

ORDINANCE NO. 2007-16

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, DELETING SECTION 2-29 OF THE CODE OF ORDINANCES AND ADDING A NEW SECTION 2-29, SETTING THE MONTHLY STIPEND FOR THE MAYOR AND MONTHLY COMPENSATION FOR THE MAYOR AND MEMBERS OF THE CITY COUNCIL; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 95-04, ADOPTED APRIL 3, 1995, AND THE REPEAL OF ALL OTHER INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas, now desires to set the compensation for the Mayor and City Council members; and

WHEREAS, the City of Tomball Home Rule Charter provides, in SECTION 6.04 - COMPENSATION, that "By ordinance, the Council shall set the compensation for its members in attendance at its meetings. The Council shall also set a monthly stipend for the Mayor. The Mayor and City Councilmen shall also be reimbursed for actual expenses incurred while on official business."; and

WHEREAS, Local Government Code, Vernon's Texas Codes Annotated, Section 141.004., entitled "Officers in Home Rule Municipalities", states:

"The governing body of a Home Rule municipality may set the amount of compensation for each officer of the municipality."; and

WHEREAS, Chapter 2, ADMINISTRATION, ARTICLE II. CITY COUNCIL, Section 2-29. Compensation of elected officials., of the Code of Ordinances of the City of Tomball, provides for the compensation to be paid to the Mayor and members of City Council, as established by Ordinance No. 95-04, adopted April 3, 1995;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, Section 2-29, Compensation of elected officials., of the Code of Ordinances is deleted in its entirety, and a new Section 2-29 is substituted in its place, which provides as follows:

"Sec. 2-29. Compensation of elected officials.

In accordance with the City of Tomball Home Rule Charter, Section 6.04, Compensation, effective October 1 of each year, beginning November 6, 2007, the stipend/compensation for the Mayor and members of City Council shall be, as follows:

- (1) The monthly stipend for the Mayor shall be Seven Hundred Fifty dollars (\$ 750.00) per month.
- (2) The Mayor and each member of the City Council shall receive compensation, per person, of One Hundred dollars (\$ 100.00) per regular, special or workshop meetings attended each month. Should any such meetings be scheduled back-to-back, they shall be construed to be one meeting.
- (3) The Mayor and members of the City Council shall also be reimbursed for actual expenses incurred while on official City business.
- (4) Compensation shall be reviewed annually for budget adjustments and figures shall be indexed to the Bureau of Labor Statistics, Consumer Price Index for Houston, or a similar index during the budget process.

General Provisions Which Apply to the Passage of This Ordinance.

Severability.

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Publication

The City Secretary of the City of Tomball, Texas, is hereby directed to publish this Ordinance in the official newspaper of the City of Tomball, Texas, in compliance with the provisions of Section 6.14(a) of the City Charter.

Open Meetings

It is hereby found and determined that the meetings at which this Ordinance was passed were open to the public, as required by Chapter 551 of the Texas Government Code, and that advance public notice of time, place, and purpose of said meeting was given.

Repeal

City of Tomball Ordinance No. 95-04, adopted April 3, 1995 is hereby repealed.

All ordinances in force when this Ordinance becomes effective and which ordinances are inconsistent or in conflict with this Ordinance are hereby repealed, insofar as said ordinances are inconsistent or in conflict with this Ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 22ND DAY OF OCTOBER 2007.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF NOVEMBER 2007.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>NAY</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>NAY</u>

(signed) Gretchen Fagan
Gretchen Fagan, Mayor
City of Tomball

ATTEST:

(signed) Doris Speer
Doris Speer, City Secretary
City of Tomball