

ORDINANCE NO. 2007-01

AN ORDINANCE ESTABLISHING CONTRACT OR PURCHASE AMOUNT AND REGULATIONS FOR THE PURCHASES AND SALES AS PROVIDED FOR IN SECTION 4-2 OF THE CITY CHARTER OF THE CITY OF TULIA, TEXAS; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS:

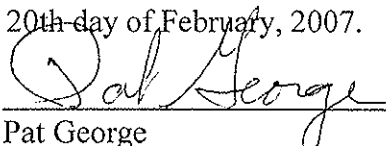
Section 1. Pursuant to the authority granted by Section 4-2 of the Charter of the City of Tulia, Texas, the City Council hereby adopts the amounts established by Chapter 252 of the Texas Local Government Code, as it may be amended from time to time, as the amounts necessary for competitive bidding on City contracts, purchases and sales. Additionally, the City Council adopts the provisions set forth in said Chapter of the Texas Local Government Code, as it may be amended from time to time, as the general regulations to be utilized by the City in entering into such contracts, purchases and sales and competitive bidding in connection therewith. Furthermore, for contracts, purchases and sales governed by Section 4-2 of the Charter of the City of Tulia, Texas, the City Manager may adopt such other regulations for implementation of the competitive bidding process that are not inconsistent with the Charter or Chapter 252 of the Texas Local Government Code, as they may be hereafter amended from time to time, provided, however, the City Manager shall bring any such contract, purchase or sale to the City Council for approval if the amount of such contract, purchase or sale is \$10,000.00 or more.

Section 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.


Section 3. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 4. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED this the 20th day of February, 2007.



Pat George
Mayor, City of Tulia, Texas



City Secretary

ORDINANCE 2007 -09

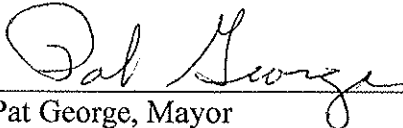
AN ORDINANCE APPROVING THE BUDGET SUBMITTED BY THE CITY MANAGER OF THE CITY OF TULIA, TEXAS, FOR THE FISCAL YEAR 2007-2008.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS:

Section 1. That the operating budget and capital budget prepared by the City Manager of Tulia, Texas for the City of Tulia, Texas for the year commencing October 1, 2007 through and including September 30, 2008, is hereby approved and ordered filed with the City Secretary of the City of Tulia, Texas.

Section 2. The City Secretary is hereby ordered to file a copy of said budget with the Swisher County Clerk, Tulia, Texas.

PASSED AND APPROVED THE 18TH DAY OF SEPTEMBER, 2007.



Pat George, Mayor

ATTEST:



Sheila Dunn, City Secretary

he City Council of the City of
a will hold a Public Hearing on
2007-2008 Annual Budget. The
ring will be at 7 p.m. on Tues-
Sept. 4, 2007, in the City Coun-
Chambers located at 127 S.W.
1 St., Suite 300, Tula, Texas
188. All written or oral com-
nts will be accepted. 0735-1c

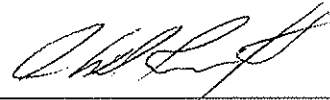
AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

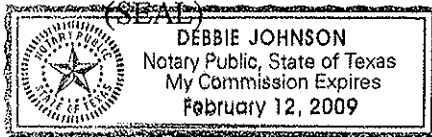
COUNTY OF SWISHER

BEFORE ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly appointed representative, who after being by me first duly sworn, stated upon oath that he is the publisher of *The Tulia Herald* and says:

The attached notice was published in *The Tulia Herald*, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of Aug. 30, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.



SWORN TO AND SUBSCRIBED before me this 14th day of Sept., 2007, to certify which witness my hand and seal of office.



Notary Public in and for Swisher County, Texas

ORDINANCE NO. 2007-02

AN ORDINANCE AMENDING ARTICLE 3.13 ENTITLED "PERMIT FEES" OF CHAPTER 3 ENTITLED "BUILDING REGULATIONS", OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, BY AMENDING THE PERMIT FEES, THE BONDING REQUIREMENTS AND ADDING LIABILITY INSURANCE AND CONTRACT ID CARD REQUIREMENTS; AND AMENDING SECTION 4.02.004 ENTITLED "BOND REQUIRED" AND AMENDING SECTION 4.02.006 ENTITLED "LICENSE FEE" OF ARTICLE 4.02 ENTITLED "SOLICITORS AND PEDDLERS" OF CHAPTER 4 ENTITLED "BUSINESS REGULATIONS" OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, BY INCREASING THE BOND IN SAID SECTION 4.02.004 TO \$10,000.00 AND PROVIDING FOR THE ISSUANCE BY THE CITY OF AN ITINERANT VENDORS ID CARD; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Tulia, Texas, was hit by a tornado on April 21, 2007, causing extensive damage to business, residential and other structures within the City of Tulia;

WHEREAS, various local, state and federal agencies, private agencies and persons have assisted and are assisting in providing services to the governmental units, business and citizens of the City of Tulia;

WHEREAS, representatives of the various agencies have advised the representatives of the City of Tulia of the possibility of rampant fraud on the citizens of the City of Tulia, said fraud being perpetuated in numerous ways, including the fraudulent representations of persons purporting to be building, roofing, electrical, plumbing and general contractors and others who are defined in the Tulia City Code as Itinerant Vendors;

WHEREAS, the City Council of the City of Tulia, Texas deems the potential of said fraud an immediate risk of harm and damage to the citizens and businesses of the City of Tulia that have been damaged by the tornado;

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

Section 1. That Article 3.13 entitled "Permit Fees", of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended to read as follows:

ARTICLE 3.13. PERMIT FEES, BONDS AND INSURANCE

(a) Plumbing permits.

Permit and inspection fee

\$15.00

+ the same fee for each fixture

(b) Electrical permits.

New construction	\$40.00
Remodeling or additions	\$30.00
All other electrical work	\$20.00

(c) Building permits.

0-\$10,000.00	\$15.00
\$10,000.01-\$25,000.00	\$30.00
\$25,000.01-\$50,000.00	\$60.00
Over \$50,000.00	\$100.00
Over \$1,000,000.00	\$500.00

If a plan review is required by an outside source, permittee will pay the costs associated with the review.

(d) Roofing permits.

(1) A roofing contractor must register with the City and pay a permit fee of \$100.00 for a one year permit, which must be renewed annually.

(e) State licenses. Each contractor who applies for a permit must have such current state licenses as may be required for the type of work such contractor will perform and shall maintain in such license in force and effect at all times during performance of the work.

(f) Bonding requirements.

When applying for a permit herein above set forth and required, each contractor will be required to provide a \$10,000.00 bond acceptable to the City.

(g) Liability insurance requirements.

(1) Any plumbing, electrical or building contractor seeking a permit hereunder, must provided evidence to the City of liability insurance acceptable to the City in the amount not less than the amount required by state law or regulation or \$250,000.00 per occurrence, whichever is more.

(2) Any roofing contractor seeking a permit hereunder, must provided evidence to the City of liability insurance acceptable to the City in the amount not less than \$1,000,000.00 per occurrence.

(h) Contractor ID Card.

Each contractor receiving a permit as required herein shall all pay \$10.00 for a Contractor ID Card for each agent and employee who will be appraising, bidding or contracting with homeowners, businesses or other citizens of the City for said contracting services.

(i) Exceptions.

(1) A homeowner may contact the City and sign a request that any contractor be relieved of the bonding, liability insurance and Contract ID Card requirements set forth herein, which request the City may grant in its discretion to the extent that such request does not attempt to relieve the contract of requirements that are required by state law or regulation and is otherwise permitted by law.

(2) The City may, in its discretion, waive bonding, liability insurance or Contractor ID Card requirements for local contractors who have done business in Swisher County, Texas, for at least two (2) years to the extent that such request does not attempt to relieve the contract of requirements that are required by state law or regulation and is otherwise permitted by law

Section 2. Section 4.02.004 entitled "Bond required" of Article 4.02 entitled "Solicitors and Peddlers" of Chapter 4 entitled "Business Regulations" of the Tulia City Code adopted September 21, 2003, as amended, is hereby amended to provide that the bond therein required shall be in the amount of \$10,000.00 instead of \$2,000.00.

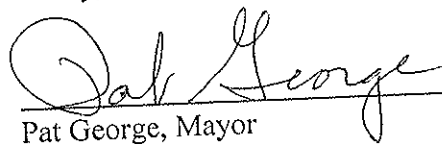
Section 3. Section 4.02.006 entitled "License fee" of Article 4.02 entitled "Solicitors and Peddlers" of Chapter 4 entitled "Business Regulations" of the Tulia City Code adopted September 21, 2003, as amended, is hereby amended by adding to said section the following language. In addition to the license, the City shall issue an Itinerant Vendor's ID Card to each agent or employee of such Itinerant Vendor upon payment of the \$10.00 fee herein required.


Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

Section 5. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 6. This ordinance shall take effect and be in full force on passage and approval.

PASSED AND APPROVED this the 2nd day of May, 2007.


Pat George, Mayor


City Secretary

ORDINANCE NO. 2007-03

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, RELATING TO DANGEROUS DOGS AND THE BREEDING OF AND KENNELS FOR DOGS, CATS AND OTHER ANIMALS AND CONTAINING A PENALTY CLAUSE; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS:

Section 1. That Section 2.02.004 entitled "Dangerous Dogs" of Chapter 2 entitled "Animal Control", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended by amending the following sections, subsections or provisions thereof to read as follows:

Sec. 2.02.004. Dangerous Dogs

(a) Definitions.

Dangerous Dog. A dog that:

- (1) Makes an unprovoked attack on a person or animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits an unprovoked act in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and that act causes a person to reasonably believe that the dog will attack and cause bodily injury to a person or an animal.

(d) Attack by dangerous dog.

- (1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person or animal outside the dog's enclosure and causes bodily injury to the other person or animal.
- (2) An offense under this subsection is a Class C misdemeanor, unless the attack cause serious bodily injury or death to a person, in which event the offense is a Class A misdemeanor.

Section 2. That Section 2.02.037 entitled "Number of animals restricted" of Chapter 2 entitled "Animal Control", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended to read as follows:

Sec. 2.02.037 Number of animals restricted

(a) No person, partnership, corporation or other entity, solely or in concert with other such persons, partnerships, corporations, or other entities, within the city limits shall possess more than three (3) dogs or three (3) cats or combination thereof. A person, partnership, corporation or other entity may apply for a variance from this provision for good cause shown, such variance to be granted in the sole and absolute discretion of the City upon such terms, conditions and restrictions as may be required by the City.

(b) Exceptions to subsection (a) above are made for breeders, new litters, kennels and groomers.

Section 3. Chapter 2 entitled "Animal Control", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended by adding thereto the following sections, subsections or provisions thereof:

Sec. 2.02.038. Definition of Kennels

(1) A kennel is any place where a person, partnership, corporation or other entity keeps four (4) or more dogs or cats for the purpose of breeding, buying, selling, trading, showing, training or boarding such animals.

(2) Kennels shall comply with the following:

(a) Floors shall have a smooth, hard, nonabsorbent, corrosion-resistant surface such as concrete, ceramic tile or other approved materials. Cages with grated floors may be installed above kennel floors. Such grated floors shall be of nonabsorbent, corrosion-resistant materials, sufficient in strength and composition to safely support the animals, protect their feet and legs from injury, and not allow the accumulation of liquids.

(b) Floors shall be provided with positive drainage to an approved drainage system. Drainage from a stall or cage shall not flow across or through another stall or cage. Kennel floors shall slope uniformly at a rate of not less than one-fourth (1/4) inch per foot nor more than one-half (1/2) inch per foot to a gutter or floor drain. If provided, gutters shall similarly slope to a drain and have rounded corners to facilitate cleaning. Drains complete with traps and vents shall be installed in accordance with the Plumbing Code and shall be connected to the City's sanitary sewer system or to a septic system approved by the Environmental Health Department.

(c) The interior surface of kennel walls to a height of six (6) feet above the floor shall be of materials which are smooth, hard, nonabsorbent and non-corrosive. All joints and seams in interior walls surfaces and between the walls and floors shall be sealed to prevent moisture penetration and to prevent the accumulation of solids and liquids.

(d) Kennels shall be provided with ventilation during such time as the building is occupied by animals by means of operable exterior openings with an area of not less than one-twentieth (1/20) of the floor area, or shall be provided with a mechanically operated exhaust system capable of providing at least four (4) air changes per hour. Such systems shall be connected directly to the exterior.

(e) Outdoor kennels shall provide adequate shelter from sun, rain, and cold weather.

(3) The provisions of this Sec. 2.02.038 shall not apply to a veterinary clinic, animal hospital or the City pound.

Section 4. That Section 14.06.057 entitled "Permitted Uses" of Division 4.C-2 (General Commercial) District of Article 14.06 entitled "Schedule of District Regulations" of Chapter 14 entitled "Zoning" of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended as follows:

Subsection (25) of Section 14.06.057 is hereby amended to read as follows:

(25) Kennel (not for breeding purposes)

Section 5. That Section 14.06.076 entitled "Permitted Uses" of Division 5.M (Manufacturing) District of Article 14.06 entitled "Schedule of District Regulations" of Chapter 14 entitled "Zoning" of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended by adding the following permitted use:

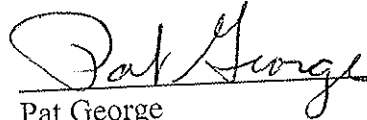
(72) Kennel (including for breeding purposes)


Section 6. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

Section 7. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 8. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this the 22 day of MAY, 2007.


Pat George
Mayor, City of Tulia, Texas


City Secretary

PUBLIC NOTICE

Ordinance No. 2007-03

An ordinance amending various provisions of the Tulia City Code adopted September 21, 2004, as amended, relating to dangerous dogs and the breeding of and kennels for dogs, cats and other animals and containing a penalty clause; containing a repealing clause, a savings clause and providing for the effective date of this ordinance.

AFFIDAVIT OF PUBLICATION

State of Texas

County of Swisher

I, Sheila Dunn, City Secretary of the City of Tulia, Texas, do hereby certify that the Above and foregoing is a true and exact copy of the caption of an ordinance duly passed and approved by the City Council of the City of Tulia, Texas, on the 22nd day of May, 2007.

STATE OF TEXAS

COUNTY OF SWISHER

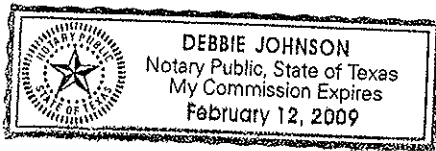
Sheila Dunn
0725-2c

I, E ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly representative, who after being by me first duly sworn, stated upon oath that he is the publisher of *Herald* and says:

The attached notice was published in *The Tulia Herald*, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of June 21 & 28, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.

SWORN TO AND SUBSCRIBED before me this 6th day of July, 2007, to certify which witness my hand and seal of office.

(SEAL)



Notary Public in and for Swisher County, Texas

ORDINANCE NO. 2007-04

AN ORDINANCE AMENDING ARTICLE 3.01 ENTITLED "BUILDING CODE", ARTICLE 3.02 ENTITLED "PLUMBING CODE", SECTION 3.03.016 (b) OF ARTICLE 3.03 ENTITLED "ELECTRICAL CODE", ARTICLE 3.04 ENTITLED "HOUSING CODE" AND ARTICLE 3.05 ENTITLED "INTERNATIONAL RESIDENTIAL CODE" OF CHAPTER 3 ENTITLED "BUILDING REGULATIONS", OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, AND CONTAINING A PENALTY CLAUSE; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS:

Section 1. That Article 3.01 entitled "Building Code" of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended to read as follows::

Sec. 3.01. BUILDING CODE.

The 2006 International Building Code, as adopted by the International Code Council, Inc., as it may from time to time be amended or revised by a new edition, is hereby adopted and incorporated herein by reference the same as if set out herein verbatim. A complete copy of the code and amendments thereto, as they may from time to time be adopted by said International Code Council, Inc., are maintained on file in the office of the city secretary.

Section 2. That Article 3.02 entitled "Plumbing Code" of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended to read as follows::

Sec. 3.02. PLUMBING CODE.

The 2006 International Plumbing Code, as adopted by the International Code Council, Inc., as it may from time to time be amended or revised by a new edition, is hereby adopted and incorporated herein by reference the same as if set out herein verbatim. A complete copy of the code and amendments thereto, as they may from time to time be adopted by said International Code Council, Inc., are maintained on file in the office of the city secretary.

Section 3. Section 3.03.016 (b) of Article 3.03 entitled "Electrical Code" of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended to read as follows:

(b) All electrical construction, all material, and all apparatus used in connection with electric work, and the operation of all electrical apparatus, shall be in conformity with the

rules and regulations set down in what is known as the 2005 edition of the National Electrical Code promulgated by the National Fire Protection Association, which code as it may from time to time be amended or revised by a new edition, is hereby adopted and incorporated herein by reference the same as if set out herein verbatim, EXCEPT that if any provision of the code is in conflict with other provisions of this Article 3.03, the provisions hereof shall prevail over the provisions of the code. A complete copy of the code and amendments thereto, as they may from time to time be adopted by said National Fire Protection Association, are maintained on file in the office of the city secretary.

Section 4. That Article 3.04 entitled "Housing Code" of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, is hereby deleted.

Section 5. That Article 3.05 entitled "International Residential Code" of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended to read as follows::

Sec. 3.05. INTERNATIONAL RESIDENTIAL CODE.

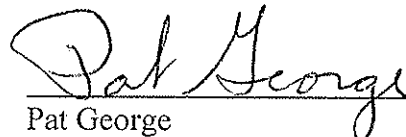
The 2006 International Residential Code, as adopted by the International Code Council, Inc., as it may from time to time be amended or revised by a new edition, is hereby adopted and incorporated herein by reference the same as if set out herein verbatim. A complete copy of the code and amendments thereto, as they may from time to time be adopted by said International Code Council, Inc., are maintained on file in the office of the city secretary.

Section 6. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.


Section 7. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 8. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this the 22nd day of May, 2007.



Pat George
Mayor, City of Tulia, Texas



Sheila Durr
City Secretary

Ordinance No. 2007-04
An ordinance amending Article 3.01 entitled "Building Code", Article 3.02 entitled "Plumbing Code", section 1.03.016(b) of Article 3.03 entitled "Electrical Code", Article 3.04 entitled "Housing Code" and Article 3.05 entitled "International Residential Code" of Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended and containing a penalty clause; containing a repealing clause, a savings clause and providing for the effective date of the ordinance.

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

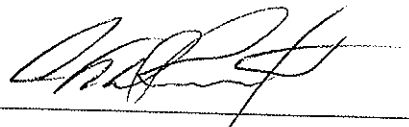
COUNTY OF SWISHER

County of Texas
County of Swisher
Sheila Dunn, City Secretary of
City of Tulia, Texas do hereby
certify that the above and foregoing
is a true and exact copy of the caption
of an ordinance duly passed and
approved by the City Council of the
City of Tulia, Texas on the 22nd of
2007.

FORE ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly representative, who after being by me first duly sworn, stated upon oath that he is the publisher of *Tulia Herald* and says:

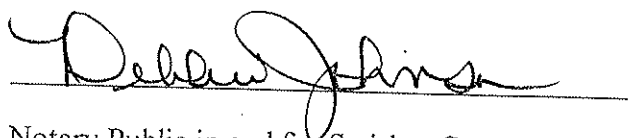
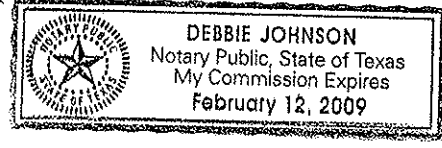
attached notice was published in *The Tulia Herald*, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of June 21 & 28, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.

Sheila Dunn
0725-2c



SWORN TO AND SUBSCRIBED before me this 6th day of July, 2007, to certify which witness my hand and seal of office.

(SEAL)



Notary Public in and for Swisher County, Texas

ORDINANCE NO. 2007-05

AN ORDINANCE AMENDING CHAPTER 3 ENTITLED "BUILDING REGULATIONS", OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, BY ADDING THERETO ARTICLE 3.14 ENTITLED "TEMPORARY STRUCTURES"; AMENDING ARTICLE 3.12 ENTITLED "DANGEROUS STRUCTURES" BY ADDING CERTAIN TEMPORARY STRUCTURES TO THE DEFINITION OF DANGEROUS BUILDING IN SUBSECTION 3.12.001 (a) AND CONTAINING A PENALTY CLAUSE; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, on April 21, 2007, the City of Tulia sustained substantial damage as a result of a tornado which devastated commercial buildings in C-1 and C-2 zoning districts;

WHEREAS, the City has an interest in trying to permit the rebuilding of said areas devastated by the tornado in a manner that promotes the public health, safety and welfare of the citizens of Tulia and the business and property owners in the effected area;

WHEREAS, during the rebuilding and subsequent development of said areas, the City Council recognizes the need for the erection of temporary structures on the various properties to allow the commencement of business activity for the effected business and property owners;

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

Section 1. That Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, as amended, is by adding thereto Article 3.14 entitled "Temporary Buildings" to read as follows:

Sec. 3.14. TEMPORARY STRUCTURES DURING CONSTRUCTION AFTER NATURAL DISASTER

When buildings in a C-1, C-2 or M Zoning District have been substantial damaged or destroyed as a result of a natural disaster to the extent that the Governor of the State of Texas declares the City of Tulia or effected areas a natural disaster, business and property owners in the effected area may place temporary structures on the property to recommence business activity under the following conditions:

(1) The business owner must make application to the City of Tulia for a permit to place a temporary structure or structures on the property. Such application must be joined by the property owner if different from the business owner. The application must be

accompanied by a plan to reconstruct a permanent building on the site or plans for relocation to another site.

(2) The application must be accompanied by sites plans for the type of temporary structure and the location of the structure on the property. The structure must be structurally sound as determined in the discretion of the City. No structures older than 10 years may be moved onto the property as a temporary building.

(3) The permit for the temporary structure shall be for a period not to exceed 18 months from the date of the event necessitating the erection of a temporary structure.

(4) The business owner and/or property owner must at least every (three) month(s) after the granting of the temporary structure permit provide an update to the City Building Official of the progress on the plan for reconstruction of a permanent building on the site or for relocation of the business to another site. Failure to make satisfactory continued progress toward the reconstruction of a permanent building on site or for relocation to another site may result, in the sole discretion of the City, in the termination of the temporary permit hereby authorized upon 30 days written notice to the property owner and the business owner if different from the property owner. Should the business and/or property owner receive notice of the termination of the temporary permit granted pursuant to this Article, said business and/or property owner may appeal the decision to terminate the temporary permit to the City Council within 10 days after receipt of said notice. Such notice of appeal must be in writing and received at the offices of the City of Tulia, P. O. Box 847, 127 SW Second, Suite 300, Tulia, TX.

(5) Should the property owner fail to remove the building from the property by the termination of the temporary permit granted pursuant to this Article, the City may declare the structure a dangerous building and proceed with the remedies provided therefor in Article 3.12 of the Tulia City Code, seek relief from the District Courts of Swisher County, Texas, including but not limited to affirmative injunctive relief for removal of the temporary structure from the property, or any other remedy provided by law.

Section 2. That the definition of Dangerous Building in Section 3.12.001 (a) of Chapter 3 entitled "Building Regulations" of the Tulia City Code adopted September 21, 2004, as amended, is by adding thereto subsection (8) to read as follows:

(8) All temporary structures in C-1, C-2 and M Zoning Districts for which a temporary permit was not granted or for which a temporary permit was granted pursuant to Article 3.14 upon the termination of the temporary permit.

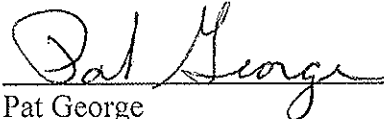
Section 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

Section 4. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable,


and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this the 22nd day of May, 2007.

A handwritten signature in cursive script, appearing to read "Pat George", written over a horizontal line.

Pat George
Mayor, City of Tulia, Texas

A handwritten signature in cursive script, appearing to read "Sheila Dunn", written over a horizontal line.
City Secretary

AFFIDAVIT OF PUBLICATION

Ordinance No. 2007-05
An ordinance amending Chapter 3 entitled "Building Regulations", of the Tulia City Code adopted September 21, 2004, by adding thereto Article 3.14 entitled "Temporary Structures", amending Article 3.12 entitled "Dangerous Structures" by adding certain temporary structures to the definition of dangerous building in subsection 3.12.001 (a) and containing a penalty clause, containing a repealing clause, a savings clause, and providing for the effective date of this ordinance.

STATE OF TEXAS

COUNTY OF SWISHER

Sheila Dunn, City Secretary of Tulia, Texas, do hereby certify that the above and foregoing is a true and exact copy of the captioned ordinance duly passed and approved by the City Council of Tulia, Texas on the 22nd of 2007.

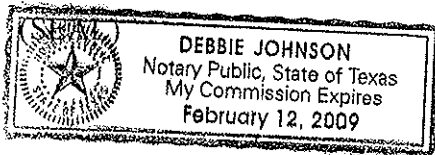
Sheila Dunn
0725-2c

BEFORE ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly representative, who after being by me first duly sworn, stated upon oath that he is the publisher of *Herald* and says:

That the attached notice was published in *The Tulia Herald*, a newspaper published in the English language of general circulation in the city of Tulia, Swisher County, Texas, in the issues of June 21st, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.

[Handwritten Signature]

SWORN TO AND SUBSCRIBED before me this 16th day of July, 2007, to certify which witness my hand and seal of office.



[Handwritten Signature: Debbie Johnson]

Notary Public in and for Swisher County, Texas

ORDINANCE NO. 2007-06

AN ORDINANCE AMENDING SECTION 14.06.040 ENTITLED "OTHER REQUIRED CONDITIONS" OF DIVISION 3. C-1 (RETAIL BUSINESS) DISTRICT OF ARTICLE 14.06 ENTITLED "SCHEDULE OF DISTRICT REGULATIONS" OF CHAPTER 14 ENTITLED "ZONING", OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, PROVIDING FOR ADDITIONAL REQUIREMENTS OF STRUCTURES CONSTRUCTED IN A C-1 (RETAIL BUSINESS) DISTRICT; AMENDING SECTION 14.06.060 ENTITLED "OTHER REQUIRED CONDITIONS" OF DIVISION 4. C-2 (GENERAL COMMERCIAL) DISTRICT OF ARTICLE 14.06 ENTITLED "SCHEDULE OF DISTRICT REGULATIONS" OF CHAPTER 14 ENTITLED "ZONING", OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, PROVIDING FOR ADDITIONAL REQUIREMENTS OF STRUCTURES CONSTRUCTED IN A C-2 (GENERAL COMMERCIAL) DISTRICT; CONTAINING A PENALTY CLAUSE; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS:

Section 1. That Section 14.06.040 entitled "Other Required Conditions" of Division 3. C-1 (Retail Business) District of Article 14.06 entitled "Schedule of District Regulations" of Chapter 14 entitled "Zoning", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended by adding thereto the following subsections:

(c) No previously existing or used structure, including accessory buildings, may be moved onto and installed in a C-1 district.

(d) No accessory building may be moved onto or installed in a C-1 district unless it is affixed to the real estate and meets all the requirements of the building, plumbing, electrical and fire codes adopted by the City.

(e) All structures constructed, built or installed in a C-1 district must be newly constructed of wood frame, metal frame, concrete or masonry construction built on site or prefabricated and moved on site and meet all the requirements of the building, plumbing, electrical and fire codes adopted by the City.

Section 2. That Section 14.06.060 entitled "Other Required Conditions" of Division 4. C-2 (General Commercial) District of Article 14.06 entitled "Schedule of District Regulations" of Chapter 14 entitled "Zoning", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended by adding thereto the following subsections:

(c) No previously existing or used structure, including accessory buildings, may be moved onto and installed in a C-2 district.

(d) No accessory building may be moved onto or installed in a C-2 district unless it is affixed to the real estate and meets all the requirements of the building, plumbing, electrical and fire codes adopted by the City.

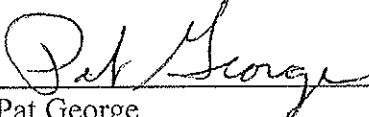
(e) All buildings constructed, built or installed in a C-2 district must be newly constructed of wood frame, metal frame, concrete or masonry construction built on site or prefabricated and moved on site and meet all the requirements of the building, plumbing, electrical and fire codes adopted by the City.

Section 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

Section 4. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this the 22nd day of May, 2007.



Pat George
Mayor, City of Tulia, Texas



City Secretary

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

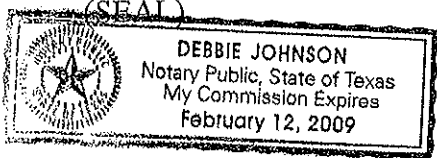
COUNTY OF SWISHER

BEFORE ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly appointed representative, who after being by me first duly sworn, stated upon oath that he is the publisher of *The Tulia Herald* and says:

The attached notice was published in *The Tulia Herald*, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of June 21 & 28, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.

[Handwritten Signature]

SWORN TO AND SUBSCRIBED before me this 6th day of July, 2007, to certify which witness my hand and seal of office.



[Handwritten Signature: Debbie Johnson]
Notary Public in and for Swisher County, Texas

Public Notice
Ordinance No. 2007-06
An ordinance amending section 14.06.040 entitled "Other Required Conditions" of Division 3.C-1 (Retail Business) of Chapter 14 entitled "Regulations" of Chapter 14 entitled "Zoning" of the Tulia City Code adopted September 21, 2004, as amended, providing for additional requirements of structures constructed in a C-1 (Retail Business) District, amending section 14.06.060 entitled "Other Required Conditions" of Division 4.C-2 (General Commercial) District of Article 14.06 entitled "Schedule of District Regulations" of Chapter 14 entitled "Zoning" of the Tulia City Code adopted September 21, 2004, as amended, providing for additional requirements of structures constructed in a C-2 (General Commercial) District, including a penalty clause, containing a repealing clause, a savings clause and providing for the effective date of this ordinance.
City of Swisher
I, Sheila Dunn, City Secretary of the City of Tulia, Texas, do hereby certify that the above and foregoing is a true and exact copy of the captioned ordinance duly passed and approved by the City Council of the City of Tulia, Texas, on the 22nd day of May, 2007.
Sheila Dunn
0725-2c

ORDINANCE NO. 2007-08

AN ORDINANCE DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONES FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT AS PROVIDED IN THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT CODIFIED IN CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE NUMBER OF YEARS FOR THE REINVESTMENT ZONES; RATIFYING THE PROCEDURES, GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS; AUTHORIZING FIVE YEAR AGREEMENTS TO ABATE TAXES AS TO INCREASED VALUE OF THE IMPROVEMENTS AND RELATED MATTERS THERETO; PROVIDING AND DETERMINING THAT THE MEETING AT WHICH THIS RENEWAL ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City Council of the City of Tulia, Texas, (the City) desires to encourage supervised improvements by property owners through commercial-industrial tax abatement procedures within its jurisdiction by the creation of reinvestment zones as authorized by the Property Redevelopment and Tax Abatement Act as codified in Chapter 312 entitled "Property Redevelopment and Tax Abatement Act" of the Texas Tax Code; and

WHEREAS, by resolution duly adopted by the City Council of the City of Tulia, Texas, on the August 7, 2007, a hearing before the City Council was set for 7:00 p.m. on September 4, 2007, such date being at least seven (7) days after the date of the publication of notice of such public hearing in The Tulia Herald, a newspaper having general circulation in the City of Tulia, Texas, such notice having been publish in said newspaper on August 23, 2007, and such hearing date also being at least seven (7) days after delivering notice in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zones as required by Section 312.201 of the Texas Tax Code; and

WHEREAS, the City Council of the City of Tulia, Texas, called said public hearing at its meeting on September 4, 2007, at 7:00 p.m., there being presented at such public hearing proof and evidence that notice of such hearing was duly published and given to the appropriate taxing entities as required by Section 312.201 of the Texas Tax Code, and there introduced at such hearing a copy of the resolution calling the public hearing, such resolution being dated August 7, 2007, which resolution contains a description of the proposed reinvestment zones; and

WHEREAS, at such public hearing the City introduced evidence that the improvements sought for said proposed reinvestment zones are feasible and practical and would be a benefit to the land to be included in the proposed reinvestment zones and to the City after the expiration of an agreement entered into under Section 312.204 or 312.211 of the Texas Tax Code, as applicable; and

WHEREAS, the City at such hearing invited any interested person to speak and present evidence for or against the designation of the proposed reinvestment zones for commercial-industrial tax abatement, said proposed reinvestment zones consisting of the Retail Business (C-1), General Commercial (C-2) and Manufacturing (M) districts as shown by the City of Tulia Zoning Map adopted December 21, 1965, as amended, attached hereto as Exhibit "A", and the concept of tax abatement and tax abatement agreements; and

WHEREAS, at such hearing recommendations were given as to the number of years for the which the reinvestment zones should be created, the number of years for which tax abatement would be available and the percentage to be applied for tax abatement as to the increased value of the improvements constructed pursuant to a tax abatement agreement adopted in accordance with the procedures, guidelines and criteria governing such tax abatement agreements;

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

Section 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated herein for all purposes.

Section 2. That the City, after conducting the public hearing, after having studied recommendations and after considering the evidence presented at the public hearing, has made the following findings based on the evidence and testimony presented to it:

- a. That the public hearing considering the designation of reinvestment zones for commercial-industrial tax abatement and related matters has been properly called, held and conducted and that notice of such hearing has been published and given as required by law; and
- b. That the City has the authority to hold and conduct the public hearing on the creation of the reinvestment zones and related matters pursuant to Section 312.001 et seq of the Texas Tax Code; and
- c. That the creation of reinvestment zones with boundaries described as Retail Business (C-1), General Commercial (C-2) and Manufacturing (M) districts according to the City of Tulia Zoning Map adopted December 21, 1965, as amended, will result in the construction and development of improvements that are feasible, practical and will benefit the City, its residents and property owners and the property owners in the reinvestment zones; and
- d. That the reinvestment zones as herein above defined meet the criteria for the creation and designation of reinvestment zones as set forth in Chapter 312 of the Texas Tax Code, and specifically Section 312.201 of said tax code, in that:

- (1) the improvements sought for said reinvestment zones are feasible and practical and would be a benefit to the land to be included in the reinvestment zones and to the City after the expiration of an agreement entered into under Section 312.204 or 312.211 of the Texas Tax Code, as applicable; and
- (2) The improvements in the reinvestment zones will enhance significantly the value of all taxable real property in the reinvestment zones.

Section 3. That the City hereby creates reinvestment zones in the areas above described and such reinvestment zones shall hereafter be identified as Reinvestment Zones C-1, C-2 and M City of Tulia for Commercial-Industrial Tax Abatement.

Section 4. That the Procedures, Guidelines and Criteria governing tax abatement agreements heretofore adopted by the City, attached hereto and incorporated herein for all purposes, are hereby ratified.

Section 5. That the designation of Reinvestment Zones C-1, C-2 and M City of Tulia Commercial-Industrial Tax Abatement shall expire five years after the date of this Ordinance, unless renewed as provided by Chapter 312 of the Texas Tax Code, or at any earlier time designated by subsequent ordinance.

Section 6. That written tax abatement agreements as provided by Chapter 312 of the Texas Tax Code with owners of real property located within the reinvestment zones shall be for a period of five years, with said agreements to provide among other provisions for abatement of the increased assessment value of the improvements in accordance with the following schedule:

- (1) 100% in the first year covered by the agreement;
- (2) 80% in the second year covered by the agreement;


- (3) 60% in the third year covered by the agreement;
- (4) 40% in the fourth year covered by the agreement; and
- (5) 20% in the fifth year covered by the agreement;

Section 7. That if any provision of this Ordinance shall be found to be invalid or unconstitutional, the remainder of such Ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision has never been a part of it.

Section 8. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED this 4th day of September, 2007.

ATTEST:



PAT GEORGE, Mayor
City of Tulia, Texas



SHEILA DUNN, City Secretary

**PROCEDURES, GUIDELINES AND CRITERIA
GOVERNING TAX ABATEMENT AGREEMENTS
WITHIN REINVESTMENT ZONES
DESIGNATED BY THE CITY OF TULIA, TEXAS**

Procedures

Except for good cause, the determination of such good cause to be in the sole determination of the City of Tulia, Texas, prior to beginning any demolition, rehabilitation, reconstruction or construction of any new facilities and/or structures or for the expansion or modernization of existing facilities and/or structures proposed to be included in a tax abatement agreement, the owner and/or developer shall first submit to the City Council a written request for a determination of eligibility of the proposed improvements. Upon the determination of eligibility, the owner and/or developer shall submit design development documents.

Development/Redevelopment Guidelines

The following shall serve as general criteria for the review of projects for the purpose of determining their eligibility for tax abatement:

1. The significance of the projects contribution to the City's tax base shall be considered.
2. The number of long term employment opportunities for the projects shall be considered.
3. Consideration shall be given to the degree to which the project contributes to the quality of the urban environment through good design and site planning.
4. As a minimum, rehabilitation costs must equal the greater of \$10,000.00, or the adjusted basis of the building (actual costs minus any depreciations already taken).
5. Buildings must be rehabilitated to met all City codes as a minimum standard.
6. Normal maintenance costs alone shall not be considered eligible for tax abatement.
7. Should rehabilitation, reconstruction or construction be proposed because of damages sustained because of a fire, windstorm or other natural disaster, the base value for the tax abatement shall not be less than the value prior to such natural disaster.
8. Signage shall be subdued of the scale and character which will blend with and complement the surrounding environment. All miscellaneous abandoned electrical, plumbing, drainage and other mechanical equipment should be removed from the building exterior where possible.
9. New mechanical systems and utilities service should be installed in such a way that it

will not detract from building's appearance.

10. Lighting, landscaping and signage should be carefully used to create a pleasant and secure environment throughout the area.

11. New buildings should be of a quality design and construction.

12. New construction should complement and blend with existing structures.

13. Landscaping and lighting should be encouraged.

14. Key pedestrian linkages through building or repairing of sidewalks should be provided as appropriate.

15. Landscaping and light parking areas should be provided where possible in order to achieve the desired image of quality and to improve security.

The adoption of the foregoing procedures, guidelines and criteria shall not limit the discretion of the City Council of the City of Tulia, Texas, to decide whether or not to enter into a specific tax abatement agreement, to delegate to its employees the authority to determine whether or not the City Council should consider a particular application or request for tax abatement or create any property, contract or other legal right in any person to have the City Council consider or grant a specific application or request for tax abatement.

The procedures, guidelines and criteria shall be effective for a period of two years from the date of their adoption by the City Council of the City of Tulia, Texas.

You are hereby notified that the City Council of the City of Tulia, Texas, will hold a public hearing on the 4th day of September, 2007, at 7 p.m., in the City Council Chambers at Tulia City Hall, 427 S W 2nd St., Suite 300, Tulia, Texas, to consider the designation of all areas presently zoned Retail Business (C-1), General Commercial (C-2), and Manufacturing (M) according to the City of Tulia Zoning Map as a reinvestment zone for the purpose of eligibility for Commercial-Industrial Tax Abatement pursuant to the Proper Redevelopment and Tax Abatement Act, Section 312.001 et seq. of Tax Code of the State of Texas.

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF SWISHER

Ricky D. Crownover
City Manager, City of Tulia
0734-1c

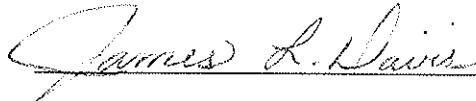
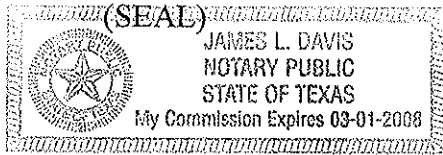
BEFORE ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly representative, who after being by me first duly sworn, stated upon oath that he is the publisher

of The Tulia Herald and says:

The attached notice was published in The Tulia Herald, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of Aug 23, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.



SWORN TO AND SUBSCRIBED before me this 4th day of September 2007, to certify which witness my hand and seal of office.



Notary Public in and for Swisher County, Texas

ORDINANCE NO. 2007-08

AN ORDINANCE OF THE CITY OF TULIA TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253

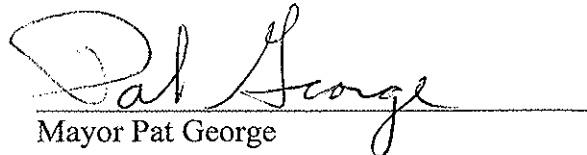
WHEREAS, the 80th Texas Legislature in Regular Session has enacted House Bill 621 to take effect on January 1, 2008, which added Tex. Tax Code #11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past; and

WHEREAS, Tex. Tax Code #11.253(j) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit; and


WHEREAS, the City Council of the City of Tulia, having conducted a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution, is of the opinion that it is in the best interests of the district to continue to tax such goods-in-transit;

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TULIA THAT: The goods-in-transit as defined Tex. Tax Code 11.253(a)(2), as amended by House Bill 621, enacted by the 80th Texas Legislature in Regular Session, shall remain subject to taxation by the City of Tulia, Texas.

Dated the 18th day of September, 2007.


Mayor Pat George

ATTESTED:


City Secretary

ORDINANCE NO. 2007 - 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY AND ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS" OR "THE COMPANY") WITH REGARD TO THE COMPANY'S PROPOSAL TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2006 FILED ON JULY 27, 2007; ADOPTING A TARIFF THAT REFLECTS AN INTERIM GRIP RATE ADJUSTMENT CONSISTENT WITH THE SETTLEMENT AGREEMENT; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Tulia, Texas ("City") is a gas utility customer of Atmos Energy Corp., West Texas Division ("Atmos West Texas" or "the Company"), and a regulatory authority with an interest in the rates and charges of Atmos West Texas; and

WHEREAS, Atmos West Texas made filings with the City and the Railroad Commission of Texas ("Railroad Commission") on or about July 27, 2007, proposing to implement interim rate adjustments ("GRIP rate increases"), pursuant to Texas Utilities Code § 104.301, on all customers served by Atmos West Texas, effective September 25, 2007; and

WHEREAS, the City took action to suspend the September 25, 2007 Effective Date and to coordinate a response to Atmos' filing with other similarly situated municipalities through the Steering Committee of Cities Served by Atmos West Texas; and

WHEREAS, Atmos on several occasions extended the Effective Date such that the City's jurisdiction over the GRIP matter ends January 15, 2008; and

WHEREAS, Atmos and the Steering Committee Cities have been in continuing disagreement, dispute, and litigation over the application of Section 104.301 of the Texas Utilities Code and the GRIP rate increases established by the Railroad Commission of Texas (“RRC” or the “Commission”); and

WHEREAS, show cause proceedings were initiated by many of the Steering Committee Cities wherein Atmos was ordered to demonstrate that its existing rates should not be reduced; and

WHEREAS, the Steering Committee Cities desire to avoid the litigation expense and drain on resources that would result if those proceedings were to go forward and precipitate a contested system-wide rate case before the RRC; and

WHEREAS, a GRIP proceeding involves rate making, entitling cities to reimbursement of reasonable rate case expenses; and

WHEREAS, Steering Committee Cities desire to recoup certain costs they previously incurred in connection with GRIP-related proceedings (costs which Atmos contends are not reimbursable rate case expenses under the Texas Utilities Code), as well as costs incurred in connection with the referenced show cause proceedings;

WHEREAS, the Executive Committee of Atmos West Texas Cities Steering Committee negotiated with the Company a Settlement Agreement resolving the issues raised in the Company’s GRIP filing and in the show cause proceedings; and

WHEREAS, the Tariff implementing GRIP rates is consistent with the Settlement Agreement and is just, reasonable, and in the public interest; and

WHEREAS, the Settlement Agreement as a whole is in the public interest;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA,

TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the Settlement Agreement and Tariff, which are attached hereto and incorporated herein as Exhibit "A" and "B" respectively, are just, reasonable and in the public interest and hereby adopted in all respects.

Section 3. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

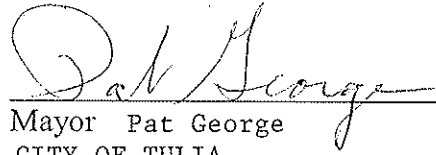
Section 4. That the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 6. That this Ordinance shall become effective from and after its passage.

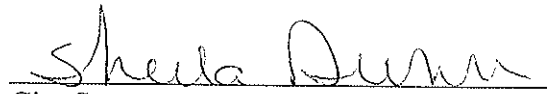
Section 7. That a copy of this Ordinance shall be sent to Atmos West Texas, care of C. W. "Bill" Guy, at Atmos Energy Corporation, 5110 80th Street, Lubbock, Texas 79424, and to Geoffrey Gay, legal counsel to Atmos West Texas Steering Committee Cities, at Lloyd Gosselink, 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 17th day of DECEMBER, 2007.



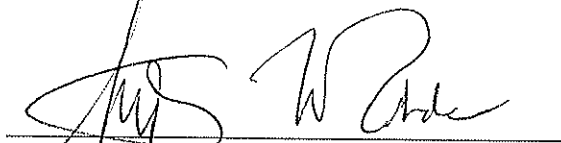
Mayor Pat George
CITY OF TULIA

ATTEST;



City Secretary Sheila Dunn

APPROVED AS TO FORM:



City Attorney