

ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ESTABLISHING THE TOMBALL LEGACY FUND, INC. FOR THE PURPOSE OF RECEIVING PRIVATE AND/OR CORPORATE GRANT FUNDS; SAID FUNDS TO BE USED ON BEHALF OF THE CITY OF TOMBALL, TEXAS FOR PROJECTS SERVING THE TOMBALL COMMUNITY; PROVIDING FOR THE SELECTION OF SEVEN (7) MEMBERS TO COMPRISE THE TOMBALL LEGACY FUND, INC. BOARD OF DIRECTORS AND FOR THE MANNER OF SELECTION AND PERIOD OF SERVICE OF SUCH MEMBERS; PROVIDING FOR DUTIES AND PROCEDURES FOR THE TOMBALL LEGACY FUND, INC. BOARD OF DIRECTORS; CONTAINING RECITATIONS; 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 Council finds it is appropriate to establish a 501(c)(3) organization, a nonprofit corporation created pursuant to the Nonprofit Corporation Act (the “Act”), for the purpose of receiving private and/or corporate grant funds, to be known as the Tomball Legacy Fund, Inc. to supplement the City of Tomball’s ability to fund various programs, projects, events and other expenditures benefitting the Tomball community; **now, therefore,**

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

Section 1.0 Recitations. Recitations stated above are hereby found to be true and correct.

Section 2.0. Members. The Tomball Legacy Fund Board, Inc. shall be composed of seven (7) individuals. Positions 1 through 6 shall be filled by six (6) members who shall be the members of the City Council of the City of Tomball; Position 7 shall be filled by one (1) member who shall be appointed by City Council.

Section 3.0. Selection and Term. The Mayor and City Council members shall serve in such capacity for a period coinciding with their respective terms of office with the City. Directors in Positions 1 through 6 must reside within the City and if such residence ceases, it shall be deemed as a resignation. The Director for Position 7 is not required to reside within the City and his/her term of office shall coincide with the term of the Mayor. Directors are removable by the governing body of the City at any time without cause. The Directors shall serve without compensation, unless compensation is proposed and approved by the City’s governing body, said compensation in no event to exceed the compensation of the elected officers of the City’s governing body, except that such Directors shall be reimbursed for their actual expenses incurred in the performance of their duties. Any vacancy occurring on the Board of Directors through death, resignation, or otherwise shall be filled by appointment by the governing body of the City, said appointee to hold office until the

expiration of the relinquished term.

3.1 The periods of service of the members shall, for purpose of this Ordinance commence on August 5, 2013 and expire as noted above.

Section 4. 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. The 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 the Texas Open Meetings Act and that advance public notice of the time, place, and purpose of the meetings was given.

Section 5. 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 6. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are to the extent of such inconsistency or conflict repealed.

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 15TH DAY OF JULY 2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<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 5TH DAY OF AUGUST
2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

Gretchen Fagan
GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
DORIS SPEER
City Secretary