

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT AND ACCEPTING \$400,000 FROM BEXAR COUNTY AND AMENDING THE STORMWATER FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023 IN THE AMOUNT OF \$400,000.00, TO PROVIDE ADDITIONAL FUNDING FOR THE LEON VALLEY STORMWATER FUND FOR THE CONSTRUCTION OF THE SENECA WEST DRAINAGE PROJECT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the city desires to construct a flood and erosion control project in the Seneca West neighborhood along Drain 1, from Grass Hill Street to Aids Drive into Huebner Creek; and

**WHEREAS**, the fees previously budgeted for this construction were not sufficient to fund the entire project; and

**WHEREAS**, Bexar County has agreed to provide additional funding for this project in the amount of \$400,000.00; and

**WHEREAS**; in order to accept this additional funding the City Manager will execute a contract amendment; and

**WHEREAS**, the City of Leon Valley has already approved their FY 2022-2023 Budget on September 20, 2022; and

**WHEREAS**, City Council approved the budget for the Stormwater Fund for FY 2022-2023; and

**WHEREAS**, it has been determined that funding should be added to the FY 2022-2023 Stormwater Fund Budget; and

**WHEREAS**, it is necessary to adjust the Stormwater Fund Budget by a total amount of \$400,000.00 for FY 2022-2023; and

**WHEREAS**, Texas Local Government Code Section 102-0120 provides that a municipality is not prohibited from making changes to a budget for municipal purposes; and

**WHEREAS**, the Leon Valley City Council now desires to authorize the City Manager to execute a contract amendment, accepting an additional \$400,000 from Bexar County and amending the Stormwater Fund Budget for FY 2022-2023 in a total amount \$400,000.00, to provide additional funds for the flood and erosion control project on Drain 1 in the Seneca West neighborhood;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:**

**SECTION 1.** The City Manager is authorized to execute a contract amendment accepting additional funding in the amount of \$400,000.00 from Bexar County.

**SECTION 2.** The FY 2022-2023 Stormwater Fund Budget of the City of Leon Valley is hereby amended to increase the budget by the amount of \$400,000.00 to provide additional funding for the construction of the Seneca West Drainage Project. Funding for this project will be taken from the Stormwater Reserve Fund.

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Finance Director. The Finance Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

**SECTION 5.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION 6.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 17th day of January 2023.

**APPROVED**

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**CHRIS RILEY**

MAYOR

Attest :

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**SAUNDRA PASSAILAIGUE, TRMC**

City Secretary

Approved as to Form:

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**NICOLE WARREN**

City Attorney