

**ORDINANCE NO. 2147**

**AN ORDINANCE ADOPTED CONCURRENTLY WITH THE CITIES OF DENTON, GREENVILLE AND GARLAND ELECTING THE PROVISIONS OF SUBCHAPTER C-1 OF CHAPTER 163, TEXAS UTILITIES CODE PROVIDING FOR ALTERNATE GOVERNANCE OF THE TEXAS MUNICIPAL POWER AGENCY; PROVIDING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, in 1975 the cities of Bryan, Denton, Garland, and Greenville (the “Member Cities”) created a municipal power agency known as the Texas Municipal Power Agency (“Agency”) by the adoption of concurrent ordinances in accordance with the law now codified as Subchapter C, Chapter 163, Texas Utilities Code;

**WHEREAS**, each of the Member Cities is a “participating public entity” within the meaning of Subchapter C, Chapter 163, Texas Utilities Code, and together the Member Cities comprise all of the participating public entities of the Agency;

**WHEREAS**, SB 776, passed into law by the 84th Texas Legislature and effective September 1, 2015 provides for an alternate form of governance for municipal power agencies created under Subchapter C, Chapter 163, Texas Utilities Code if, by concurrent ordinances, the participating public entities of a municipal power agency elect to apply the provisions of Subchapter C-1 of Chapter 163, Texas Utilities Code, to the agency as an alternative to Subchapter C;

**WHEREAS**, by the adoption of concurrent ordinances, the Member Cities intend to apply the provisions of Subchapter C-1 to the Agency so that the Agency shall be hereafter subject to and controlled by the provisions of Subchapter C-1;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:**

SECTION 1. The City of Bryan, together with the cities of Denton, Greenville, and Garland hereby elects that, on and after April 30, 2016, the Agency shall be governed by the provisions of Subchapter C-1, Chapter 163, Texas Utilities Code.

SECTION 2. After its second and final reading, this Ordinance shall become effective on April 30, 2016.

PRESENTED AND GIVEN first reading the 12<sup>th</sup> day of April, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 26<sup>th</sup> day of April, 2016 by a vote of \_\_7\_\_ ayes and \_\_0\_\_ nays at a regular meeting of the City Council of the City of Bryan,

ATTEST:

CITY OF BRYAN

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

By: \_\_\_\_\_  
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Janis K. Hampton, City Attorney