

ORDINANCE NO. 2007-2008-J

An ordinance amending the 2007-2008 Fiscal Year Budget of the City of Victoria by transferring \$200,000 from the General Fund fund balance to the Legal Department Professional Services line item to provide funding for legal representation in the defense of the prosecution of indicted official, employees and ex-employee, providing for severability, repealing conflicting ordinances, and declaring an effective date.

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

The City Council finds that the release of details of the investigation of Michael Lewis Ratcliff by any of the aforementioned indicted persons was for the municipal governmental purpose of warning the citizens of Victoria of the presence of a suspected sex offender employed by the office of the District Attorney who potentially had access to various law enforcement information systems containing sensitive data on the citizens of the City of Victoria. The City Council further finds that such release was for the municipal public purpose of providing police protection and control; therefore, said public release further constituted a governmental function as declared by Texas Civil Practice & Remedies Code § 101.0215.

1.

The Fiscal Year 2007-2008 Budget of the City of Victoria is amended by transferring \$200,000 from the General Fund fund balance (0001-300100) to the Legal Department Professional Services line item (0001-01LEG-530000) to provide funding for legal representation in the defense of the prosecution of indicted official, employees and ex-employee.

2.

If any provision of this ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

4.

In accordance with Article V, Section 5 of the Charter of the City of Victoria, the City Council finds a grave public necessity exists to amend the original budget to authorize the aforementioned expenditures to meet unusual and unforeseen conditions involving the prosecution of indicted official, employees and ex-employee, which could not by reasonable diligence, thought and attention have been included in the original budget.

5.

This ordinance shall take effect upon final approval and adoption by the City Council of the City of Victoria.

6.

The funds provided pursuant to this ordinance shall be repaid by each indicted official, employee, or ex-employee if said person is convicted of the crimes of which they are accused.

PASSED FIRST READING, this the 1st day of July, 2008.

AYES: 5
NAYS: 1
ABSTENTIONS: 1

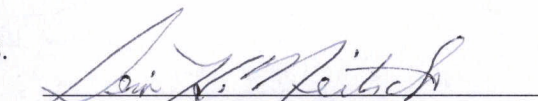
PASSED SECOND READING, this the 15th day of July, 2008.

AYES: 4
NAYS: 1
ABSTENTIONS: 1

PASSED THIRD READING, this the 15th day of July, 2008.

AYES: 4
NAYS: 1
ABSTENTIONS: 1

APPROVED AND ADOPTED, this the 15th day of July, 2008.


LEWIS NEITSCH, Mayor Pro Tem of the
City of Victoria, Texas

ATTEST:



Scarlet Swoboda

SCARLET SWOBODA, City Secretary
Distribution: Finance Department
Legal Department

APPROVED AS TO LEGAL FORM:

Miles Risley

MILES RISLEY, City Attorney

Copies Sent: July 16, 2008