



## **CERTIFICATE OF PROCEEDINGS**

### **I.**

On the 27<sup>th</sup> day of October, 2015, the City Council of the City of Plum Grove, Texas, consisting of the following qualified members, to-wit: Acie Penton, Mayor; Councilmembers; Council Members Lee Ann Walker, Kelli Hardy, Marylou Smith, William Dellinger and Teresa Lee did convene in public session in the Council Chamber of the City Hall at 9485 Plum Grove Rd, in Plum Grove, Texas. The roll being first called, a quorum was established, all members being present except the following, to-wit: Teresa Lee. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code. After roll call, Council Member Teresa Lee appeared and was present.

### **II.**

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

#### **ORDINANCE NO. 1013**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS CHANGING THE CITY OF PLUM GROVE FROM A TYPE B MUNICIPALITY TO A TYPE A MUNICIPALITY; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR OTHER PROVISIONS

### **III.**


Upon motion of Council Member Lee Ann Penton Walker, seconded by Council Member Teresa Lee the following members voted for adoption of the Ordinance 1013; Lee Ann Walker, Kelli Hardy, Marylou Graham-Smith, and Teresa Lee; and William Dellinger voted against. Ordinance 1013 was adopted by a 4-1 vote which constitutes a 2/3 majority of those Council Members present having voted for adoption and the presiding officer declared the Ordinance passed and adopted.

### **IV.**

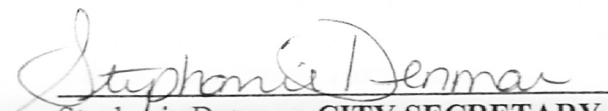
A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

**[SIGNATURE PAGE TO FOLLOW]**

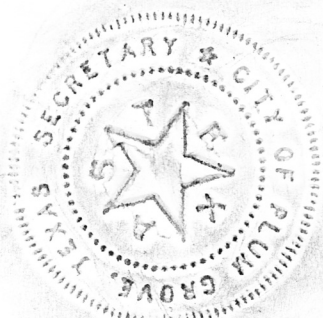
SIGNED AND SEALED this 28<sup>th</sup> day of October 2015.

  
Acie Penton, **MAYOR**

ATTEST:

  
Stephanie Denman, **CITY SECRETARY**

City Seal:



## **ORDINANCE NO. 1013**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS CHANGING THE CITY OF PLUM GROVE FROM A TYPE B MUNICIPALITY TO A TYPE A MUNICIPALITY; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR OTHER PROVISIONS.**

**WHEREAS**, the City Council of the City of Plum Grove, Liberty County , Texas has studied the history and incorporation of the City of Plum Grove, Texas, the population of the City of Plum Grove, Texas; and

**WHEREAS**, the City Council of the City of Plum Grove was incorporated on or about December 31, 1968 as a Type B municipality in accordance with the law existing at the time of the incorporation; and

**WHEREAS**, the 2010 population census determined that the City of Plum Grove had a population of 600; and

**WHEREAS**, the U.S. Census Annual Estimation of resident population shows the population to be 622 for the City of Plum Grove, Texas as of July 1, 2014; and

**WHEREAS**, other demographic data as of 2013 showed that the City of Plum Grove had 697 population; and

**WHEREAS**, the City determines it has more than 600 residents at the time of the passage of this Ordinance; and

**WHEREAS**, Chapter 6, Section 6.011 provides that a municipality incorporated in any manner other than as a Type A general-law municipality may change to a Type A general-law municipality if the municipality has 600 or more inhabitants; and

**WHEREAS**, the City incorporation was validated by agreement by the nonsuit of a lawsuit (Cause No. 23,745, State of Texas v City of Plum Grove, in the 75<sup>th</sup> Judicial District Court of Liberty County, Texas) by the State of Texas against the City challenging the incorporation of the City;

**WHEREAS**, the City of Plum Grove, Liberty County, Texas ("City") is empowered to adopt an ordinance, act, law, or regulation that is necessary for the government, interest, welfare, or good order of the municipality as a body politic;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS:**

### **ARTICLE I**

#### **SECTION 1. Findings.**

The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council, and these and made a part hereof for all purposes and that the City has over 600 population at the time of adoption of this Ordinance.

## **SECTION 2.**

The City of Plume Grove, Texas is hereby designated and changed to a Type A general law municipality.

## **SECTION 3.**

The City Secretary is instructed to file a copy of this Ordinance and Certificate of Proceedings with the County Clerk of Liberty County Texas.

## **SECTION 4. Severability.**

It is the intention of the City Council of the City of Plum Grove Village that if any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment or a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

## **SECTION 5. Repealing Clause.**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

## **SECTION 6. Compliance Clause and Effective Date.**

The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Plum Grove Village. This Ordinance takes effect immediately upon the adoption by the City Council of the City of Plum Grove, Texas.


**PASSED, APPROVED and ADOPTED** by the City Council of the City of Plum Grove,  
Liberty County, Texas on this, the 27 day of October, 2015.

  
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Acie Penton, **MAYOR**

ATTEST:

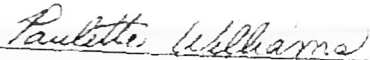
  
\_\_\_\_\_  
Stephanie Denman, **CITY SECRETARY**

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Leonard Schneider, City Attorney

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**



  
\_\_\_\_\_  
Paulette Williams, County Clerk  
Liberty County, Texas

November 23, 2015 09:43:48 AM

FEE: \$0.00 MCESSNA  
CRTFTE

**2015021635**