

ORDINANCE NO. 2006-17

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 1 TO THE ORIGINAL BUDGET OF THE CITY OF TOMBALL, TEXAS, FOR THE FISCAL YEAR 2005-2006, AS ADOPTED BY ORDINANCE NO. 2005-06; PROVIDING FOR APPROPRIATION OF FUNDS FROM THE UTILITY FUND IN THE AMOUNT OF \$549,500 FOR A TOTAL INCREASE IN EXPENSES OF \$549,500, DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.

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WHEREAS, the City of Tomball fiscal year 2005-2006 Budget was adopted by Ordinance No. 2005-06, with the time and in the manner required by State law; and

WHEREAS, the City Council finds it is necessary to amend the 2005-2006 Budget to provide for the appropriation of funds for certain projects that required change orders, were budgeted in 2005-2006, were carry-over projects, or were estimated to be completed in 2005-2006 but were not completed or billed, and therefore the 2005-2006 Budget must be amended to allocate funds in the amount of \$549,500, with an increase in the budgeted expenditures for the Utility Fund of \$549,500; and

WHEREAS, the City Council finds that the significance of this matter is a matter of grave public necessity and a pressing need for the City of Tomball; **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

Section 1. The facts and matters set out above in the recitations are found to be true and correct.

Section 2. The City of Tomball, Texas, Fiscal Year 2005-2006 Budget is hereby amended to provide for the appropriation of funds from the Utility Fund in the amount of \$549,500, with an increase in Expenses of \$549,500. This **Amendment No. 1 To The Original Budget of the City of Tomball, Texas, For The Fiscal Year 2005-2006** shall be attached to and made a part of the Original budget by the City Secretary and filed as required by State law and the City Charter.

Section 3. Publication; Effective Date; Open Meetings. 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, which publication shall be sufficient if it contains the caption of this Ordinance. This Ordinance shall be effective after the publication requirement of the City Charter is satisfied. It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Chapter 551 of the Government Code, and that advance public notice of the time, place, and purpose of the meetings was given.

Section 4. 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.

Section 5. Rights and Remedies; Repeal. All rights and remedies which have accrued in favor of the City under this chapter and its amendments shall be and are preserved for the benefit of the City.

All ordinances in force when this Ordinance becomes effective and which ordinances are inconsistent herewith 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 16TH DAY OF OCTOBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>ABSENT</u>
COUNCILMAN FAGAN	<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 23RD DAY OF OCTOBER 2006.

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

(signed) H. G. Harrington
H. G. HARRINGTON, Mayor

ATTEST:

(signed) Doris Speer
DORIS SPEER, City Secretary