

**ORDINANCE NO. 2017-40**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-8, ADDITION OF NEW MATERIAL TO CODE, OF THE CODE OF ORDINANCES TO ALLOW THE CITY SECRETARY TO CORRECT SCRIVENER'S ERRORS IN ORDINANCES, RESOLUTIONS, AND OTHER COUNCIL ACTIONS WHETHER CODIFIED OR UNCODIFIED, PROVIDING A REPEALER, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, AND PROVIDING AN EFFECTIVE DATE**

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**WHEREAS**, from time to time clerical errors, also known as scrivener's errors, occur in ordinances and resolutions adopted by the Tomball City Council, as well as other Council actions; and

**WHEREAS**, it would be efficient to allow the City Secretary to correct such errors whether or not the ordinance or resolution is codified, rather than bringing such matters to Council for corrections; and

**WHEREAS**, the City Council finds it is in the best interest of the City to amend Chapter 1, General Provisions, Section 1-8, Addition of new material to Code, of the Code of Ordinances to allow the City Secretary to correct scrivener's errors in ordinances, resolutions, and other Council actions, whether codified or uncodified as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:**

**Section 1.** The City Council hereby adopts the findings set forth above.

**Section 2.** The Code of Ordinances, City of Tomball, Texas, is hereby amended by adding a subsection (c) of Chapter 1, General Provisions, Section 1-8, Addition of new material to Code, of the Code of Ordinances to be numbered (c), which section reads as follows:

**"Sec. 1-8. Addition of new material to Code.**

(c) The city secretary is authorized to make necessary corrections in the text and formatting of the Code, or of individual ordinances or resolutions adopted by the council, including but not limited to the misspelling of words, typographical errors, duplicate pages, incorrect references to laws or technical sources, and

other similar amendments without the necessity of passage of a corrective ordinance, resolution or other council action."

**Section 3.** All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

**Section 4. Severability.** In the event any 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 or 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, whether there be one or more parts.

**Section 5.** This Ordinance shall take effect immediately upon its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

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 16TH DAY OF OCTOBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<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 6TH DAY OF NOVEMBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary