so prior to this meeting and speak during this item. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Board appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1)engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing the matter be placed on a future agenda.*

3. Village update – Tammy Mutina
4. Approval of the minutes of the regular meeting of August 16, 2018
5. Approval of the minutes of the 3<sup>rd</sup> Budget Workshop held on August 23, 2018
6. Approval of the minutes of the Public Hearing held on September 11, 2018
7. Discussion and approval of Accounts Payable for September 2018
8. Discussion and approval of Financial Reports ending August 31, 2018
9. Emergency Management update – Will Blackstock
10. Discussion and approval to adopt Resolution for new County Hazard Mitigation Plan, that has been approved by FEMA
11. Discussion and approval of new TNMP Electric Franchise Ordinance
12. Discussion and approval of ordinance adopting 2018-2019 Budget (by a record vote)
13. Discussion and approval of ordinance adopting 2018 Tax Rate (by a record vote)
14. Website Officer update – Michelle Powless
15. Update on BBQ for Jo Maple – Cheryl
16. Discussion and approval to nominate person(s) to oversee the walkway rail repairs
17. Discussion and approval to set a date for a Village Hall and Park work day

## 18. Adjourn

\*The City Council for the Village of Bailey's Prairie reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney). 551.072 (Deliberations regarding Real Property). 551.073 (Deliberations regarding Gifts and Donations). 551.074 (Personal Matters). 551.076 (Deliberations regarding Security Devices) and 551.087 (Deliberations regarding Economic Development Negotiations).\*

I, DONNA DUES, Village Secretary of Bailey's Prairie, Texas, do certify that the above Notice of Meeting of the above named Board of Aldermen, is a true and correct copy of said notice, and that I posted a true and correct copy of said Notice on the bulletin board at the Village Hall door of Bailey's Prairie, Texas, at a place readily accessible to the general public at all times on the \_\_\_\_ day of \_\_\_\_\_, 2018, and said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Dated this the \_\_\_\_ day of \_\_\_\_\_, 2018

DONNA DUES, Secretary, Village of Bailey's Prairie, Texas

By \_\_\_\_\_  
DONNA DUES, Village Secretary

# Minutes

Village of Bailey's Prairie  
Regular Meeting of the Board of Aldermen  
September 20, 2018  
6:30 pm

The Village of Bailey's Prairie Board of Aldermen conducted its regular board meeting Thursday, September 20, 2018 at 6:30 pm, at Village Hall, 1680 Jimmy Phillips Blvd., Angleton, Texas, within the limits of the Village of Bailey's Prairie.

The following persons were in attendance:

Tammy Mutina, Mayor  
Cheryl McBeth, Mayor Pro Tem  
Oscar Greak, Alderman  
Dorothy Wilbeck, Alderman  
Rayland Wagner, Alderman  
Will Blackstock, Emergency Manager

Absent:

Michelle Powless, Alderman

A quorum was present and the meeting was called to order at 6:31 pm by Mayor Mutina.

## **Public Comments:**

Will Blackstock made a comment verifying the rules of a handicap ramp must have two handrails, one on each side of the ramp.

## **Village update: Mayor Tammy Mutina:**

See attachment - Mayor's Update for September

## **Approval of minutes:**

A motion was made to approve the minutes for the regular meeting of August 16, 2018 with the necessary corrections addressing the approval of the removal of the current "trailer" at the 390 Brit Bailey property and replacing the verbiage "replacing it with a module office" was made by Dorothy Wilbeck, Alderman and seconded by Rayland Wagner, Alderman, all in favor - motion passed.

**Approval of minutes:**

A motion was made to approve the minutes for the 3<sup>rd</sup> Budget Workshop held on August 23, 2018 by, Dorothy Wilbeck, Alderman seconded by Cheryl McBeth, Mayor Pro Tem, all in favor - motion passed.

**Approval of minutes:**

A motion was made to approve the minutes for the Public Hearing held on September 11, 2018 with one correction stating the 2018-2019 correct tax rate of \$.069706/100 by, Dorothy Wilbeck, Alderman seconded by Cheryl McBeth, Mayor Pro Tem, all in favor - motion passed. Dorothy Wilbeck, Alderman made a motion the correction be accepted, seconded by Oscar Greak, Alderman, all in favor - motion passed.

**Approval of accounts payable:**

A motion to approve Accounts Payable for September 2018 was made by Oscar Greak, Alderman, seconded by Rayland Wagner, Alderman. Cheryl McBeth, Mayor Pro Tem requested time to review the Accounts Payable for September 2018. Cheryl McBeth, Mayor Pro Tem had questions regarding the September invoice for the Village Attorney, Larry Boyd and the June invoice for George Prince. After some discussion for clarification, all was in favor and the motion passed.

**Approval of financial report:**

A motion to approve the financial reports ending August, 2018 was made by Oscar Greak, Alderman, seconded by Dorothy Wilbeck, Alderman, all in favor - motion passed.

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**Emergency Management update – Will Blackstock:**

Will Blackstock lead the discussion for approval to adopt the Resolution for the new Brazoria County Hazard Mitigation Plan approved by FEMA that every city in Brazoria County must agree to the plan. A motion was made to adopt the Resolution for the new Brazoria County Hazard Mitigation Plan approved by FEMA by Oscar Greak, Alderman, seconded by, Rayland Wagner, Alderman, all in favor - motion passed.

**Discussion and approval of new TNMP Electric Franchise Ordinance:**

A motion was made to table this item for the next scheduled board meeting, Thursday, October 18, 2018 by Dorothy Wilbeck, Alderman, seconded by Oscar Greak, Alderman, all in favor – motion passed.

**Discussion and approval of ordinance adopting 2018-2019 Budget:**

Approval by recorded vote to adopt the ordinance for the 2018-2019 Budget –

- Cheryl McBeth, Mayor Pro Tem - yes

- Oscar Greak, Alderman- yes
- Rayland Wagner, Alderman – yes
- Dorothy Wilbeck, Alderman –yes
- Michelle Powless, Alderman - absent
- 5 yes, 0 no, budget ordinance approved.

#### **Discussion and approval of ordinance adopting 2018 Tax Rate:**

Approval by recorded vote to adopt the ordinance for the 2018 Tax Rate- \$.069706/100,

- Cheryl McBeth, Mayor Pro Tem - yes
- Oscar Greak, Alderman- yes
- Rayland Wagner, Alderman – yes
- Dorothy Wilbeck, Alderman –yes
- Michelle Powless, Alderman - absent
- 5 yes, 0 no, tax rate ordinance approved.

#### **Website Officer update: Michelle Powless, Alderman**

Michelle Powless, Alderman was absent. There have been no updates made to the Village Website. Discussion is need on what actions to take to get the Village Website. A motion was made to table this item for the next scheduled board meeting, Thursday, October 18, 2018 by Oscar Greak, Alderman, seconded by Cheryl McBeth, Mayor Pro Tem, all in favor motion passed.

#### **Update on BBQ for Jo Mapel - Cheryl McBeth, Mayor Pro Tem:**

- Date – October 25, 2018 6:30pm
- Location – 105 Collins Lakes – provided by Oscar Greak, Alderman
- Number of guest – approximately 44 – to include Village of Baily's Prairie present and pass board members and spouses.
- Entertainment – Metal Mariachi's - provided by Oscar Greak, Alderman
- Funding for caterer - Dorothy Wilbeck, Alderman will seek sponsors
- Caterer– name unknown at this time
- Drinks – tea
- Evite/invitations/stamps - Cheryl McBeth, Mayor Pro Tem:
- Tables/Chairs - provided by Oscar Greak, Alderman

#### **Discussion and approval to nominate person(s) to oversee the walkway rail**

**repairs:** Mayor Mutina asked for volunteers. Rayland Wagner, Alderman volunteered to get 3 bids for insurance. Dorothy Wilbeck, Alderman suggested the Village Board of Aldermen volunteer to do the walkway rail repairs.

**Discussion and approval to set a date for a Village Hall and Park workday:**

It was agreed by all to clean up the Village Hall after the regular scheduled Board meeting, Thursday, October 18, 2018. No date was set for the park workday at this time

**Adjourn:**

7:35pm Motion made by Cheryl McBeth, Mayor Pro Tem seconded by Rayland Wagner, Alderman.

**Reports:**

**ANNOUNCEMENTS:**

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Tammy Mutina, Mayor

ATTEST:

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Donna Dues, Village Secretary

**VILLAGE OF BAILEY'S PRAIRIE**  
**ACCOUNTS PAYABLE- September 2018**

| Check # | Payable to         | DESCRIPTION   | Amount             |
|---------|--------------------|---------------|--------------------|
|         | Randy Stroud       | Retainer      | \$ 500.00          |
|         | Donna Dues         | Payroll       | \$ 200.00          |
|         | City of Danbury    | BCCA Dinner   | \$ 100.00          |
|         | Laurence Boyd      | Attorney Fees | \$ 850.00          |
| 1641    | George Prince, Jr. | Lawn Care     | \$ 300.00          |
|         |                    |               |                    |
|         |                    |               |                    |
|         |                    |               |                    |
| ACH     | Direct Energy      |               | \$ 466.21          |
| ACH     | Verizon            |               | \$ 25.01           |
|         | <b>TOTAL</b>       |               | <b>\$ 2,441.22</b> |

**ACCOUNTS INCOME**

| Item  | From               | DESCRIPTION    | Amount             |
|-------|--------------------|----------------|--------------------|
| Check | Ro'vin Garrett     | Tax Collection | \$ 6.06            |
| Check | Ro'vin Garrett     | Tax Collection | \$ 36.65           |
| Check | Verizon            | Right-of-way   | \$ 4.50            |
| ACH   | Texas Comptrollers | Sales Tax      | \$ 974.40          |
| Check | Cable One          | Franchise Fees | \$ 627.94          |
| Check | Ro'vin Garrett     | Tax Collection | \$ 5.94            |
| Check | Southwestern Bell  | Right-of-way   | \$ 305.22          |
|       |                    |                |                    |
|       |                    |                |                    |
|       | <b>TOTAL</b>       |                | <b>\$ 1,960.71</b> |

VILLAGE OF BAILEY'S PRAIRIE

**Fiscal Year 2017-2018**

**October 1, 2017 -September 30, 2018**

| <b>INCOME</b>                                  |                     |                    |                    |                    |
|------------------------------------------------|---------------------|--------------------|--------------------|--------------------|
|                                                | <b>BUDGET</b>       | <b>August</b>      | <b>Y-T-D</b>       | <b>% of Budget</b> |
| Building Permits                               | \$ 2,350.00         | \$ -               | \$ 1,284.81        | 55%                |
| Franchise Fees / Tower Fees                    | \$ 19,000.00        | \$ 937.66          | \$ 21,643.38       | 114%               |
| Property Tax--Current                          | \$ 33,660.00        | \$ 48.65           | \$ 33,241.17       | 99%                |
| Property Tax--Penalty & Interest               |                     |                    | \$ 157.43          |                    |
| Property Tax--Delinquent                       |                     |                    | \$ 254.30          |                    |
| Sales Tax                                      | \$ 11,000.00        | \$ 974.40          | \$ 11,294.88       | 103%               |
| Cash Reserve                                   | 14,372.00           |                    | \$ 36.25           | 0%                 |
| Misc Income (Refund from BCAD)                 |                     |                    | \$ 41.96           |                    |
| <b>TOTAL INCOME</b>                            | <b>\$ 80,382.00</b> | <b>\$ 1,960.71</b> | <b>\$67,954.18</b> | <b>85%</b>         |
| <b>DISBURSEMENTS</b>                           |                     |                    |                    |                    |
|                                                | <b>BUDGET</b>       | <b>August</b>      | <b>Y-T-D</b>       | <b>% of Budget</b> |
| Audit                                          | \$ 5,000.00         |                    | \$5,000.00         | 100%               |
| Building Permits (payment to FP Administrator) | \$ 2,350.00         |                    | \$1,484.79         | 63%                |
| Dues and Subscriptions                         | \$ 800.00           |                    | \$812.91           | 102%               |
| Election Expense                               | \$ 1,500.00         |                    | \$1,391.22         | 93%                |
| Emergency Services-EMS                         | \$ 10,000.00        |                    | \$10,000.00        | 100%               |
| Emergency Services-Fire                        | \$ 10,000.00        |                    | \$10,000.00        | 100%               |
| Disaster Response                              | \$ 1,000.00         |                    |                    | 0%                 |
| Floodplain Administrator/Code Officer          | \$ 6,000.00         | \$ 500.00          | \$ 5,500.00        | 92%                |
| Insurance                                      | \$ 2,000.00         |                    | \$ 2,000.76        | 100%               |
| Large Trash Pickup-Citywide                    |                     |                    |                    | 0%                 |
| Legal and Professional                         | \$ 7,000.00         | \$ 850.00          | \$ 6,254.60        | 89%                |
| Maintenance                                    |                     |                    |                    | 0%                 |
| Prairie Park                                   | \$ 2,500.00         | \$ 300.00          | \$ 1,350.00        | 54%                |
| Village Hall                                   | \$ 1,500.00         |                    | \$ 823.59          | 55%                |
| Road and outfall ditches                       | \$ 500.00           |                    |                    | 0%                 |
| Office and Operational Expenses                | \$ 5,000.00         | \$ 100.00          | \$ 1,446.19        | 29%                |
| Village Administrator                          | \$ 2,000.00         |                    |                    | 0%                 |
| Village Secretary                              | \$ 3,600.00         | \$ 200.00          | \$ 2,200.00        | 61%                |
| Bookkeeping & Tax reports                      | \$ 660.00           |                    |                    | 0%                 |
| Emergency Manager                              |                     |                    |                    |                    |
| Public Notices                                 | \$ 700.00           |                    | \$ 91.20           | 13%                |
| Tax-Payroll                                    | \$ 1,600.00         |                    | \$ 305.57          | 19%                |
| Tax-Property: Cost of Collection               |                     |                    |                    |                    |
| Brazoria County Appraisal District             | \$ 400.00           |                    | \$ 226.00          | 57%                |
| Brazoria County Tax Office                     | \$ 400.00           |                    | \$ 158.97          | 40%                |
| Utilities and Telephone                        | \$ 6,000.00         | \$ 491.22          | \$ 4,967.73        | 83%                |
| Tower lease overpayment refund                 |                     |                    |                    |                    |
| <b>Sub-Total Disbursements</b>                 | <b>\$ 70,510.00</b> |                    | <b>\$54,013.53</b> | <b>77%</b>         |
|                                                |                     |                    |                    |                    |
| <b>Debt Service</b>                            |                     |                    |                    |                    |
| Brazoria County                                | \$ 9,872.00         |                    | \$ 9,871.31        | 100%               |
| <b>TOTAL EXPENDITURES</b>                      | <b>\$ 80,382.00</b> | <b>\$ 2,441.22</b> | <b>\$63,884.84</b> | <b>79%</b>         |

|                                              |                     |
|----------------------------------------------|---------------------|
| <b>Beginning Bank Balance August 1, 2018</b> | <b>\$ 22,656.95</b> |
| <b>Ending Bank Balance August 31, 2018</b>   | <b>\$ 23,797.47</b> |



Mayor's update for September:

|   | Date    | Issue                                                                                                     | Action                                                                                        |
|---|---------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1 | 8-21-18 | Emergency Response meeting – preparing for school shooting/crisis                                         | N/A                                                                                           |
| 2 | 8-29-18 | Meeting with City of Angleton with Randy Stroud                                                           | Update on future developments for shared easement at 35/288                                   |
| 3 | 8-30-18 | Meeting with TNMP – West Columbia Renewal of current contract and start receiving check by direct deposit | Larry – review<br>Agenda – approval                                                           |
| 4 | 9-10-18 | Phone call from Larry Boyd                                                                                | Update on lawsuit of Mr. Spears – moving forward                                              |
| 5 | 9-13-18 | Update from Sam Morse and Fab Shop                                                                        | Permit for new office is pending                                                              |
| 6 | 9-18-18 | Emergency Response meeting                                                                                | Fire prevention – Cell cords and laptops, Mosquitos<br>Dept. – Trucks 6/week and plane 2/week |
| 7 | 9-19-18 | BCCA                                                                                                      |                                                                                               |
|   |         |                                                                                                           |                                                                                               |

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS, ADOPTING  
THE BRAZORIA COUNTY HAZARD MITIGATION PLAN – 2017 UPDATE;  
PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS,** Certain areas of the Village of Bailey's Prairie, Texas are subject to periodic flooding and other natural hazards with the potential to cause damages to people and property within the area; and

**WHEREAS,** the Village of Bailey's Prairie, Texas desires to prepare and mitigate for such circumstances; and

**WHEREAS,** under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Plan as a condition of receipt of certain future Federal Mitigation Funding after November 1, 2004; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF  
THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS:**

**SECTION 1.** That the Board of Aldermen of the Village of Bailey's Prairie, Texas adopts the Brazoria County Hazard Mitigation Plan – 2017; and

**SECTION 2.** That the Board of Aldermen of the Village of Bailey's Prairie, Texas vests the Mayor of the Village of Bailey's Prairie, Texas with the responsibility, authority and the means to:

- (a) Inform all concerned parties of the action
- (b) Develop an addendum to the Brazoria County Hazard Mitigation Plan – 2017 Update if the Village's unique situation warrants such an addendum.

**SECTION 3.** That the Board of Aldermen appoints the Mayor to ensure that the Brazoria County Hazard Mitigation Plan – 2017 Update be reviewed at least annually, and that any needed adjustment to the Village of Bailey's Prairie addendum to the Brazoria County Hazard Mitigation Plan – 2017 Update be developed and presented to the Board of Aldermen for consideration.

**SECTION 4.** That the Board of Aldermen agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Brazoria County Hazard Mitigation Plan – 2017 Update.

**SECTION 5.** That the Board of Aldermen has found and determined that the meeting at which this Resolution is considered was open to the public and that notice thereof was given in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the Board of Aldermen was present.

**SECTION 6.** That this resolution shall be effective immediately upon its passage and approval.

PASSED AND APPROVED on this, the 20<sup>th</sup> Day of September 2018.

THE VILLAGE OF BAILEY'S PRAIRIE

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TAMMY MUTINA, MAYOR

ATTEST:

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DONNA DUES, VILLAGE SECRETARY

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS, GRANTING TO TEXAS-NEW MEXICO POWER COMPANY, THE NON-EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE FOR A TERM NOT EXCEEDING THIRTY (30) YEARS TO ERECT, MAINTAIN, OPERATE, AND REMOVE ELECTRIC LINES AND PERTINENT FACILITIES IN, OVER, UNDER, ACROSS, UPON AND ALONG THE PRESENT AND FUTURE PUBLIC STREETS, ALLEYS, AND OTHER PUBLIC PROPERTY WITHIN THE VILLAGE; AND PRESCRIBING COMPENSATION FOR THE RIGHTS, PRIVILEGES, AND FRANCHISE CONFERRED HEREUNDER.**

**VILLAGE OF BAILEY'S PRAIRIE, TEXAS**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS:**

1. Parties. The Village of Bailey's Prairie, Texas, herein called the Village, a municipal corporation created under Title 28 of the Texas Revised Civil Statutes, hereby grants the non-exclusive right, privilege, and franchise herein stated to Texas-New Mexico Power Company, a corporation, its successors and assigns, herein called Grantee.
2. Nature of Grant. The Village hereby grants to Grantee a non-exclusive right, privilege and franchise to erect, maintain, operate and remove electric lines and pertinent facilities, herein referred to as "Grantee's Facilities," over, under, across, upon, and along the streets, alleys and other public property within the Village, herein referred to as "Public Rights-of-Way."
3. Purposes. The provisions set forth in this ordinance represent the terms and conditions under which Grantee shall erect, maintain, operate and remove Grantee's Facilities within the Village. In granting this Franchise, Village does not in any manner surrender or waive its regulatory or other rights and powers

under and by virtue of the Constitution and Statutes of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future ordinances of the Village. Grantee, by its acceptance of this Franchise, agrees that all such lawful regulatory powers and rights as the same may be from time to time vested in the Village shall be in full force and effect and subject to the exercise thereof by the Village at any time.

4. Term. This franchise shall exist for a term of 30 years from the date of passage.
5. Location of Facilities. Grantee's Facilities shall be placed and maintained in such manner as not to interfere with traffic, and the location, relocation, construction, and manner of erection of Grantee's Facilities shall at all times be subject to the police power of the Village.
6. Relocation of Facilities. Grantee, whenever ordered to do so by the governing body of the Village, shall at its own expense change, rearrange, relocate, alter or remove any of Grantee's Facilities maintained by Grantee under this Franchise when the changing, rearranging, relocation, altering or removal thereof may be reasonably necessary in the reconstruction or construction of any public work or project or public improvement undertaken or directed by the Village, alone or jointly. The Village acknowledges that any modifications to the Grantee's Facilities may affect the safety and reliability of electric transmission and delivery within the Village and the Village hereby agrees to consult with Grantee on any such rearrangement, relocation, alteration or removal before ordering Grantee to do so. Notwithstanding the foregoing, Grantee shall not be responsible for relocations costs:

- a. where by Village application, specific monies can be and are obtained from federal and state sources for relocation costs, provided that no Village matching funds would be required, the scope of the Village project would not be diminished, and the Village would not be required to spend additional monies;
  - b. if the specific excavation, construction or relocation is done to accommodate the actions or plans of private individuals or entities who are developing or intend to develop property, then such private individuals or entities shall be responsible for the relocation costs, provided that in no event shall the Village be liable for such relocation costs; or
  - c. state or federal law requires the Village to pay for such relocation.
7. Excavations and Obstructions. Any and all excavations and obstructions in and upon the Public Rights-of-Way and other public places in the Village caused by Grantee's operations under this Franchise shall be repaired and removed by Grantee as quickly as is reasonably possible, under the circumstances.
8. Indemnity. The Grantee shall hold the Village harmless from any liability arising from any negligent act or omission of the Grantee in the erection, maintenance, and operation of Grantee's Facilities in the Village.
9. Street Rents. As compensation for the right, privilege, and franchise herein conferred, Grantee shall pay to the Village for each calendar quarter, or portion thereof, during the term of this franchise, a fee for the use of the public streets based on all kilowatt hours (kWh) delivered within the Village limits regardless

of customer class. The charge per delivered kWh shall be determined by (i) dividing the total electric franchise fee revenue for calendar year 1998 by the total number of kWh delivered to all customers within the Village limits in 1998 and (ii) multiplying the charge per kilowatt hour determined for 1998 by the number of kilowatt hours delivered within the Village during each calendar quarter. Grantee calculates that charge to be \$0.0019679 per kWh. The charge herein made shall be in lieu of, to the extent permitted by law, any other charges or fees of any kind by the Village based on, connected with, or incident to the exercise of the non-exclusive rights, privilege, and franchise herein granted.

10. Prior Ordinance Repealed. That certain Electric Franchise Ordinance granting an electric franchise to Grantee adopted on November 17, 1988, is hereby superseded and repealed.
11. Acceptance by Grantee. To be effective, the Grantee shall, within thirty (30) days from the date this Ordinance is passed and approved, file with the Village a written statement signed in its name and behalf, in the following form:

“To the Village of Bailey’s Prairie, Texas:

The Grantee for itself, its successors and assigns, hereby accepts the above and foregoing Ordinance and agrees to be bound by all of its terms and provisions.

Texas-New Mexico Power Company

By: \_\_\_\_\_

Dated the \_\_\_\_ day of \_\_\_\_\_, 2018.”

12. Adoption. Passed and adopted with all necessary procedural formalities by the

Board of Aldermen of the Village of Bailey’s Prairie, Texas, at a regular meeting held at the regular place, at which a quorum was present throughout, and approved by the Mayor, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Tammy Mutina

**ATTEST:**

\_\_\_\_\_  
Donna Dues, City Secretary

THE STATE OF TEXAS           §  
                                                  §  
COUNTY OF BRAZORIA       §

I, Donna Dues, duly appointed and Secretary of the Village of Bailey’s Prairie, Texas do hereby certify that the above and forgoing is a true copy of an Ordinance of the Village of Bailey’s Prairie, Texas, duly passed by the Board of Aldermen and approved by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and now appearing in the records of Ordinances of the Village of Bailey’s Prairie, Texas.

GIVEN UNDER MY HAND AND SEAL of the State of Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Donna Dues, City Secretary