MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: February 19, 2016

Subject: Approval of an Ordinance establishing that any unused budgeted funds which have been allocated for infrastructure improvements be automatically rolled over into the following year's budget

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This item has been placed on the agenda at the request of Mayor Neal. A copy of the proposed Ordinance is attached.

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 2, ADMIINISTRATION OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, ADDING A NEW PROVISION OF CHAPTER 2 REQUIRING THAT ANY PORTION OF FUNDS BUDGETED FOR INFRASTRUCTURE IMPROVEMENTS THAT ARE NOT USED IN A GIVEN YEAR BE AUTOMATICALLY TRANSFERRED TO THE FOLLOWING YEAR'S BUDGET; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that this Ordinance benefits the Citizens by insuring that the City continues to dedicate sufficient funds to support the needed improvements to the City's infrastructure; **NOW, THERFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS:

Section 1. That the findings set out in the preamble to this Ordinance are hereby in all things approved.

Section 2. That a new section of Chapter 2, Administration, is hereby created and adopted. That section to be titled, ***Section 2-13, Annual Budget Appropriations for Infrastructure,*** said section to read as follows:

"Sec. 2-13. Annual Budget Appropriations for Infrastructure.

(a) At the end of each year, any unused funds remaining in that year's budget that have been allocated for infrastructure improvements shall be automatically transferred over to the next year's budget for infrastructure improvements.

(b) Notwithstanding the forgoing provision, should the City Commission determine that a financial exigency or emergency exists, such that implementation of the provisions contained in this section, will cause undue hardship, or serious adverse impact upon the City's finances during that fiscal year, implementation of these provisions may be deferred and postponed, in whole or in part, until and after such financial exigency no longer exists, but shall be resumed hereafter."

Section 3. That the meeting at which this Ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior Ordinances or portions of Ordinances of the City of Marshall in conflict with the terms and provisions of this Ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any Ordinance or portion of an Ordinance by this Ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this Ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this Ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this Ordinance not affected thereby shall remain in full force and effect.

Section 7. That this Ordinance shall be effective from and after its passage and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

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CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

ATTEST:

_____

Title: _____