

RESOLUTION NO. _____

A RESOLUTION OF HIDALGO COUNTY APPROVING THE CERTIFICATE OF FORMATION AND BYLAWS OF TEXAS COALITION FOR AFFORDABLE POWER (“TCAP”), A POLITICAL SUBDIVISION CORPORATION; ACCEPTING MEMBERSHIP IN SAID CORPORATION; AND APPOINTING A REPRESENTATIVE TO SERVE ON BEHALF OF HIDALGO COUNTY

WHEREAS, Chapter 304 of the Texas Local Government Code, entitled Energy Aggregation Measures for Local Governments, allows political subdivisions—expressly including counties—to form a political subdivision corporation to act as an agent to negotiate the purchase of electricity, or to likewise aid or act on behalf of the political subdivisions for which the corporation is created, with respect to their own electricity use for their respective public facilities; and

WHEREAS, Texas Coalition for Affordable Power (“TCAP”) is a political subdivision corporation organized under said Chapter; and

WHEREAS, more than one hundred-sixty (160) political subdivisions have joined TCAP since the Texas electric retail market was deregulated on January 1, 2002; and

WHEREAS, TCAP members work collaboratively with the assistance of attorneys and procurements experts hired by TCAP to negotiate lower cost, and reliable electric power with price stability; and

WHEREAS, TCAP appears before the Electric Reliability Council of Texas (“ERCOT”), administrative agencies, and the legislature to advocate positions beneficial to its members; and

WHEREAS, the negotiation for electricity by the corporation should result in lower, more stable electricity costs to Hidalgo County; and

WHEREAS, Hidalgo County seeks to become a Member of TCAP; and

WHEREAS, TCAP’s Board of Directors approves an aggregation fee on an annual basis, which fee is currently \$0.008 per kWh of its members’ electricity usage under a retail electric contract procured by TCAP.

NOW THEREFORE, BE IT RESOLVED BY THE HIDALGO COUNTY COMMISSIONERS COURT THAT:

Section 1. The recitals contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a part of this Resolution.

Section 2. The Certificate of Formation and Bylaws of TCAP, a political subdivision corporation, attached hereto and incorporated herein for all purposes as Exhibits A and B respectively, are hereby approved.

Section 3. Hidalgo County accepts Membership in TCAP.

Section 4. Hidalgo County hereby appoints _____ to serve as Hidalgo County's representative to TCAP and to act on Hidalgo County's behalf.

Section 5. Pursuant to Section 271.102 of the Local Government Code, Hidalgo County recognizes that TCAP is a cooperative purchasing program, and as such, Hidalgo County's contracting for retail electric service through TCAP satisfies state law requiring competitive bidding.

Section 6. All Resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

Section 7. If any one or more sections or clauses of this Resolution are adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 8. This Resolution shall take effect immediately from and after its adoption and it is accordingly so resolved.

Section 9. A copy of this Resolution shall be sent to Jay Doegey, TCAP Executive Director, 15455 Dallas Parkway, Suite 600, Addison, Texas, 75001, along with the initial assessment fee.

PRESENTED AND PASSED on this the ___ day of _____, 20___, by a vote of _____ ayes and _____ nays at a regular meeting of the _____.

Printed Name

ATTEST:

Printed Name