



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/23/12		
Department:		Budget		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): Anita Bell, 7194				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, transferring the sum of \$554,333 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for a settlement of a lawsuit between Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division; amending the Budget of the City and Ordinance 2011-9-8, Section 1, Item "A" to reflect the action taken herein; declaring this action to be a case of public necessity; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2011-12	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	197,252,918	0	197,252,918
Encumbered/Expended Amount	0	0	0	0
This Item	0	554,333	0	554,333
BALANCE	0	197,807,251	0	197,807,251
FUND(S): GENERAL FUND				
<p>COMMENTS: Supplemental appropriations approved to date for the General Fund, including this item, total \$720,738. The current General Fund balance supports this supplemental appropriation in the amount of \$554,333. There is a companion agenda item in the amount of \$554,333 for a settlement of the lawsuit.</p>				
<p>STRATEGIC PLAN GOAL: Providing funding for the settlement of a lawsuit relates to the City's goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Supplemental Appropriation No. 4 To approve funding for the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similiary situated individuals v. City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



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Supplemental Appropriation Log	

An Ordinance of the City of Plano, Texas, transferring the sum of \$554,333 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for a settlement of a lawsuit between Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division; amending the Budget of the City of Plano and Ordinance 2011-9-8, Section 1, Item "A" to reflect the action taken herein; declaring this action to be a case of public necessity; and providing an effective date.

WHEREAS, the City Council of the City of Plano approved and adopted the Budget for the City for fiscal year 2011-12 setting the appropriations for the General Fund at \$197,252,918; and

WHEREAS, the settlement of a lawsuit between Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division; and

WHEREAS, the City Council deems it to be in the best interest of the City of Plano and its citizens to expend public funds for estimated costs associated with the settlement of a lawsuit; and

WHEREAS, such necessary and essential costs cannot be fully met through appropriations in the existing General Fund Budget; and

WHEREAS, the City Council now finds that additional appropriations to the General Fund Operating Appropriation should be made in order to provide additional funding for this cost; and that such action is a public necessity.

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

SECTION I. The sum of FIVE HUNDRED FIFTY-FOUR THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS (\$554,333) is hereby transferred from the General Fund unappropriated fund balance to the General Fund operating appropriation pursuant to the terms and conditions of the Settlement Agreement.

SECTION II. The Budget of the City of Plano for fiscal year 2011-12 as adopted by Ordinance No. 2011-9-8 is amended to reflect the action taken herein.

SECTION III. The action taken herein are found and declared to be a case of public necessity.

SECTION IV. This supplemental appropriation Ordinance No. 4 shall become effective immediately from and after the date of its passage.

DULY PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2012.

Phil Dyer, **Mayor**

ATTEST:

Diane Zucco, **CITY SECRETARY**

Diane C. Wetherbee, **CITY ATTORNEY**

**FY 2011-12
SUPPLEMENTAL APPROPRIATIONS**

Description	Department	Amount
Supplemental Appropriation for Special Election Contract with Collin County	City Secretary	94,187
Supplemental Appropriation for Special Election Contract with Denton County	City Secretary	3,863
Supplemental Appropriation for legal fees for PEDB dissolution	Economic Development	68,355
Supplemental Appropriation for settlement of lawsuit - Billy Horton, et al	Legal	554,333
TOTAL GENERAL FUND APPROPRIATIONS		\$ 720,738
TOTAL CATV FUND APPROPRIATIONS		\$ -
TOTAL CAPITAL RESERVE FUND APPROPRIATIONS		\$ -
TOTAL MUNICIPAL DRAINAGE FUND APPROPRIATIONS		\$ -
TOTAL WATER & SEWER FUND		\$ -
TOTAL SUSTAINABILITY & ENVIRONMENTAL FUND APPROPRIATIONS		\$ -
TOTAL CONVENTION & TOURISM FUND APPROPRIATIONS		\$ -
TOTAL PROPERTY/LIABILITY FUND APPROPRIATIONS		\$ -
TOTAL PROPERTY MANAGEMENT FUND APPROPRIATIONS		\$ -
TOTAL GOLF COURSE FUND APPROPRIATIONS		\$ -
TOTAL RECREATION FUND APPROPRIATIONS		\$ -
TOTAL INTERNAL SERVICE FUNDS AND OTHER FUNDS APPROPRIATIONS		\$ -
GRAND TOTAL ALL FUNDS		\$ 720,738