

ORDINANCE 99-05

AN ORDINANCE AUTHORIZING AND RATIFYING ACTIONS OF TMTCI AND THE LAW OFFICES OF RAMON GARCIA OPTING OUT THE CITY FROM THE CITY OF PHARR CLASS ACTION

WHEREAS, the CITY OF PENITAS had previously retained the LAW OFFICES OF RAMON GARCIA and/or TMTCI with regard to the city's interest with regard to franchise fee litigation.

WHEREAS, certain parties to Clause No. C-4558-95A improperly attempted to suggest that the CITY OF PENITAS had not duly authorized the lawyers representing the City and/or TMTCI from opting the city out of the above mentioned cause and class action; and

WHEREAS, the CITY OF PENITAS wishes to further clarify any doubt regarding the authority of TMTCI and/or THE LAW OFFICES OF RAMON GARCIA to opt out the City from the above class action and litigation

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF PENITAS, TEXAS:

SECTION 1: Authorization and Ratification, (a): That TMTCI and/or THE LAW OFFICE OF RAMON GARCIA is and were authorized to opt the City out of the class action and litigation against all defendants and parties that have been, should be and are present in the City of Pharr class action, Clause No. C-4558-95-A and all other related litigation that may be prosecuted on behalf of the CITY OF PENITAS. Any prior act to that effect is ratified and adopted by the City and was approved by the City.

SECTION 2: Severability. If any section, paragraph or provision thereof in this Ordinance shall be adjudged invalid or unconstitutional by any Court of competent jurisdiction, such adjudication shall not affect the validity of this Ordinance as whole or any section, sentence, clause paragraph or provision thereof not adjudged invalid or unconstitutional.


SECTION 3: Emergency Clause, The importance of the subject matter hereof creates an emergency and imperative public necessity requiring the suspension of the rule that ordinances be read on three (3) separate days, and such rule is hereby suspended and said requirement is dispensed with by a vote not less than majority of City Council.

SECTION 4: The Law Firm of Ramon Garcia and/or TMTCI will Indemnify the CITY OF PENITAS against any claims made by any party as a result of litigation.

SECTION 5: Effective Date, This Ordinance and or/Resolution shall take effect immediately upon passage.

READ, CONSIDERED, PASSED AND APPROVED at regular meeting of the City Council of the CITY OF PENITAS, Texas, at which a quorum was present and which was held in accordance with the Texas Open Meeting Act, on the 16th day of November, 1999.

CITY OF PENITAS

By: 
Mayor Servando Ramirez

ATTEST:

By: 
City Secretary