

CITY OF WILLOW PARK

ORDINANCE NO. 643-11

AN ORDINANCE, PROVIDING AUTHORIZATION TO AMEND CHAPTER 1, "GENERAL PROVISIONS", ARTICLE 1.1200 "TAXATION", SECTION 1.1202 "SALES TAX" SUBPARAGRAPH (e) "LITIGATION AND SINKING FUND" BY REFLECTING THE REPEAL OF SUBPARAGRAPH (e) AS APPROVED BY ORDINANCE 308-91 OF THE CITY OF WILLOW PARK, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, pursuant to §51.001 TEX. LOCAL GOVERNMENT CODE a governing body of a city may adopt, amend or repeal ordinances where the health, safety and welfare of the city; and

WHEREAS, the governing body of the city did adopt Ordinance 308-91 on November 19, 1991 providing for a sinking fund for litigation purposes;

WHEREAS, the governing body of the city did subsequently adopt Ordinance 366-94 on September 1, 1994 that repealed Ordinance 308-91; and

WHEREAS, the repealer language of Ordinance 366-94 did not affirmatively reflect legislative format showing the narrative action of repeal.

NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

Chapter 1 "General Provisions", Article 1.1200 "Taxation", Section 1.1202 "Sales Tax" subparagraph (e) of the Municipal Code of Ordinances is amended as follows:

§ 1.1202 Sales Tax

~~(e) Litigation Sinking Fund. One percent (1%) of the general Sales and Use Tax Revenue and one percent (1%) of the Alcohol Sales Tax, as such accrue, will be used to create a sinking funds for the payment of litigation expenses. Such funds will be used by the city administrator, under the direction of the city council to defray litigation expenses as such may, from time to time, occur.~~

SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND ADOPTED this 11th day of October, 2011.

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 643-11 did on the 11th day of October, 2011, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____ ✓	_____
Gene Martin, Place 2, Mayor Pro-Tem	_____ ✓	_____
Amy Podany, Place 3	_____ ✓	_____
Mark Hickerson, Place 4	_____ ✓	_____
Hale Alderman, Place 5	_____ ✓	_____