

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE 2022-51 TO CLEARLY IDENTIFY FUNDING SOURCES FOR CAPITAL PROJECTS THAT WERE CARRIED OVER FROM FISCAL YEAR 2021-22 TO FISCAL YEAR 2022-2023; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, several planned Capital Improvement projects that were approved by the City Council in FY 2021-2022 were delayed; and

**WHEREAS**, the Capital Improvement projects funding ended on September 30, 2022; and

**WHEREAS**, the City of Leon Valley had already passed their FY 2021-2022 Budget; and

**WHEREAS**, City Council approved Ordinance 2022-51, which approved a budget adjustment for funding for the carry over projects and stated where the funding would be placed, but the Ordinance did not clearly identify the funding sources; and

**WHEREAS**, it has been determined that the Ordinance should have stated where the funds were to be taken from; and

**WHEREAS**, it is necessary to amend Ordinance 2022-51 to clearly identify the funding source; 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 amend Ordinance 2022-51 as stated in Exhibit A to clearly identify the funding source for these carryover projects;

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

**SECTION 1.** That Exhibit A attached hereto mandates the funding source for the purchase of a dump truck, well houses, and the Huebner Well generator, and for funding the Hike & Bike Trail Segment 1, the Seneca West Drainage Project, and the Huebner Elevated Tank Rehabilitation projects.

**SECTION 2.** 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 3.** 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 4.** 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 5.** 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 2<sup>nd</sup> day of May, 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