

ORDINANCE NO. 2009-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, AMENDING ORDINANCE NO. 99-02,
ADOPTED MARCH 1, 1999, AUTHORIZING THE ISSUANCE
OF \$7,550,000 CITY OF TOMBALL, TEXAS, WATERWORKS
AND SEWER SYSTEM REVENUE BONDS, SERIES 1999**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1: The City's ordinance authorizing the issuance of \$7,550,000 City of Tomball, Texas, Waterworks and Sewer System Revenue Bonds, Series 1999, passed and approved on first reading on February 22, 1999 and passed and approved on second reading on March 1, 1999 (the "1999 Ordinance") is hereby amended as follows:

In Article II, 'Definitions and Interpretations', Section 2.1, 'Definitions,' where the definition of the term 'System' appears on page 4 of the 1999 Ordinance, add the word 'natural gas,' after the word 'the' and before the word 'waterworks', so that the definition shall read as follows:

"System" means all properties, facilities, improvements, equipment, interests, and rights constituting the natural gas, waterworks and sanitary sewer systems of the City, including all future extensions, replacements, additions, and improvements thereto; provided, however, that while the Prior Lien Bonds are outstanding, the System shall also include all properties, facilities, improvements, equipment, interests and rights constituting the natural gas system of the City and all future extensions, replacements, additions, and improvements thereto.

Section 2: The amendments provided for herein shall be effective upon adoption of this Ordinance, provided that the City has first received approval for the amendment from the Texas Water Development Board. The 1999 Ordinance shall remain in full force and effect as amended hereby.

Section 3: The City Council finds that the public importance of this measure and the fact that it is to the best interest of the City to amend the 1999 Ordinance as described at the earliest possible date, for the immediate preservation of the public peace, health and safety, constitutes and creates an emergency for which the Charter requirement providing for multiple readings of ordinances should be dispensed with, and this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3RD DAY OF AUGUST, 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>NAY</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>NAY</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17TH DAY OF AUGUST, 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

Gretchen Fagan
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer
DORIS SPEER, City Secretary
City of Tomball

APPROVED:

Scott Bounds
City Attorney
City of Tomball