

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE CAPITAL FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS FOR THE FISCAL YEAR 2022-2023 IN A TOTAL AMOUNT OF \$633,167.00, TO PROVIDE FUNDING FOR THE LEON VALLEY CAPITAL FUND FOR THE ENGINEERING AND DESIGN OF THE HUEBNER CREEK FLOOD AND EROSION CONTROL PROJECT SEGMENT 1; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city desires to engineer and design a flood and erosion control project in Huebner Creek, from the Bandera Road bridge to Poss Road at Cherryleaf Street; and

WHEREAS, the fee for designing and engineering the project are not in the FY 2022-23 budget; and

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

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

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

WHEREAS, it is necessary to adjust the Capital Fund Budget by a total amount of \$633,167 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 amend the Capital Fund Budget for FY 2022-2023 in a total amount \$633,167.00, to fund a flood and erosion control project in Huebner Creek;

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

SECTION 1. The FY 2022-2023 Capital Fund Budget of the City of Leon Valley is hereby amended to increase the budget by the amount of \$633,167.00 to provide funding for the engineering and design of a flood and erosion control project in Huebner Creek.

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.