

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE I, “IN GENERAL,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (1986), AS AMENDED, BY REVISING SECTION 2-9(d)(8)(a), “CONTRACT EXECUTION; AMENDMENTS; CHANGE ORDERS,” TO EXTEND THE AUTHORIZED TERM OF ANY CONTRACT FOR THE PURCHASE OF ELECTRICITY,” BY AMENDING SECTION 2-9(d)(8)(a); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of the City of Fort Worth (1986) (“City Code”) currently states that the term of any contract for the purchase of electricity shall not exceed forty eight (48) months (“Maximum Term”); and

WHEREAS, City of Fort Worth staff desire to extend the Maximum Term of contracts for the purchase of electricity; and

WHEREAS, staff recommends that the current City Code provision addressing the term of electricity contracts be amended to increase the Maximum Term;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

That Chapter 2, “Administration,” Article I, “In General,” Section 2-9(d)(8)(a), “Contract Execution; Amendments; Change Orders,” of the City Code is hereby amended to increase the Maximum Term to one hundred and twenty (120) months. As amended, Section 2-9(d)(8)(a) shall read as follows:

(d) Provided that sufficient funds have previously been appropriated by the city council, the city manager may execute the following without city council approval:

...

(8) Any contract for the purchase of electricity provided that:

a. The term of any such contract does not exceed 120 ~~48~~ months; and

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the City Code, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such City Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Fort Worth City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the ordinance amended herein, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinance, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Assistant City Attorney

Mary Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____