

Bill Vansyckle, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Michael Dickey, Place Two

## CITY OF OVILLA

### AGENDA

James Wade, Place Three  
Doug Hunt, Place Four  
Richard Dormier, Place Five  
Randy Whiteman, City Administrator

### Ovilla City Council

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, January 23, 2012

7:00 P.M.

Council Chamber Room

Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, January 23, 2012 at 7:00 P.M. in the City Hall Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

#### CALL TO ORDER

- ◆ Invocation
- ◆ Pledge of Allegiance

#### COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS

##### ◆ Citizen Comments

*The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decision at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.*

##### ◆ Department Activity Reports / Discussion

- ◆ Police Department Chief M. Moon
  - 2011 UCR Report and Stats Comparison
- ◆ Finance Department Accountant S. Jungman
  - Monthly Financial Statements
  - Reserve Fund Balance Calculation
- ◆ Administration City Administrator R. Whiteman
  - EDC Annual Report

#### CONSENT AGENDA

- ◆ Minutes of the January 09, 2012 Regular Council Meeting.
- ◆ Quarterly Investment Report
- ◆ Renewal of Inter-local Cooperation Contract Agreement between the County of Ellis and the City of Ovilla for "Governmental Functions and Services" beginning February 01, 2012.

*The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration.*

#### REGULAR AGENDA INDIVIDUAL CONSIDERATION

- ITEM 1. Discussion/Action – Consider and discuss proposed changes and updates to the Ovilla Codification Ordinance, Chapter 14, Section 35: FENCES IN RESIDENTIAL

DISTRICTS and direct staff to forward to the Planning & Zoning Commission for review and recommendation, initiating the legal requirements for adoption.

- Requested by Mayor Vansyckle

**ITEM 2. Discussion/Action** – Consider and discuss proposed changes and updates to the Ovilla Codification Ordinance, Chapter 3, Section 3.06: SIGNS, and direct staff to forward to the Planning & Zoning Commission for review and recommendation, initiating the legal requirements for adoption.

- Requested by Mayor Vansyckle

**ITEM 3. Discussion/Action** – Consider revision(s) to Resolution 2010-013, review and amend the Policy of Governance Process/Rules of Procedure and the Hearing of Complaints, and direct staff to return with an amended resolution for Council consideration.

- Requested by PL5 Dormier

**ITEM 4. Discussion/Action** – Consider a proposed **Resolution 2012-001** to order a General Election to be held on May 12, 2012, for the election of City Council Officers, Place 1, Place 3 and Place 5, designate the main and early voting polling place(s), and designate the early voting period dates and hours. (TX Election Code Sections §3.006, §52.093, §85.001, §85.004, §85.007)

*Considerrar la **Resolucion 2012-001**, autorizando la eleccion general que se llevara cabo el dia 12 de mayo del 2012 con el proposito de elejir un tres posiciones para consejales 1, 3 y 5 lugar y designar las fechas para las elecciones primarias.*

**ITEM 5. Discussion/Action** – Consider and review applicants for possible board appointments to the vacancies on the Economic Development District Board, the Board of Adjustment and the Municipal Development District Board.

- Presented by Administrative staff

**ITEM 6. Discussion Only** – Review safeguards and protection of cash funds that come through the City.

- Requested by PL4 Hunt

**ITEM 7. Discussion/Action** – City Council will hear a complaint filed by Mr. Phil Lynch on December 12, 2012, against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.

- Requested by Council

*The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on this item, pursuant to authorization by Texas Government Code, Section 55.074 (personal matters).*

**ITEM 8. Discussion/Action** – City Council will hear a complaint filed by Mr. Phil Lynch on December 21, 2012, against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.

- Requested by Council

*The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on this item, pursuant to authorization by Texas Government Code, Section 55.074 (personal matters).*



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#### EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

#### Conflict of Interest

If a Council Member elects to refrain from an item(s) on this agenda, please see the City Secretary for an affidavit prior to the convening of the meeting.

#### Council's Request for Consideration of Future Agenda Items

No action or in-depth discussion may occur during this item. It is intended to provide an opportunity for the Council to inform each other and the public about events and situations that are of general interest.

#### Adjournment

This is to certify that a copy of the Notice of the Regular City Council Meeting for January 23, 2012, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, on the 20th day of January 2012 prior to 6:00 p.m.



Pam Woodall  
City Secretary

**IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING.**  
**PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.**

**CERTIFICATION:** I hereby certify that the Ovilla City Council Agenda was removed from the City Hall Bulletin Board, located at 105 S. Cockrell Hill Road, Ovilla, TX 75154, (a place accessible to the public at all times) on the \_\_\_\_\_ day of \_\_\_\_\_ 2012, at \_\_\_\_\_ am/pm, after having been posted for at least 72 continuous hours preceding the scheduled time of the posted meeting. \_\_\_\_\_ Pam Woodall, City Secretary

## UCR Stats Comparison

Offense Reported	# Offenses 2007	# Offenses 2008	# Offenses 2009	# Offenses 2010	
Burg Hab	6	6	7	7	7
Burg Bldg	2	0	2	3	1
Theft	28	16	10	20	14
Poss Marij	1	4	4	4	0
Poss Meth	1	0	0	0	0
Poss Narcotics	2	0	0	0	0
Assault including F/V	13	12	11	5	4
Robbery	0	0	1	0	1
Motor Veh Thefts	1	3	2	0	0
Recovered Stolen Veh	0	1	2	0	0
DWI	1	4	6	1	2
DUI Minor	0	3	1	2	0
Public Intoxication	0	2	2	5	3
MIP-Alcohol	2	22	9	11	0
MIP-Tobacco	2	2	0	0	0
Arson	0	0	0	0	0
Forgery/Counterfeiting	3	0	0	0	15
Forcible Rape	1	0	0	1	1
UCW	0	1	0	0	1
Total	62	75	56	58	49

**2011  
UCR**

Offense Reported	# Offenses	Arrests	\$ Value	\$ Recovered	Drug Weight
Burg Hab	7		\$15,822	\$522	
Burg Bldg	1		\$965		
Theft	14	3	\$79,932	\$8,004	
Poss Marij					8oz
Poss Meth					
Poss Narcotics					
Assault including F/V	4	3			
Robbery	1	4	\$2,000	\$2,000	
Motor Veh Thefts					
Recovered Stolen Veh					
DWI	2	2			
DUI Minor					
Public Intoxication	3	3			
MIP-Alcohol					
MIP-Tobacco					
Arson					
Forgery/Counterfeiting	15	10			
Forcible Rape	1	2			
UCW	1	1			
<b>Total</b>	<b>49</b>	<b>28</b>	<b>\$98,719</b>	<b>\$10,526</b>	<b>8 oz</b>

Notes: Some UCR offense titles are different from Penal Code titles. Therefore, the totals will be different than the CRIMES totals. If a veh is stolen in the city but recovered in another jurisdiction, the recovering agency gets the recovered \$ amount. If a suspect is arrest on more than one offense, the arrest is only counted as one arrest.

Note: One sexual assault arrest was from a 2010 case that was pending.  
On some of the forgery/fraud cases the offense may have occurred in another jurisdiction but by law we are required to take the report if reported to us. Some of these cases has multiple offense locations resulting in multiple cases with one victim.

**2011  
UCR**

Nature of Thefts	# of Thefts	Amount Stolen
FROM COIN OP. MACHINE	0	\$0
SHOPLIFTING	1	\$7
FROM MOTOR VEHICLES	3	\$2,817
VEHICLE PARTS/ACCESS	0	\$0
FROM BUILDINGS	5	\$16,304
ALL OTHER	5	\$60,804
<b>Total</b>	<b>14</b>	<b>\$79,932</b>

Note: All others examples are from a yard or porch, from a construction site.

Type of Property	Stolen Amount	Recovered Amount
Currency	\$3,527	
Jewelry	\$13,665	\$5,600
Clothing	\$1,930	
Locally Stolen Motor Vehicles	\$800	
Office Equipment	\$9,635	\$2,800
Audio/Video Electronics	\$825	
Firearms	\$1,650	\$522
Household Goods	\$50,000	
Consumable Goods	\$337	
Livestock	0	
Miscellaneous	\$16,350	\$1,604
<b>Total</b>	<b>\$98,719</b>	<b>\$10,526</b>



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**DATE: 01-23-2012**

**TO: Honorable Mayor and Council Members**

**FROM: Sharon Jungman**

**SUBJECT: Financial Statements  
As of December 31, 2011**

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000100 · Taxes				
4000105 · Ad Valorem, Current	546,087.30	1,210,000.00	(663,912.70)	45.13%
4000110 · Ad Valorem, Delinquent	5,434.49	15,000.00	(9,565.51)	36.23%
4000113 · Interest/Penalties - Prop Tax	1,245.34	11,000.00	(9,754.66)	11.32%
4000120 · Sales Tax	40,775.52	130,000.00	(89,224.48)	31.37%
4000125 · Sales Tax - Street Improvement	10,193.90	32,000.00	(21,806.10)	31.86%
4000130 · Franchise Tax	14,260.61	142,000.00	(127,739.39)	10.04%
<b>Total 4000100 · Taxes</b>	<b>617,997.16</b>	<b>1,540,000.00</b>	<b>(922,002.84)</b>	<b>40.13%</b>
4000200 · Licenses and Permits				
4000208 · Building Permits				
4000210 · Residential Building Permits	1,952.17	2,500.00	(547.83)	78.09%
4000214 · Misc Building Permits	1,831.28	14,000.00	(12,168.72)	13.08%
<b>Total 4000208 · Building Permits</b>	<b>3,783.45</b>	<b>16,500.00</b>	<b>(12,716.55)</b>	<b>22.93%</b>
4000230 · Plan Review Fee	624.60	4,000.00	(3,375.40)	15.62%
4000260 · Alarm Permits	120.00	1,500.00	(1,380.00)	8.0%
4000270 · Animal Tag Fees	1,078.00	1,000.00	78.00	107.8%
4000272 · Impound Fees	295.00	2,000.00	(1,705.00)	14.75%
4000290 · Misc Licenses and Permits	220.00	2,000.00	(1,780.00)	11.0%
<b>Total 4000200 · Licenses and Permits</b>	<b>6,121.05</b>	<b>27,000.00</b>	<b>(20,878.95)</b>	<b>22.67%</b>
4000400 · Charges for Services				
4000325 · ESD #2	0.00	110,000.00	(110,000.00)	0.0%
4000330 · ESD #4	7,466.44	40,000.00	(32,533.56)	18.67%
4000411 · Copies and Maps	23.95	50.00	(26.05)	47.9%
4000415 · Police Reports	36.00	100.00	(64.00)	36.0%
4000420 · Park Lights	0.00	500.00	(500.00)	0.0%
4000440 · Oak Leaf Animal Control	921.00	1,000.00	(79.00)	92.1%
4000480 · Solid Waste (Garbage)	48,773.47	200,760.00	(151,986.53)	24.29%
4000490 · Misc Charges for Services	700.20	2,000.00	(1,299.80)	35.01%
<b>Total 4000400 · Charges for Services</b>	<b>57,921.06</b>	<b>354,410.00</b>	<b>(296,488.94)</b>	<b>16.34%</b>
4000500 · Fines and Forfeitures				
4000510 · Fines - Police	16,629.48	83,000.00	(66,370.52)	20.04%
4000520 · Fines - Animal Control	0.00	3,000.00	(3,000.00)	0.0%
4000525 · Fines - Code Enforcement	574.00	2,500.00	(1,926.00)	22.96%
4000590 · Misc Fines and Forfeitures	121.04	150.00	(28.96)	80.69%
<b>Total 4000500 · Fines and Forfeitures</b>	<b>17,324.52</b>	<b>88,650.00</b>	<b>(71,325.48)</b>	<b>19.54%</b>
4000800 · Other Revenue				
4000810 · Heritage Day	1,270.00	2,500.00	(1,230.00)	50.8%
4000818 · Lease Proceeds	0.00	1,175.00	(1,175.00)	0.0%
4000820 · Water Tower Lease	15,413.76	80,716.00	(65,302.24)	19.1%
4000840 · Interest Earned	537.48	500.00	37.48	107.5%
4000870 · Insurance Proceeds	159.59	0.00	159.59	100.0%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
4000887 · HOA Revenue	0.00	1,015.00	(1,015.00)	0.0%
4000890 · Misc Other Revenue	330.14	5,000.00	(4,669.86)	6.6%
<b>Total 4000800 · Other Revenue</b>	<b>17,710.97</b>	<b>90,906.00</b>	<b>(73,195.03)</b>	<b>19.48%</b>
4000900 · Transfers In				
4000925 · Transfer In - 4B-EDC	0.00	2,500.00	(2,500.00)	0.0%
4000930 · Transfer In From W&S Fund	0.00	121,972.00	(121,972.00)	0.0%
4000940 · Transfer in MDD Fund	0.00	500.00	(500.00)	0.0%
<b>Total 4000900 · Transfers In</b>	<b>0.00</b>	<b>124,972.00</b>	<b>(124,972.00)</b>	<b>0.0%</b>
<b>Total Income</b>	<b>717,074.76</b>	<b>2,225,938.00</b>	<b>(1,508,863.24)</b>	<b>32.21%</b>
<b>Gross Profit</b>	<b>717,074.76</b>	<b>2,225,938.00</b>	<b>(1,508,863.24)</b>	<b>32.21%</b>
<b>Expense</b>				
10 · Administration				
5101100 · Salaries & Wages				
5101110 · City Administrator	14,222.05	62,034.00	(47,811.95)	22.93%
5101115 · City Secretary	7,279.66	32,075.00	(24,795.34)	22.7%
5101117 · City Accountant	7,548.32	34,625.00	(27,076.68)	21.8%
5101120 · Part Time- Admin. Support	1,631.20	7,566.00	(5,934.80)	21.56%
<b>Total 5101100 · Salaries &amp; Wages</b>	<b>30,681.23</b>	<b>136,300.00</b>	<b>(105,618.77)</b>	<b>22.51%</b>
5102100 · Employee Benefits				
5102110 · Group Insurance	4,531.54	19,480.00	(14,948.46)	23.26%
5102135 · TMRS	2,049.90	8,750.00	(6,700.10)	23.43%
5102160 · Worker's Compensation	154.50	475.00	(320.50)	32.53%
5102170 · Payroll Taxes	694.71	3,250.00	(2,555.29)	21.38%
5102180 · Unemployment Taxes	0.00	1,000.00	(1,000.00)	0.0%
5102196 · Indiv. Membership Dues	246.00	600.00	(354.00)	41.0%
<b>Total 5102100 · Employee Benefits</b>	<b>7,676.65</b>	<b>33,555.00</b>	<b>(25,878.35)</b>	<b>22.88%</b>
5102200 · Special Services				
5102210 · Tax Assessing & Collecting Fees	1,757.00	1,600.00	157.00	109.81%
5102220 · Tax Appraisal Fee	1,505.58	17,000.00	(15,494.42)	8.86%
5102230 · Legal Fees	0.00	30,000.00	(30,000.00)	0.0%
5102240 · Audit	4,425.00	6,120.00	(1,695.00)	72.3%
5102250 · Accounting	0.00	1,500.00	(1,500.00)	0.0%
5102260 · Engineering Fees	0.00	1,000.00	(1,000.00)	0.0%
<b>Total 5102200 · Special Services</b>	<b>7,687.58</b>	<b>57,220.00</b>	<b>(49,532.42)</b>	<b>13.44%</b>
5102300 · Contractual Services				
5102310 · Consultant Fees	0.00	20,000.00	(20,000.00)	0.0%
<b>Total 5102300 · Contractual Services</b>	<b>0.00</b>	<b>20,000.00</b>	<b>(20,000.00)</b>	<b>0.0%</b>
5102500 · Operating Services				
5102530 · Custodial Service Contract	795.00	3,200.00	(2,405.00)	24.84%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Total 5102500 · Operating Services</b>	795.00	3,200.00	(2,405.00)	24.84%
<b>5102600 · Special Expenses</b>				
5102610 · Election - Payroll	0.00	600.00	(600.00)	0.0%
5102620 · Election - Supplies	0.00	2,200.00	(2,200.00)	0.0%
5102630 · Election Meeting Expense	0.00	100.00	(100.00)	0.0%
5102650 · Codification Book Update	0.00	2,000.00	(2,000.00)	0.0%
<b>Total 5102600 · Special Expenses</b>	0.00	4,900.00	(4,900.00)	0.0%
<b>5103100 · General Supplies</b>				
5103110 · Office Supplies	1,005.40	7,000.00	(5,994.60)	14.36%
5103140 · Uniforms	54.00	300.00	(246.00)	18.0%
<b>Total 5103100 · General Supplies</b>	1,059.40	7,300.00	(6,240.60)	14.51%
<b>5103400 · Maintenance Supplies / Parts</b>				
5103410 · Supplies - Custodial	182.55	1,500.00	(1,317.45)	12.17%
5103440 · Maintenance Agreement Expense	0.00	900.00	(900.00)	0.0%
5103460 · Miscellaneous	0.00	200.00	(200.00)	0.0%
<b>Total 5103400 · Maintenance Supplies / Parts</b>	182.55	2,600.00	(2,417.45)	7.02%
<b>5104200 · Travel Expenses</b>				
5104210 · Travel - Local	0.00	500.00	(500.00)	0.0%
5104220 · Professional Development	407.50	5,000.00	(4,592.50)	8.15%
5104222 · Professional Develop - Council	1,006.93	350.00	656.93	287.69%
5104225 · City Council Meal Expense	0.00	400.00	(400.00)	0.0%
5104230 · Professional Develop - In-House	29.81	100.00	(70.19)	29.81%
<b>Total 5104200 · Travel Expenses</b>	1,444.24	6,350.00	(4,905.76)	22.74%
<b>5105200 · Data Processing Expenses</b>				
5105230 · Data Proc-Maintenance & Repair	689.71	4,500.00	(3,810.29)	15.33%
5105240 · Data Processing - Software	3,972.43	11,350.00	(7,377.57)	35.0%
<b>Total 5105200 · Data Processing Expenses</b>	4,662.14	15,850.00	(11,187.86)	29.41%
<b>5105300 · Printing Expense</b>				
5105310 · Copier Expense	510.72	5,000.00	(4,489.28)	10.21%
5105320 · Printing - Newsletters	1,102.96	4,800.00	(3,697.04)	22.98%
5105330 · Printing - Forms	0.00	1,800.00	(1,800.00)	0.0%
5105350 · Printing - Other	0.00	500.00	(500.00)	0.0%
<b>Total 5105300 · Printing Expense</b>	1,613.68	12,100.00	(10,486.32)	13.34%
<b>5105400 · Utilities</b>				
5105410 · Telephone	292.07	1,200.00	(907.93)	24.34%
5105415 · Cellular Phone	246.87	1,000.00	(753.13)	24.69%
5105417 · Internet	179.74	750.00	(570.26)	23.97%
5105450 · Electricity	9,062.94	70,000.00	(60,937.06)	12.95%
<b>Total 5105400 · Utilities</b>	9,781.62	72,950.00	(63,168.38)	13.41%



**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5105500 · Repairs &amp; Bldg Improvements</b>				
5105520 · Repairs - Buildings	1,349.66	3,500.00	(2,150.34)	38.56%
5105540 · Repairs - Machinery & Equipment	0.00	1,000.00	(1,000.00)	0.0%
5105590 · Repairs - Other	135.00	500.00	(365.00)	27.0%
<b>Total 5105500 · Repairs &amp; Bldg Improvements</b>	<b>1,484.66</b>	<b>5,000.00</b>	<b>(3,515.34)</b>	<b>29.69%</b>
<b>5105600 · Insurance</b>				
5105610 · Insurance - Property	623.00	2,500.00	(1,877.00)	24.92%
5105620 · Insurance - Liability	121.25	780.00	(658.75)	15.55%
5105630 · Insurance - Fidelity Bond	312.50	250.00	62.50	125.0%
5105635 · Public Officials Surety Bonds	0.00	900.00	(900.00)	0.0%
<b>Total 5105600 · Insurance</b>	<b>1,056.75</b>	<b>4,430.00</b>	<b>(3,373.25)</b>	<b>23.85%</b>
<b>5105700 · Other Expenses</b>				
5105705 · Postage	597.39	6,000.00	(5,402.61)	9.96%
5105710 · Cash - Over/Short	0.00	10.00	(10.00)	0.0%
5105725 · Records Management Expense	0.00	1,000.00	(1,000.00)	0.0%
5105730 · City - Memberships	1,345.00	2,100.00	(755.00)	64.05%
5105740 · Advertising	572.29	5,000.00	(4,427.71)	11.45%
5105752 · Pre-Employment Screening	0.00	300.00	(300.00)	0.0%
5105760 · Bank Service Charge	5.00	25.00	(20.00)	20.0%
5105764 · Filing Fees	0.00	250.00	(250.00)	0.0%
5105765 · Miscellaneous	94.57	2,000.00	(1,905.43)	4.73%
<b>Total 5105700 · Other Expenses</b>	<b>2,614.25</b>	<b>16,685.00</b>	<b>(14,070.75)</b>	<b>15.67%</b>
<b>5106400 · Minor Capital Outlay</b>				
5106440 · Machinery & Equipment	0.00	1,000.00	(1,000.00)	0.0%
5106465 · Furniture	0.00	500.00	(500.00)	0.0%
<b>Total 5106400 · Minor Capital Outlay</b>	<b>0.00</b>	<b>1,500.00</b>	<b>(1,500.00)</b>	<b>0.0%</b>
<b>5107400 · Capitalized Assets</b>				
5107440 · Machinery & Equipment	0.00	1,000.00	(1,000.00)	0.0%
5107470 · Audio & Visual Equipment	6,442.77	5,000.00	1,442.77	128.86%
<b>Total 5107400 · Capitalized Assets</b>	<b>6,442.77</b>	<b>6,000.00</b>	<b>442.77</b>	<b>107.38%</b>
<b>5109000 · Reserves</b>				
5109001 · Reserve for Contingency	0.00	86,561.00	(86,561.00)	0.0%
<b>Total 5109000 · Reserves</b>	<b>0.00</b>	<b>86,561.00</b>	<b>(86,561.00)</b>	<b>0.0%</b>
<b>Total 10 · Administration</b>	<b>77,182.52</b>	<b>492,501.00</b>	<b>(415,318.48)</b>	<b>15.67%</b>
<b>20 · Police</b>				
<b>5201100 · Salaries &amp; Wages</b>				
5201120 · Police Chief	13,766.91	60,046.00	(46,279.09)	22.93%
5201143 · Command Staff	10,770.21	47,004.00	(36,233.79)	22.91%
5201150 · Certification Pay	553.80	2,400.00	(1,846.20)	23.08%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Total 5201100 · Salaries &amp; Wages</b>	25,090.92	109,450.00	(84,359.08)	22.93%
<b>5201400 · Support Salaries</b>				
5201405 · Support Staff	4,836.82	21,337.00	(16,500.18)	22.67%
5201410 · Patrol	53,006.90	235,978.00	(182,971.10)	22.46%
5201415 · Certification Pay	726.96	5,500.00	(4,773.04)	13.22%
5201490 · Overtime	866.60	9,600.00	(8,733.40)	9.03%
<b>Total 5201400 · Support Salaries</b>	59,437.28	272,415.00	(212,977.72)	21.82%
<b>5202100 · Employee Benefits</b>				
5202110 · Group Insurance	14,160.79	79,000.00	(64,839.21)	17.93%
5202135 · TMRS	4,238.03	18,650.00	(14,411.97)	22.72%
5202160 · Worker's Compensation	2,102.50	8,500.00	(6,397.50)	24.74%
5202170 · Payroll Taxes	1,120.62	5,300.00	(4,179.38)	21.14%
5202196 · Membership Dues	0.00	315.00	(315.00)	0.0%
<b>Total 5202100 · Employee Benefits</b>	21,621.94	111,765.00	(90,143.06)	19.35%
<b>5202300 · Contractual Services</b>				
5202355 · Contract Labor - Individual	12.50	500.00	(487.50)	2.5%
5202356 · Gingerbread House	0.00	1,000.00	(1,000.00)	0.0%
5202380 · Dispatch	6,197.50	13,550.00	(7,352.50)	45.74%
<b>Total 5202300 · Contractual Services</b>	6,210.00	15,050.00	(8,840.00)	41.26%
<b>5202500 · Operating Services</b>				
5202540 · Computer Maintenance	93.75	500.00	(406.25)	18.75%
5202560 · Internet Subscriptions	0.00	350.00	(350.00)	0.0%
<b>Total 5202500 · Operating Services</b>	93.75	850.00	(756.25)	11.03%
<b>5202600 · Special Expenses</b>				
5202675 · National Night Out	279.12	500.00	(220.88)	55.82%
<b>Total 5202600 · Special Expenses</b>	279.12	500.00	(220.88)	55.82%
<b>5203100 · General Supplies</b>				
5203110 · Office Supplies	135.98	1,500.00	(1,364.02)	9.07%
5203140 · Uniforms	500.80	1,400.00	(899.20)	35.77%
5203170 · Evidence Gathering	0.00	300.00	(300.00)	0.0%
<b>Total 5203100 · General Supplies</b>	636.78	3,200.00	(2,563.22)	19.9%
<b>5203400 · Maintenance Supplies &amp; Parts</b>				
5203410 · Supplies - Custodial	29.87	500.00	(470.13)	5.97%
<b>Total 5203400 · Maintenance Supplies &amp; Parts</b>	29.87	500.00	(470.13)	5.97%
<b>5204200 · Travel Expenses</b>				
5204210 · Travel - Local	5.00	300.00	(295.00)	1.67%
5204220 · Professional Development	0.00	500.00	(500.00)	0.0%
5204270 · Vehicle Expenses	4,335.32	22,000.00	(17,664.68)	19.71%
<b>Total 5204200 · Travel Expenses</b>	4,340.32	22,800.00	(18,459.68)	19.04%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5205200 · Data Processing Expenses</b>				
5205220 · Data Proc - Equipment Rental	0.00	400.00	(400.00)	0.0%
5205240 · Data Processing - Software	18,326.00	17,850.00	476.00	102.67%
<b>Total 5205200 · Data Processing Expenses</b>	<b>18,326.00</b>	<b>18,250.00</b>	<b>76.00</b>	<b>100.42%</b>
<b>5205300 · Printing Expenses</b>				
5205310 · Copier Expense	324.66	1,500.00	(1,175.34)	21.64%
5205330 · Printing - Forms	0.00	600.00	(600.00)	0.0%
5205350 · Printing - Other	27.54	400.00	(372.46)	6.89%
<b>Total 5205300 · Printing Expenses</b>	<b>352.20</b>	<b>2,500.00</b>	<b>(2,147.80)</b>	<b>14.09%</b>
<b>5205400 · Utilities</b>				
5205410 · Telephone	314.54	1,400.00	(1,085.46)	22.47%
5205415 · Cellular Phone	345.40	1,700.00	(1,354.60)	20.32%
5205417 · Internet - PD	224.67	950.00	(725.33)	23.65%
5205420 · Wireless Cards	572.99	2,350.00	(1,777.01)	24.38%
<b>Total 5205400 · Utilities</b>	<b>1,457.60</b>	<b>6,400.00</b>	<b>(4,942.40)</b>	<b>22.78%</b>
<b>5205500 · Repairs &amp; Building Improvements</b>				
5205520 · Repairs - Building	0.00	300.00	(300.00)	0.0%
5205540 · Repairs- Machinery & Equipment	85.00	700.00	(615.00)	12.14%
5205550 · Repairs - Vehicles	1,345.71	7,500.00	(6,154.29)	17.94%
<b>Total 5205500 · Repairs &amp; Building Improvements</b>	<b>1,430.71</b>	<b>8,500.00</b>	<b>(7,069.29)</b>	<b>16.83%</b>
<b>5205600 · Insurance</b>				
5205610 · Insurance - Property	412.50	1,060.00	(647.50)	38.92%
5205620 · Insurance - Liability	1,267.25	5,400.00	(4,132.75)	23.47%
5205640 · Insurance - Vehicle	587.50	2,500.00	(1,912.50)	23.5%
<b>Total 5205600 · Insurance</b>	<b>2,267.25</b>	<b>8,960.00</b>	<b>(6,692.75)</b>	<b>25.3%</b>
<b>5205700 · Other Expenses</b>				
5205752 · Pre-Employment Screeing	0.00	600.00	(600.00)	0.0%
5205742 · Public Relations	12.00	400.00	(388.00)	3.0%
5205765 · Miscellaneous	97.79	1,500.00	(1,402.21)	6.52%
<b>Total 5205700 · Other Expenses</b>	<b>109.79</b>	<b>2,500.00</b>	<b>(2,390.21)</b>	<b>4.39%</b>
<b>5206400 · Minor Capital Outlay</b>				
5206440 · Machinery & Equipment	130.65	650.00	(519.35)	20.1%
5206445 · Personal Protective Equipment	0.00	2,000.00	(2,000.00)	0.0%
<b>Total 5206400 · Minor Capital Outlay</b>	<b>130.65</b>	<b>2,650.00</b>	<b>(2,519.35)</b>	<b>4.93%</b>
<b>5207400 · Capitalized Assets</b>				
5207440 · Machinery & Equipment	0.00	1,000.00	(1,000.00)	0.0%
5207450 · Vehicles	0.00	12,370.00	(12,370.00)	0.0%
<b>Total 5207400 · Capitalized Assets</b>	<b>0.00</b>	<b>13,370.00</b>	<b>(13,370.00)</b>	<b>0.0%</b>

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Total 20 · Police</b>	141,814.18	599,660.00	(457,845.82)	23.65%
<b>25 · Municipal Court</b>				
<b>5251100 · Salaries &amp; Wages</b>				
5251140 · Municipal Judge	1,320.00	5,280.00	(3,960.00)	25.0%
<b>Total 5251100 · Salaries &amp; Wages</b>	1,320.00	5,280.00	(3,960.00)	25.0%
<b>5251400 · Support Staff</b>				
5251405 · Support Staff	6,288.00	27,945.00	(21,657.00)	22.5%
5251420 · Jury Fees	0.00	108.00	(108.00)	0.0%
5251425 · City Prosecutor	1,396.60	5,000.00	(3,603.40)	27.93%
5251490 · Overtime	207.54	1,000.00	(792.46)	20.75%
<b>Total 5251400 · Support Staff</b>	7,892.14	34,053.00	(26,160.86)	23.18%
<b>5252100 · Employee Benefits</b>				
5252110 · Group Insurance	1,622.97	6,492.00	(4,869.03)	25.0%
5252135 · TMRS	339.29	1,450.00	(1,110.71)	23.4%
5252160 · Worker's Compensation	27.00	125.00	(98.00)	21.6%
5252170 · Payroll Taxes	86.46	410.00	(323.54)	21.09%
5252196 · Membership Dues	0.00	80.00	(80.00)	0.0%
<b>Total 5252100 · Employee Benefits</b>	2,075.72	8,557.00	(6,481.28)	24.26%
<b>5252300 · Contractual Services</b>				
5252375 · Traffic Fines	10,358.50	34,000.00	(23,641.50)	30.47%
<b>Total 5252300 · Contractual Services</b>	10,358.50	34,000.00	(23,641.50)	30.47%
<b>5252500 · Operating Services</b>				
5252540 · Computer Maintenance	0.00	150.00	(150.00)	0.0%
<b>Total 5252500 · Operating Services</b>	0.00	150.00	(150.00)	0.0%
<b>5253100 · General Supplies</b>				
5253110 · Office Supplies	0.00	75.00	(75.00)	0.0%
5253140 · Uniforms	15.00	50.00	(35.00)	30.0%
<b>Total 5253100 · General Supplies</b>	15.00	125.00	(110.00)	12.0%
<b>5254200 · Travel Expenses</b>				
5254210 · Travel - Local	0.00	25.00	(25.00)	0.0%
5254220 · Professional Development	0.00	50.00	(50.00)	0.0%
<b>Total 5254200 · Travel Expenses</b>	0.00	75.00	(75.00)	0.0%
<b>5255200 · Data Processing Expenses</b>				
5255240 · Data Processing - SW Maint.	1,606.35	1,670.00	(63.65)	96.19%
<b>Total 5255200 · Data Processing Expenses</b>	1,606.35	1,670.00	(63.65)	96.19%
<b>5255300 · Printing Expense</b>				
5255350 · Printing - Other	0.00	200.00	(200.00)	0.0%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
Total 5255300 · Printing Expense	0.00	200.00	(200.00)	0.0%
5255600 · Insurance				
5255620 · Insurance - Liability	62.50	275.00	(212.50)	22.73%
5255630 · Insurance - Fidelity Bond	0.00	50.00	(50.00)	0.0%
Total 5255600 · Insurance	62.50	325.00	(262.50)	19.23%
5255700 · Other Expenses				
5255752 · Pre-Employment Screening	0.00	100.00	(100.00)	0.0%
5255765 · Miscellaneous	0.00	75.00	(75.00)	0.0%
Total 5255700 · Other Expenses	0.00	175.00	(175.00)	0.0%
Total 25 · Municipal Court	23,330.21	84,610.00	(61,279.79)	27.57%
30 · Fire				
5301100 · Salaries & Wages				
5301125 · Fire Chief	12,977.11	56,632.00	(43,654.89)	22.92%
5301130 · Asst. Fire Chief	7,231.84	32,068.00	(24,836.16)	22.55%
Total 5301100 · Salaries & Wages	20,208.95	88,700.00	(68,491.05)	22.78%
5301400 · Support Salaries				
5301440 · Firefighters	36,078.09	126,000.00	(89,921.91)	28.63%
5301485 · Volunteer Incentive Program	2,590.00	14,000.00	(11,410.00)	18.5%
Total 5301400 · Support Salaries	38,668.09	140,000.00	(101,331.91)	27.62%
5302100 · Employee Benefits				
5302110 · Group Insurance	1,400.00	6,500.00	(5,100.00)	21.54%
5302135 · TMRS	1,056.69	4,550.00	(3,493.31)	23.22%
5302137 · Volunteer Retirement	900.00	4,500.00	(3,600.00)	20.0%
5302160 · Worker's Compensation	2,054.75	8,100.00	(6,045.25)	25.37%
5302170 · Payroll Taxes	2,909.24	11,900.00	(8,990.76)	24.45%
5302196 · Membership Dues	550.00	2,500.00	(1,950.00)	22.0%
Total 5302100 · Employee Benefits	8,870.68	38,050.00	(29,179.32)	23.31%
5302300 · Contractual Services				
5302310 · Consultant Fees	0.00	1,600.00	(1,600.00)	0.0%
5302380 · Dispatch	6,197.50	11,525.00	(5,327.50)	53.77%
5302385 · Emergency Transport Service	15,318.00	59,410.00	(44,092.00)	25.78%
Total 5302300 · Contractual Services	21,515.50	72,535.00	(51,019.50)	29.66%
5302500 · Operating Services				
5302510 · Maintenance Agreements	1,553.60	12,005.00	(10,451.40)	12.94%
5302540 · Computer Maintenance	0.00	2,000.00	(2,000.00)	0.0%
5302570 · Warning System Maintenance	780.00	730.00	50.00	106.85%
5302580 · Generator Maintenance	0.00	1,650.00	(1,650.00)	0.0%
Total 5302500 · Operating Services	2,333.60	16,385.00	(14,051.40)	14.24%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5302600 · Special Expenses</b>				
5302675 · National Night Out	289.56	500.00	(210.44)	57.91%
<b>Total 5302600 · Special Expenses</b>	<b>289.56</b>	<b>500.00</b>	<b>(210.44)</b>	<b>57.91%</b>
<b>5303100 · General Supplies</b>				
5303110 · Office Supplies	702.25	2,000.00	(1,297.75)	35.11%
5303140 · Uniforms	1,395.85	4,000.00	(2,604.15)	34.9%
5303160 · Medical Supplies	1,513.57	7,000.00	(5,486.43)	21.62%
5303165 · Medical Support	118.56	1,000.00	(881.44)	11.86%
5303170 · Evidence Gathering	0.00	250.00	(250.00)	0.0%
5303175 · Education Aids	0.00	250.00	(250.00)	0.0%
<b>Total 5303100 · General Supplies</b>	<b>3,730.23</b>	<b>14,500.00</b>	<b>(10,769.77)</b>	<b>25.73%</b>
<b>5303400 · Maintenance Supplies &amp; Parts</b>				
5303410 · Supplies - Custodial	94.70	1,400.00	(1,305.30)	6.76%
5303420 · Building Alarm Maintenance	0.00	420.00	(420.00)	0.0%
<b>Total 5303400 · Maintenance Supplies &amp; Parts</b>	<b>94.70</b>	<b>1,820.00</b>	<b>(1,725.30)</b>	<b>5.2%</b>
<b>5304200 · Travel Expenses</b>				
5304220 · Professional Development	250.00	4,500.00	(4,250.00)	5.56%
5304240 · Medical Training	0.00	1,000.00	(1,000.00)	0.0%
5304270 · Vehicle Expenses	2,316.37	12,000.00	(9,683.63)	19.3%
<b>Total 5304200 · Travel Expenses</b>	<b>2,566.37</b>	<b>17,500.00</b>	<b>(14,933.63)</b>	<b>14.67%</b>
<b>5305200 · Data Processing Expenses</b>				
5305230 · Data Proc-Maintenance & Repair	0.00	1,250.00	(1,250.00)	0.0%
5305240 · Data Processing - Software	1,783.00	2,850.00	(1,067.00)	62.56%
<b>Total 5305200 · Data Processing Expenses</b>	<b>1,783.00</b>	<b>4,100.00</b>	<b>(2,317.00)</b>	<b>43.49%</b>
<b>5305300 · Printing Expense</b>				
5305310 · Copier Expense	727.86	3,300.00	(2,572.14)	22.06%
5305330 · Printing - Forms	0.00	200.00	(200.00)	0.0%
<b>Total 5305300 · Printing Expense</b>	<b>727.86</b>	<b>3,500.00</b>	<b>(2,772.14)</b>	<b>20.8%</b>
<b>5305400 · Utilities</b>				
5305410 · Telephone	555.59	2,100.00	(1,544.41)	26.46%
5305415 · Cellular Phone	1,071.08	4,000.00	(2,928.92)	26.78%
5305417 · Internet - Fire Dept.	404.41	1,750.00	(1,345.59)	23.11%
5305430 · Natural Gas	242.51	2,200.00	(1,957.49)	11.02%
<b>Total 5305400 · Utilities</b>	<b>2,273.59</b>	<b>10,050.00</b>	<b>(7,776.41)</b>	<b>22.62%</b>
<b>5305500 · Repairs &amp; Bldg Improvements</b>				
5305520 · Repairs - Building	1,983.53	5,000.00	(3,016.47)	39.67%
5305540 · Repairs - Machinery & Equipment	2,188.71	19,500.00	(17,311.29)	11.22%
5305545 · Repairs - Apparatus	449.48	12,000.00	(11,550.52)	3.75%
5305550 · Repairs - Vehicles	366.66	4,000.00	(3,633.34)	9.17%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Total 5305500 · Repairs &amp; Bldg Improvements</b>	4,988.38	40,500.00	(35,511.62)	12.32%
<b>5305600 · Insurance</b>				
5305610 · Insurance - Property	13.25	75.00	(61.75)	17.67%
5305620 · Insurance - Liability	9,775.00	8,960.00	815.00	109.1%
5305640 · Insurance - Vehicle	2,563.97	11,718.00	(9,154.03)	21.88%
<b>Total 5305600 · Insurance</b>	12,352.22	20,753.00	(8,400.78)	59.52%
<b>5305700 · Other Expenses</b>				
5305705 · Postage	0.00	200.00	(200.00)	0.0%
5305752 · Pre-Employment Screening	335.00	0.00	335.00	100.0%
5305765 · Flags & Miscellaneous	0.00	500.00	(500.00)	0.0%
5305770 · Matching Fire Grant Expense	0.00	400.00	(400.00)	0.0%
<b>Total 5305700 · Other Expenses</b>	335.00	1,100.00	(765.00)	30.46%
<b>5306400 · Minor Capital Outlay</b>				
5306440 · Machinery & Equipment	4,917.43	11,000.00	(6,082.57)	44.7%
5306445 · Personal Protective Equipment	1,020.50	10,500.00	(9,479.50)	9.72%
<b>Total 5306400 · Minor Capital Outlay</b>	5,937.93	21,500.00	(15,562.07)	27.62%
<b>Total 30 · Fire</b>	126,675.66	491,493.00	(364,817.34)	25.77%
<b>40 · Community Services</b>				
<b>5401100 · Salaries &amp; Wages</b>				
5401135 · ACO/Code Enforcement Officer	7,816.00	34,200.00	(26,384.00)	22.85%
5401190 · Overtime	32.34	150.00	(117.66)	21.56%
<b>Total 5401100 · Salaries &amp; Wages</b>	7,848.34	34,350.00	(26,501.66)	22.85%
<b>5402100 · Employee Benefits</b>				
5402110 · Group Insurance	1,400.00	6,492.00	(5,092.00)	21.57%
5402135 · TMRS	408.71	1,450.00	(1,041.29)	28.19%
5402160 · Worker's Compensation	77.25	325.00	(247.75)	23.77%
5402170 · Payroll Taxes	124.45	500.00	(375.55)	24.89%
5402190 · License	95.00	200.00	(105.00)	47.5%
<b>Total 5402100 · Employee Benefits</b>	2,105.41	8,967.00	(6,861.59)	23.48%
<b>5402300 · Contractual Services</b>				
5402315 · Contract Building Inspections	2,355.54	10,500.00	(8,144.46)	22.43%
5402370 · Impound Fees	434.00	2,000.00	(1,566.00)	21.7%
<b>Total 5402300 · Contractual Services</b>	2,789.54	12,500.00	(9,710.46)	22.32%
<b>5402500 · Operating Services</b>				
5402540 · Computer Maintenance	0.00	100.00	(100.00)	0.0%
<b>Total 5402500 · Operating Services</b>	0.00	100.00	(100.00)	0.0%
<b>5402600 · Special Expenses</b>				
5402685 · Clean up Day	0.00	100.00	(100.00)	0.0%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
Total 5402600 · Special Expenses	0.00	100.00	(100.00)	0.0%
5403100 · General Supplies				
5403110 · Office Supplies	83.15	125.00	(41.85)	66.52%
5403120 · Animal Care	0.00	150.00	(150.00)	0.0%
5403122 · Pet Supplies	0.00	100.00	(100.00)	0.0%
5403140 · Uniforms	261.03	350.00	(88.97)	74.58%
Total 5403100 · General Supplies	344.18	725.00	(380.82)	47.47%
5403400 · Maintenance Supplies & Parts				
5403460 · Miscellaneous	0.00	100.00	(100.00)	0.0%
Total 5403400 · Maintenance Supplies & Parts	0.00	100.00	(100.00)	0.0%
5404200 · Travel Expenses				
5404210 · Travel - Local	0.00	25.00	(25.00)	0.0%
5404220 · Professional Development	0.00	200.00	(200.00)	0.0%
5404270 · Vehicle Expenses	310.43	1,400.00	(1,089.57)	22.17%
Total 5404200 · Travel Expenses	310.43	1,625.00	(1,314.57)	19.1%
5405200 · Data Processing Expenses				
5405230 · Data Proc-Maintenance & Repairs	0.00	100.00	(100.00)	0.0%
Total 5405200 · Data Processing Expenses	0.00	100.00	(100.00)	0.0%
5405300 · Printing Expense				
5405330 · Printing - Forms	0.00	150.00	(150.00)	0.0%
Total 5405300 · Printing Expense	0.00	150.00	(150.00)	0.0%
5405400 · Utilities				
5405415 · Cellular Phone	276.01	675.00	(398.99)	40.89%
Total 5405400 · Utilities	276.01	675.00	(398.99)	40.89%
5405600 · Insurance				
5405610 · Insurance - Property	2.75	35.00	(32.25)	7.86%
5405620 · Insurance - Liability	48.50	194.00	(145.50)	25.0%
5405640 · Insurance - Vehicle	67.00	275.00	(208.00)	24.36%
Total 5405600 · Insurance	118.25	504.00	(385.75)	23.46%
5405700 · Other Expenses				
5405765 · Miscellaneous	0.00	100.00	(100.00)	0.0%
Total 5405700 · Other Expenses	0.00	100.00	(100.00)	0.0%
5406400 · Minor Capital Outlay				
5406440 · Machinery & Equipment	45.99	450.00	(404.01)	10.22%
Total 5406400 · Minor Capital Outlay	45.99	450.00	(404.01)	10.22%
Total 40 · Community Services	13,838.15	60,446.00	(46,607.85)	22.89%



**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>45 · Solid Waste</b>				
<b>5455400 · Utilities</b>				
5455465 · Solidwaste Pickup (Garbage)	48,159.80	197,450.00	(149,290.20)	24.39%
<b>Total 5455400 · Utilities</b>	48,159.80	197,450.00	(149,290.20)	24.39%
<b>Total 45 · Solid Waste</b>	48,159.80	197,450.00	(149,290.20)	24.39%
<b>50 · Streets</b>				
<b>5501400 · Support Staff</b>				
5501415 · Maintenance Crew	5,235.04	22,100.00	(16,864.96)	23.69%
5501490 · Overtime	31.38	2,000.00	(1,968.62)	1.57%
5501500 · Streets - On Call	200.00	850.00	(650.00)	23.53%
<b>Total 5501400 · Support Staff</b>	5,466.42	24,950.00	(19,483.58)	21.91%
<b>5502100 · Employee Benefits</b>				
5502110 · Group Insurance	1,622.97	6,500.00	(4,877.03)	24.97%
5502135 · TMRS	308.49	1,150.00	(841.51)	26.83%
5502160 · Worker's Compensation	262.00	1,400.00	(1,138.00)	18.71%
5502170 · Payroll Taxes	78.61	325.00	(246.39)	24.19%
5502190 · License	0.00	85.00	(85.00)	0.0%
<b>Total 5502100 · Employee Benefits</b>	2,272.07	9,460.00	(7,187.93)	24.02%
<b>5502200 · Special Services</b>				
5502260 · Engineering Fees	0.00	500.00	(500.00)	0.0%
5502280 · NCTCOG- SWMP Fees	3,353.00	3,500.00	(147.00)	95.8%
<b>Total 5502200 · Special Services</b>	3,353.00	4,000.00	(647.00)	83.83%
<b>5502600 · Special Expenses</b>				
5502620 · Emergency Clean Up	2,912.04	2,500.00	412.04	116.48%
<b>Total 5502600 · Special Expenses</b>	2,912.04	2,500.00	412.04	116.48%
<b>5503100 · General Supplies</b>				
5503110 · Office Supplies	0.00	100.00	(100.00)	0.0%
5503140 · Uniforms	298.60	400.00	(101.40)	74.65%
<b>Total 5503100 · General Supplies</b>	298.60	500.00	(201.40)	59.72%
<b>5503400 · Maintenance Supplies &amp; Parts</b>				
5503405 · Drainage Maintenance	0.00	500.00	(500.00)	0.0%
5503420 · Supplies - Street Signs	0.00	1,200.00	(1,200.00)	0.0%
5503460 · Miscellaneous	8.99	250.00	(241.01)	3.6%
<b>Total 5503400 · Maintenance Supplies &amp; Parts</b>	8.99	1,950.00	(1,941.01)	0.46%
<b>5504200 · Travel Expenses</b>				
5504220 · Professional Development	0.00	500.00	(500.00)	0.0%
5504270 · Vehicle Expenses	594.75	4,000.00	(3,405.25)	14.87%
<b>Total 5504200 · Travel Expenses</b>	594.75	4,500.00	(3,905.25)	13.22%

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5505300 · Printing Expense</b>				
5505350 · Printing - Other	0.00	300.00	(300.00)	0.0%
<b>Total 5505300 · Printing Expense</b>	0.00	300.00	(300.00)	0.0%
<b>5505500 · Repairs &amp; Bldg Improvements</b>				
5505540 · Repairs - Machinery & Equipment	576.56	3,500.00	(2,923.44)	16.47%
5505550 · Repairs - Vehicles	399.25	3,000.00	(2,600.75)	13.31%
5505560 · Repairs -Street Maint.& Repairs	3,925.19	50,000.00	(46,074.81)	7.85%
5505565 · Repairs - Infrastruct Drainage	0.00	6,000.00	(6,000.00)	0.0%
5505590 · Repairs - Other	0.00	1,500.00	(1,500.00)	0.0%
<b>Total 5505500 · Repairs &amp; Bldg Improvements</b>	4,901.00	64,000.00	(59,099.00)	7.66%
<b>5505600 · Insurance</b>				
5505610 · Insurance - Property	0.00	100.00	(100.00)	0.0%
5505620 · Insurance - Liability	245.50	1,000.00	(754.50)	24.55%
5505640 · Insurance - Vehicle	733.75	2,965.00	(2,231.25)	24.75%
<b>Total 5505600 · Insurance</b>	979.25	4,065.00	(3,085.75)	24.09%
<b>5505700 · Other Expenses</b>				
5505752 · Pre-Employment Screening	0.00	100.00	(100.00)	0.0%
<b>Total 5505700 · Other Expenses</b>	0.00	100.00	(100.00)	0.0%
<b>5506400 · Minor Capital Outlay</b>				
5506440 · Machinery & Equipment	0.00	8,453.00	(8,453.00)	0.0%
5506445 · Personal Protective Equipment	5.94	300.00	(294.06)	1.98%
5506490 · Other	350.89	500.00	(149.11)	70.18%
<b>Total 5506400 · Minor Capital Outlay</b>	356.83	9,253.00	(8,896.17)	3.86%
<b>5507400 · Capitalized Assets</b>				
5507420 · Buildings	0.00	7,500.00	(7,500.00)	0.0%
5507440 · Machinery & Equipment	0.00	6,500.00	(6,500.00)	0.0%
5507460 · Infrastructure	7,262.64	145,000.00	(137,737.36)	5.01%
<b>Total 5507400 · Capitalized Assets</b>	7,262.64	159,000.00	(151,737.36)	4.57%
<b>Total 50 · Streets</b>	28,405.59	284,578.00	(256,172.41)	9.98%
<b>60 · Parks</b>				
<b>5602400 · Rentals</b>				
5602490 · Rental - Other	590.13	2,700.00	(2,109.87)	21.86%
<b>Total 5602400 · Rentals</b>	590.13	2,700.00	(2,109.87)	21.86%
<b>5602600 · Special Expenses</b>				
5602680 · Heritage Day	0.00	4,000.00	(4,000.00)	0.0%
<b>Total 5602600 · Special Expenses</b>	0.00	4,000.00	(4,000.00)	0.0%
<b>5605400 · Utilities</b>				

**City of Ovilla General Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
5605450 · Electricity	458.11	3,000.00	(2,541.89)	15.27%
Total 5605400 · Utilities	458.11	3,000.00	(2,541.89)	15.27%
5605500 · Repairs & Bldg Improvements				
5605530 · REPAIRS-IMP OTHER THAN BLDGS	501.78	1,500.00	(998.22)	33.45%
Total 5605500 · Repairs & Bldg Improvements	501.78	1,500.00	(998.22)	33.45%
5605700 · Other Expenses				
5605765 · Miscellaneous	39.36	200.00	(160.64)	19.68%
Total 5605700 · Other Expenses	39.36	200.00	(160.64)	19.68%
5606400 · Minor Capital Outlay				
5606410 · Land Improvements	252.33	300.00	(47.67)	84.11%
5606440 · Machinery & Equipment	0.00	500.00	(500.00)	0.0%
Total 5606400 · Minor Capital Outlay	252.33	800.00	(547.67)	31.54%
5607400 · Capitalized Assets				
5607440 · Machinery & Equipment	0.00	3,000.00	(3,000.00)	0.0%
Total 5607400 · Capitalized Assets	0.00	3,000.00	(3,000.00)	0.0%
Total 60 · Parks	1,841.71	15,200.00	(13,358.29)	12.12%
Total Expense	461,247.82	2,225,938.00	(1,764,690.18)	20.72%
Net Income	255,826.94	0.00	255,826.94	100.0%

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000400 · Charges for Services				
4000460 · Water Sales	377,808.05	912,040.00	-534,231.95	41.43%
4000461 · Sewer Service	42,830.86	137,851.00	-95,020.14	31.07%
4000465 · Water & Sewer Penalties	7,095.82	17,000.00	-9,904.18	41.74%
4000471 · Reconnect Fees	1,317.57	5,000.00	-3,682.43	26.35%
4000473 · Connect Fees	600.00	1,500.00	-900.00	40.0%
4000474 · Sewer Fees	273.00	1,100.00	-827.00	24.82%
4000478 · Infrastructure Improvement Fee	14,004.60	55,000.00	-40,995.40	25.46%
<b>Total 4000400 · Charges for Services</b>	<b>443,929.90</b>	<b>1,129,491.00</b>	<b>-685,561.10</b>	<b>39.3%</b>
4000800 · Other Revenue				
4000840 · Interest Earned	717.64	1,500.00	-782.36	47.84%
4000890 · Misc Other Revenue	1,250.00	2,000.00	-750.00	62.5%
<b>Total 4000800 · Other Revenue</b>	<b>1,967.64</b>	<b>3,500.00</b>	<b>-1,532.36</b>	<b>56.22%</b>
<b>Total Income</b>	<b>445,897.54</b>	<b>1,132,991.00</b>	<b>-687,093.46</b>	<b>39.36%</b>
<b>Gross Profit</b>	<b>445,897.54</b>	<b>1,132,991.00</b>	<b>-687,093.46</b>	<b>39.36%</b>
<b>Expense</b>				
70 · Administration				
5701100 · Salaries & Wages				
5701120 · Part Time Admin. Support	543.74	2,534.00	-1,990.26	21.46%
5701110 · City Administrator	4,740.69	20,791.00	-16,050.31	22.8%
5701115 · City Secretary	2,426.55	10,337.00	-7,910.45	23.47%
5701117 · Finance Accountant	2,982.77	11,240.00	-8,257.23	26.54%
5701130 · Public Works Director	9,712.97	46,123.00	-36,410.03	21.06%
<b>Total 5701100 · Salaries &amp; Wages</b>	<b>20,406.72</b>	<b>91,025.00</b>	<b>-70,618.28</b>	<b>22.42%</b>
5702100 · Employee Benefits				
5702110 · Group Insurance	1,622.97	6,500.00	-4,877.03	24.97%
5702135 · TMRS	552.64	2,375.00	-1,822.36	23.27%
5702160 · Worker's Compensation	320.73	1,250.00	-929.27	25.66%
5702170 · Payroll Taxes	140.84	700.00	-559.16	20.12%
<b>Total 5702100 · Employee Benefits</b>	<b>2,637.18</b>	<b>10,825.00</b>	<b>-8,187.82</b>	<b>24.36%</b>
5702200 · Special Services				
5702230 · Legal Fees	0.00	500.00	-500.00	0.0%
5702240 · Audit	4,425.00	4,760.00	-335.00	92.96%
5702250 · Accounting	0.00	1,500.00	-1,500.00	0.0%
<b>Total 5702200 · Special Services</b>	<b>4,425.00</b>	<b>6,760.00</b>	<b>-2,335.00</b>	<b>65.46%</b>
5702300 · Contractual Services /Personnel				
5702310 · Consultant Fees	0.00	5,000.00	-5,000.00	0.0%
<b>Total 5702300 · Contractual Services /Personnel</b>	<b>0.00</b>	<b>5,000.00</b>	<b>-5,000.00</b>	<b>0.0%</b>

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5703100 · General Supplies</b>				
5703110 · Office Supplies	0.00	800.00	-800.00	0.0%
<b>Total 5703100 · General Supplies</b>	0.00	800.00	-800.00	0.0%
<b>5703400 · Maintenance Supplies / Parts</b>				
5703410 · Supplies - Custodial	0.00	150.00	-150.00	0.0%
<b>Total 5703400 · Maintenance Supplies / Parts</b>	0.00	150.00	-150.00	0.0%
<b>5704200 · Travel Expenses</b>				
5704210 · Travel - Local	0.00	200.00	-200.00	0.0%
5704220 · Professional Development	0.00	750.00	-750.00	0.0%
<b>Total 5704200 · Travel Expenses</b>	0.00	950.00	-950.00	0.0%
<b>5705200 · Data Processing Expenses</b>				
5705240 · Data Processing - Software	0.00	1,000.00	-1,000.00	0.0%
<b>Total 5705200 · Data Processing Expenses</b>	0.00	1,000.00	-1,000.00	0.0%
<b>5705300 · Printing Expense</b>				
5705350 · Printing - Other	0.00	250.00	-250.00	0.0%
<b>Total 5705300 · Printing Expense</b>	0.00	250.00	-250.00	0.0%
<b>5705400 · Utilities</b>				
5705410 · Telephone	292.07	1,200.00	-907.93	24.34%
5705415 · Cellular Phone	254.32	1,000.00	-745.68	25.43%
5705417 · Internet	179.73	750.00	-570.27	23.96%
5705450 · Electricity	3,045.37	28,000.00	-24,954.63	10.88%
<b>Total 5705400 · Utilities</b>	3,771.49	30,950.00	-27,178.51	12.19%
<b>5705700 · Other Expenses</b>				
5705705 · Postage	1,330.86	6,000.00	-4,669.14	22.18%
5705740 · Advertising	0.00	500.00	-500.00	0.0%
5705760 · Bank Service Charge	45.00	250.00	-205.00	18.0%
5705765 · Miscellaneous	0.00	100.00	-100.00	0.0%
5705775 · Credit Card Transaction Fee	1,136.27	0.00	1,136.27	100.0%
<b>Total 5705700 · Other Expenses</b>	2,512.13	6,850.00	-4,337.87	36.67%
<b>5706400 · Minor Capital Outlay</b>				
5706440 · Machinery & Equipment	0.00	500.00	-500.00	0.0%
<b>Total 5706400 · Minor Capital Outlay</b>	0.00	500.00	-500.00	0.0%
<b>5709000 · Reserve</b>				
5709003 · Capital Improv. Sewer Reserve	0.00	2,851.00	-2,851.00	0.0%
5709002 · Capital Improv. Water Reserve	0.00	11,040.00	-11,040.00	0.0%
5708215 · Transfer Out - General Fund	0.00	121,972.00	-121,972.00	0.0%
<b>Total 5709000 · Reserve</b>	0.00	135,863.00	-135,863.00	0.0%

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Total 70 · Administration</b>	33,752.52	290,923.00	-257,170.48	11.6%
<b>75 · Water</b>				
<b>5751100 · Salaries &amp; Wages</b>				
5751133 · Superintendent	9,568.93	42,650.00	-33,081.07	22.44%
<b>Total 5751100 · Salaries &amp; Wages</b>	9,568.93	42,650.00	-33,081.07	22.44%
<b>5751400 · Support Salaries</b>				
5751430 · Seasonal Crew	0.00	3,000.00	-3,000.00	0.0%
5751500 · Water - On Call	150.00	850.00	-700.00	17.65%
5751405 · Support Staff	5,059.27	26,900.00	-21,840.73	18.81%
5751415 · Maintenance Crew	9,332.02	46,500.00	-37,167.98	20.07%
5751490 · Overtime	1,042.12	6,000.00	-4,957.88	17.37%
<b>Total 5751400 · Support Salaries</b>	15,583.41	83,250.00	-67,666.59	18.72%
<b>5752100 · Employee Benefits</b>				
5752110 · Group Insurance	4,422.97	21,100.00	-16,677.03	20.96%
5752135 · TMRS	1,266.60	5,000.00	-3,733.40	25.33%
5752160 · Worker's Compensation	528.30	2,150.00	-1,621.70	24.57%
5752170 · Payroll Taxes	715.38	1,650.00	-934.62	43.36%
5752190 · Licenses	0.00	285.00	-285.00	0.0%
<b>Total 5752100 · Employee Benefits</b>	6,933.25	30,185.00	-23,251.75	22.97%
<b>5752300 · Contractual Services/Personnel</b>				
5752350 · Contract Labor - Company	670.00	1,000.00	-330.00	67.0%
5752380 · Dispatch	4,355.00	8,460.00	-4,105.00	51.48%
<b>Total 5752300 · Contractual Services/Personnel</b>	5,025.00	9,460.00	-4,435.00	53.12%
<b>5752400 · Rentals</b>				
5752420 · Rental - Machinery & Equipment	0.00	200.00	-200.00	0.0%
5752490 · Rental - Other	0.00	500.00	-500.00	0.0%
<b>Total 5752400 · Rentals</b>	0.00	700.00	-700.00	0.0%
<b>5752500 · Operating Services</b>				
5752580 · Water Testing	190.00	1,200.00	-1,010.00	15.83%
5752590 · TCEQ Fees	2,689.65	3,000.00	-310.35	89.66%
<b>Total 5752500 · Operating Services</b>	2,879.65	4,200.00	-1,320.35	68.56%
<b>5753100 · General Supplies</b>				
5753140 · Uniforms	1,227.34	1,500.00	-272.66	81.82%
<b>Total 5753100 · General Supplies</b>	1,227.34	1,500.00	-272.66	81.82%
<b>5753400 · Maintenance Supplies &amp; Parts</b>				
5753460 · Miscellaneous	59.05	250.00	-190.95	23.62%
<b>Total 5753400 · Maintenance Supplies &amp; Parts</b>	59.05	250.00	-190.95	23.62%

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5754200 · Travel Expenses</b>				
5754220 · Professional Development	0.00	1,000.00	-1,000.00	0.0%
5754270 · Vehicle Expenses	1,153.27	9,000.00	-7,846.73	12.81%
<b>Total 5754200 · Travel Expenses</b>	<b>1,153.27</b>	<b>10,000.00</b>	<b>-8,846.73</b>	<b>11.53%</b>
<b>5755200 · Data Processing Expenses</b>				
5755230 · Data Proc-Maintenance & Repairs	4,391.25	4,500.00	-108.75	97.58%
5755240 · Data Processing - Software	0.00	500.00	-500.00	0.0%
5755250 · Data Proc - Computer Repair	0.00	500.00	-500.00	0.0%
<b>Total 5755200 · Data Processing Expenses</b>	<b>4,391.25</b>	<b>5,500.00</b>	<b>-1,108.75</b>	<b>79.84%</b>
<b>5755300 · Printing Expenses</b>				
5755310 · Copier Expense	0.00	4,000.00	-4,000.00	0.0%
5755350 · Printing - Other	0.00	1,400.00	-1,400.00	0.0%
<b>Total 5755300 · Printing Expenses</b>	<b>0.00</b>	<b>5,400.00</b>	<b>-5,400.00</b>	<b>0.0%</b>
<b>5755400 · Utilities</b>				
5755415 · Cellular Phone	198.54	1,200.00	-1,001.46	16.55%
5755460 · Water, wholesale	22,284.11	283,250.00	-260,965.89	7.87%
<b>Total 5755400 · Utilities</b>	<b>22,482.65</b>	<b>284,450.00</b>	<b>-261,967.35</b>	<b>7.9%</b>
<b>5755500 · Repairs &amp; Building Improvements</b>				
5755540 · Repairs- Machinery & Equipment	4,325.90	5,000.00	-674.10	86.52%
5755550 · Repairs - Vehicles	227.99	3,000.00	-2,772.01	7.6%
5755570 · Inventory Expense	3,588.81	16,000.00	-12,411.19	22.43%
5755590 · Repairs - Other	871.08	5,000.00	-4,128.92	17.42%
<b>Total 5755500 · Repairs &amp; Building Improvements</b>	<b>9,013.78</b>	<b>29,000.00</b>	<b>-19,986.22</b>	<b>31.08%</b>
<b>5755600 · Insurance</b>				
5755610 · Insurance - Property	1,016.00	6,900.00	-5,884.00	14.73%
5755620 · Insurance - Liability	343.95	1,450.00	-1,106.05	23.72%
5755640 · Insurance - Vehicle	603.75	2,450.00	-1,846.25	24.64%
<b>Total 5755600 · Insurance</b>	<b>1,963.70</b>	<b>10,800.00</b>	<b>-8,836.30</b>	<b>18.18%</b>
<b>5755700 · Other Expenses</b>				
5755752 · Pre-Employment Screening	0.00	300.00	-300.00	0.0%
<b>Total 5755700 · Other Expenses</b>	<b>0.00</b>	<b>300.00</b>	<b>-300.00</b>	<b>0.0%</b>
<b>5756400 · Minor Capital Outlay</b>				
5756440 · Machinery & Equipment	0.00	2,000.00	-2,000.00	0.0%
5756490 · Other	89.93	500.00	-410.07	17.99%
<b>Total 5756400 · Minor Capital Outlay</b>	<b>89.93</b>	<b>2,500.00</b>	<b>-2,410.07</b>	<b>3.6%</b>
<b>5757400 · Capitalized Assets</b>				
5757470 · Infrastructure - Water	0.00	6,500.00	-6,500.00	0.0%
<b>Total 5757400 · Capitalized Assets</b>	<b>0.00</b>	<b>6,500.00</b>	<b>-6,500.00</b>	<b>0.0%</b>

**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>5757900 · Long-Term Debt</b>				
5758225 · Transfer out to Debt Fund	0.00	166,788.00	-166,788.00	0.0%
<b>Total 5757900 · Long-Term Debt</b>	0.00	166,788.00	-166,788.00	0.0%
<b>Total 75 · Water</b>	80,371.21	693,433.00	-613,061.79	11.59%
<b>80 · Sewer</b>				
<b>5801400 · Support Salaries</b>				
5801500 · Sewer - On Call	200.00	850.00	-650.00	23.53%
5801405 · Support Staff	2,410.28	9,300.00	-6,889.72	25.92%
5801415 · Maintenance Crew	10,514.80	50,710.00	-40,195.20	20.74%
5801490 · Overtime	184.07	1,500.00	-1,315.93	12.27%
<b>Total 5801400 · Support Salaries</b>	13,309.15	62,360.00	-49,050.85	21.34%
<b>5802100 · Employee Benefits</b>				
5802110 · Group Insurance	3,245.94	14,625.00	-11,379.06	22.19%
5802135 · TMRS	647.82	2,800.00	-2,152.18	23.14%
5802160 · Worker's Compensation-Sewer	416.75	2,100.00	-1,683.25	19.85%
5802170 · Payroll Taxes	165.08	875.00	-709.92	18.87%
5802190 · Licenses	0.00	285.00	-285.00	0.0%
<b>Total 5802100 · Employee Benefits</b>	4,475.59	20,685.00	-16,209.41	21.64%
<b>5802300 · Contractual Services/Personnel</b>				
5802350 · Contract Labor - Company	250.00	2,000.00	-1,750.00	12.5%
<b>Total 5802300 · Contractual Services/Personnel</b>	250.00	2,000.00	-1,750.00	12.5%
<b>5802500 · Operating Services</b>				
5802590 · TCEQ Fees - Sewer	0.00	50.00	-50.00	0.0%
<b>Total 5802500 · Operating Services</b>	0.00	50.00	-50.00	0.0%
<b>5803100 · General Supplies</b>				
5803140 · Uniforms	271.97	810.00	-538.03	33.58%
<b>Total 5803100 · General Supplies</b>	271.97	810.00	-538.03	33.58%
<b>5803400 · Maintenance Supplies &amp; Parts</b>	0.00	200.00	-200.00	0.0%
<b>5804200 · Travel Expenses</b>				
5804220 · Professional Development	0.00	600.00	-600.00	0.0%
5804270 · Vehicle Expense	131.69	1,600.00	-1,468.31	8.23%
<b>Total 5804200 · Travel Expenses</b>	131.69	2,200.00	-2,068.31	5.99%
<b>5805400 · Utilities</b>				
5805450 · Electricity	138.93	2,500.00	-2,361.07	5.56%
5805463 · TRA Wastewater Treatment	10,053.00	42,230.00	-32,177.00	23.81%
<b>Total 5805400 · Utilities</b>	10,191.93	44,730.00	-34,538.07	22.79%
<b>5805500 · Repairs &amp; Bldg Improvements</b>				



**Ovilla W&S Utility Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
5805510 · Repairs - Land Improvements	0.00	300.00	-300.00	0.0%
5805540 · Repairs - Machinery & Equipment	290.00			
5805570 · Inventory Expense	103.15	750.00	-646.85	13.75%
5805590 · Repairs - Other	3,201.48	5,000.00	-1,798.52	64.03%
<b>Total 5805500 · Repairs &amp; Bldg Improvements</b>	<b>3,594.63</b>	<b>6,050.00</b>	<b>-2,455.37</b>	<b>59.42%</b>
<b>5805600 · Insurance</b>				
5805610 · Insurance - Property	78.50	100.00	-21.50	78.5%
5805620 · Insurance - Liability	229.30	1,150.00	-920.70	19.94%
5805640 · Insurance - Vehicle	157.25	100.00	57.25	157.25%
<b>Total 5805600 · Insurance</b>	<b>465.05</b>	<b>1,350.00</b>	<b>-884.95</b>	<b>34.45%</b>
<b>5805700 · Other Expenses</b>				
5805752 · Pre-Employment Screening	0.00	200.00	-200.00	0.0%
<b>Total 5805700 · Other Expenses</b>	<b>0.00</b>	<b>200.00</b>	<b>-200.00</b>	<b>0.0%</b>
<b>5807400 · Capitalized Assets</b>				
5807440 · Machinery & Equipment	0.00	8,000.00	-8,000.00	0.0%
<b>Total 5807400 · Capitalized Assets</b>	<b>0.00</b>	<b>8,000.00</b>	<b>-8,000.00</b>	<b>0.0%</b>
<b>Total 80 · Sewer</b>	<b>32,690.01</b>	<b>148,635.00</b>	<b>-115,944.99</b>	<b>21.99%</b>
<b>Total Expense</b>	<b>146,813.74</b>	<b>1,132,991.00</b>	<b>-986,177.26</b>	<b>12.96%</b>
<b>Net Income</b>	<b>299,083.80</b>	<b>0.00</b>	<b>299,083.80</b>	<b>100.0%</b>

**Ovilla Debt Service**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
<b>4000100 · Taxes</b>				
4000107 · Ad Valorem, Current I & S	188,618.74	517,478.00	(328,859.26)	36.45%
4000111 · Ad Valorem, Delinquent I & S	2,850.34	5,000.00	(2,149.66)	57.01%
4000114 · Interest/Penalties - I & S	630.11	6,000.00	(5,369.89)	10.5%
<b>Total 4000100 · Taxes</b>	<b>192,099.19</b>	<b>528,478.00</b>	<b>(336,378.81)</b>	<b>36.35%</b>
<b>4000800 · Other Revenue</b>				
4000840 · Interest Earned	171.29	1,100.00	(928.71)	15.57%
4000900 · Reduction of Fund Balance	4,623.08	0.00	4,623.08	100.0%
4000930 · Transfer In - Water & Sewer	0.00	166,788.00	(166,788.00)	0.0%
<b>Total 4000800 · Other Revenue</b>	<b>4,794.37</b>	<b>167,888.00</b>	<b>(163,093.63)</b>	<b>2.86%</b>
<b>Total Income</b>	<b>196,893.56</b>	<b>696,366.00</b>	<b>(499,472.44)</b>	<b>28.27%</b>
<b>Expense</b>				
<b>5157900 · Long-Term Debt</b>				
5157930 · Paying Agent Fees	0.00	500.00	(500.00)	0.0%
5157935 · 2011 Bond Issue Principle	0.00	400,000.00	(400,000.00)	0.0%
5157940 · 2011 Bond Issue Interest	0.00	233,425.00	(233,425.00)	0.0%
<b>Total 5157900 · Long-Term Debt</b>	<b>0.00</b>	<b>633,925.00</b>	<b>(633,925.00)</b>	<b>0.0%</b>
<b>5159000 · Reserves</b>				
5159015 · Debt Reserves	0.00	62,441.00	(62,441.00)	0.0%
<b>Total 5159000 · Reserves</b>	<b>0.00</b>	<b>62,441.00</b>	<b>(62,441.00)</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>0.00</b>	<b>696,366.00</b>	<b>(696,366.00)</b>	<b>0.0%</b>
<b>Net Income</b>	<b>196,893.56</b>	<b>0.00</b>	<b>196,893.56</b>	<b>100.0%</b>

**City of Ovilla Capital Projects Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000800 · Other Revenue				
4000840 · Interest Earned - Texpool	0.00	1.00	-1.00	0.0%
4000845 · Interest Earned - Texstar	0.31	2.00	-1.69	15.5%
4000850 · Interest Earned - Prosperity	97.55	575.00	-477.45	16.97%
<b>Total 4000800 · Other Revenue</b>	<b>97.86</b>	<b>578.00</b>	<b>-480.14</b>	<b>16.93%</b>
 <b>Total Income</b>	 <b>97.86</b>	 <b>578.00</b>	 <b>-480.14</b>	 <b>16.93%</b>
 <b>Expense</b>				
5879000 · Reserves				
5879010 · Admin Reserves	0.00	578.00	-578.00	0.0%
<b>Total 5879000 · Reserves</b>	<b>0.00</b>	<b>578.00</b>	<b>-578.00</b>	<b>0.0%</b>
 <b>Total Expense</b>	 <b>0.00</b>	 <b>578.00</b>	 <b>-578.00</b>	 <b>0.0%</b>
 <b>Net Income</b>	 <b>97.86</b>	 <b>0.00</b>	 <b>97.86</b>	 <b>100.0%</b>

**City of Ovilla - Park Impact Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000400 · Charges for Services				
4000460 · Park Impact	669.04	670.00	(0.96)	99.86%
<b>Total 4000400 · Charges for Services</b>	<b>669.04</b>	<b>670.00</b>	<b>(0.96)</b>	<b>99.86%</b>
4000800 · Other Revenue				
4000840 · Interest Earned	6.03	55.00	(48.97)	10.96%
<b>Total 4000800 · Other Revenue</b>	<b>6.03</b>	<b>55.00</b>	<b>(48.97)</b>	<b>10.96%</b>
<b>Total Income</b>	<b>675.07</b>	<b>725.00</b>	<b>(49.93)</b>	<b>93.11%</b>
<b>Expense</b>				
5606400 · Minor Capital Outlay				
5606440 · Machinery and Equipment	0.00	3,000.00	(3,000.00)	0.0%
<b>Total 5606400 · Minor Capital Outlay</b>	<b>0.00</b>	<b>3,000.00</b>	<b>(3,000.00)</b>	<b>0.0%</b>
5609000 · Reserves				
5609035 · Park Impact Reserves	0.00	(2,275.00)	2,275.00	0.0%
<b>Total 5609000 · Reserves</b>	<b>0.00</b>	<b>(2,275.00)</b>	<b>2,275.00</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>0.00</b>	<b>725.00</b>	<b>(725.00)</b>	<b>0.0%</b>
<b>Net Income</b>	<b>675.07</b>	<b>0.00</b>	<b>675.07</b>	<b>100.0%</b>

**Ovilla W&S Impact Fee Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000400 · Charges for Services				
4000476 · Water Impact Fee	0.00	3,500.00	(3,500.00)	0.0%
4000477 · Sewer Impact Fee	0.00	1,600.00	(1,600.00)	0.0%
<b>Total 4000400 · Charges for Services</b>	<b>0.00</b>	<b>5,100.00</b>	<b>(5,100.00)</b>	<b>0.0%</b>
4000800 · Other Revenue				
4000840 · Interest Earned	57.22	780.00	(722.78)	7.34%
<b>Total 4000800 · Other Revenue</b>	<b>57.22</b>	<b>780.00</b>	<b>(722.78)</b>	<b>7.34%</b>
<b>Total Income</b>	<b>57.22</b>	<b>5,880.00</b>	<b>(5,822.78)</b>	<b>0.97%</b>
<b>Expense</b>				
5755500 · Repairs				
5755560 · Repairs- Water Lines	0.00	2,000.00	(2,000.00)	0.0%
<b>Total 5755500 · Repairs</b>	<b>0.00</b>	<b>2,000.00</b>	<b>(2,000.00)</b>	<b>0.0%</b>
5859000 · Reserves				
5859020 · Water Impact Fees Reserve	0.00	2,280.00	(2,280.00)	0.0%
5859030 · Sewer Impact Fees Reserve	0.00	1,600.00	(1,600.00)	0.0%
<b>Total 5859000 · Reserves</b>	<b>0.00</b>	<b>3,880.00</b>	<b>(3,880.00)</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>0.00</b>	<b>5,880.00</b>	<b>(5,880.00)</b>	<b>0.0%</b>
<b>Net Income</b>	<b>57.22</b>	<b>0.00</b>	<b>57.22</b>	<b>100.0%</b>

**Ovilla 4B Economic Development Corporation**  
**Profit & Loss Budget vs. Actual**  
**October through December 2011**

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000100 · Taxes				
4000120 · Sales tax	20,387.78	60,000.00	(39,612.22)	33.98%
Total 4000100 · Taxes	20,387.78	60,000.00	(39,612.22)	33.98%
4000800 · Other Revenue				
4000840 · Interest Income	139.19	550.00	(410.81)	25.31%
Total 4000800 · Other Revenue	139.19	550.00	(410.81)	25.31%
<b>Total Income</b>	<b>20,526.97</b>	<b>60,550.00</b>	<b>(40,023.03)</b>	<b>33.9%</b>
<b>Expense</b>				
8102200 · Special Services				
8102220 · Website Support & Maintenance	340.00	5,000.00	(4,660.00)	6.8%
8102230 · Legal Fees	0.00	500.00	(500.00)	0.0%
8102240 · Audit	0.00	1,360.00	(1,360.00)	0.0%
Total 8102200 · Special Services	340.00	6,860.00	(6,520.00)	4.96%
8102300 · Consultant Services				
8102310 · Consultant Fees	2,215.00	7,500.00	(5,285.00)	29.53%
8102350 · Contract Labor	0.00	5,000.00	(5,000.00)	0.0%
Total 8102300 · Consultant Services	2,215.00	12,500.00	(10,285.00)	17.72%
8103100 · General Supplies				
8103110 · Office Supplies	0.00	100.00	(100.00)	0.0%
Total 8103100 · General Supplies	0.00	100.00	(100.00)	0.0%
8104200 · Travel Expense				
8104210 · Travel Expense	600.74	1,500.00	(899.26)	40.05%
8104220 · Professional Development	359.00	1,500.00	(1,141.00)	23.93%
Total 8104200 · Travel Expense	959.74	3,000.00	(2,040.26)	31.99%
8105600 · Insurance				
8105620 · Insurance - Liability	70.00	175.00	(105.00)	40.0%
Total 8105600 · Insurance	70.00	175.00	(105.00)	40.0%
8105700 · Other Expenses				
8105705 · Postage	0.00	200.00	(200.00)	0.0%
8105730 · Memberships	100.00	1,100.00	(1,000.00)	9.09%
8105765 · Miscellaneous	0.00	1,000.00	(1,000.00)	0.0%
Total 8105700 · Other Expenses	100.00	2,300.00	(2,200.00)	4.35%

**Ovilla 4B Economic Development Corporation**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>8109000 · Reserves</b>				
8109015 · Administrative Reserves	0.00	33,115.00	(33,115.00)	0.0%
8109215 · Transfer Out - General Fund	0.00	2,500.00	(2,500.00)	0.0%
<b>Total 8109000 · Reserves</b>	0.00	35,615.00	(35,615.00)	0.0%
 <b>Total Expense</b>	 3,684.74	 60,550.00	 (56,865.26)	 6.09%
 <b>Net Income</b>	 <b>16,842.23</b>	 <b>0.00</b>	 <b>16,842.23</b>	 <b>100.0%</b>

**Ovilla Municipal Development District**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000100 · Taxes				
4000120 · Sales tax	5,371.41	15,000.00	-9,628.59	35.81%
<b>Total 4000100 · Taxes</b>	<b>5,371.41</b>	<b>15,000.00</b>	<b>-9,628.59</b>	<b>35.81%</b>
4000800 · Other Revenue				
4000840 · Interest Income	3.97	8.00	-4.03	49.63%
<b>Total 4000800 · Other Revenue</b>	<b>3.97</b>	<b>8.00</b>	<b>-4.03</b>	<b>49.63%</b>
<b>Total Income</b>	<b>5,375.38</b>	<b>15,008.00</b>	<b>-9,632.62</b>	<b>35.82%</b>
<b>Expense</b>				
9102200 · Special Services				
9102230 · Legal Fees	0.00	250.00	-250.00	0.0%
9102240 · Audit	0.00	1,360.00	-1,360.00	0.0%
9102250 · Accounting	0.00	250.00	-250.00	0.0%
<b>Total 9102200 · Special Services</b>	<b>0.00</b>	<b>1,860.00</b>	<b>-1,860.00</b>	<b>0.0%</b>
9102300 · Consultant Services				
9102310 · Consultant Fees	0.00	500.00	-500.00	0.0%
<b>Total 9102300 · Consultant Services</b>	<b>0.00</b>	<b>500.00</b>	<b>-500.00</b>	<b>0.0%</b>
9103100 · General Supplies				
9103110 · Office Supplies	0.00	100.00	-100.00	0.0%
<b>Total 9103100 · General Supplies</b>	<b>0.00</b>	<b>100.00</b>	<b>-100.00</b>	<b>0.0%</b>
9104200 · Travel Expense				
9104220 · Professional Development	0.00	250.00	-250.00	0.0%
<b>Total 9104200 · Travel Expense</b>	<b>0.00</b>	<b>250.00</b>	<b>-250.00</b>	<b>0.0%</b>
9105600 · Insurance				
9105620 · Insurance - Liability	70.00	200.00	-130.00	35.0%
<b>Total 9105600 · Insurance</b>	<b>70.00</b>	<b>200.00</b>	<b>-130.00</b>	<b>35.0%</b>
9105700 · Other Expenses				
9105705 · Postage	0.00	25.00	-25.00	0.0%
<b>Total 9105700 · Other Expenses</b>	<b>0.00</b>	<b>25.00</b>	<b>-25.00</b>	<b>0.0%</b>
9109000 · Reserves				
9109015 · Administrative Reserves	0.00	11,573.00	-11,573.00	0.0%
9109215 · Transfer Out - General Fund	0.00	500.00	-500.00	0.0%
<b>Total 9109000 · Reserves</b>	<b>0.00</b>	<b>12,073.00</b>	<b>-12,073.00</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>70.00</b>	<b>15,008.00</b>	<b>-14,938.00</b>	<b>0.47%</b>
<b>Net Income</b>	<b>5,305.38</b>	<b>0.00</b>	<b>5,305.38</b>	<b>100.0%</b>

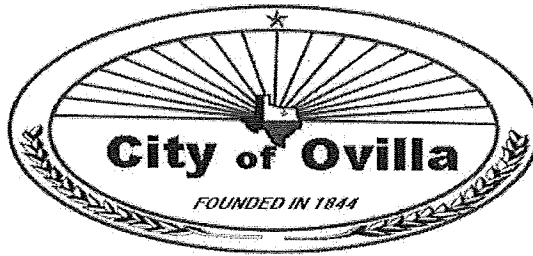


**Ovilla Police Department Special Fund**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000800 · Other Revenue				
4000815 · Gifts	652.50	1,000.00	(347.50)	65.25%
<b>Total 4000800 · Other Revenue</b>	<b>652.50</b>	<b>1,000.00</b>	<b>(347.50)</b>	<b>65.25%</b>
<b>Total Income</b>	<b>652.50</b>	<b>1,000.00</b>	<b>(347.50)</b>	<b>65.25%</b>
<b>Expense</b>				
5232600 · Special Expenses				
5232690 · Special Expenses - Other	219.99	1,565.00	(1,345.01)	14.06%
<b>Total 5232600 · Special Expenses</b>	<b>219.99</b>	<b>1,565.00</b>	<b>(1,345.01)</b>	<b>14.06%</b>
5235500 · Repairs and Bldg Improvements				
5235540 · Repairs - Machinery & Equipment	0.00	1,000.00	(1,000.00)	0.0%
<b>Total 5235500 · Repairs and Bldg Improvements</b>	<b>0.00</b>	<b>1,000.00</b>	<b>(1,000.00)</b>	<b>0.0%</b>
5235700 · Other Expense				
5235735 · Official Functions	437.54	1,000.00	(562.46)	43.75%
<b>Total 5235700 · Other Expense</b>	<b>437.54</b>	<b>1,000.00</b>	<b>(562.46)</b>	<b>43.75%</b>
5239000 · Reserves				
5239010 · Administrative Reserves	0.00	(2,565.00)	2,565.00	0.0%
<b>Total 5239000 · Reserves</b>	<b>0.00</b>	<b>(2,565.00)</b>	<b>2,565.00</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>657.53</b>	<b>1,000.00</b>	<b>(342.47)</b>	<b>65.75%</b>
<b>Net Income</b>	<b>(5.03)</b>	<b>0.00</b>	<b>(5.03)</b>	<b>100.0%</b>

**Ovilla Fire Department Auxiliary**  
**Profit & Loss Budget vs. Actual**  
October through December 2011

	Oct - Dec 11	Budget	\$ Over Budget	% of Budget Thru December 25%
<b>Income</b>				
4000800 · Other Revenue				
4000815 · Gifts	580.00	5,000.00	(4,420.00)	11.6%
4000830 · Vending Machines	0.00	100.00	(100.00)	0.0%
<b>Total 4000800 · Other Revenue</b>	<b>580.00</b>	<b>5,100.00</b>	<b>(4,520.00)</b>	<b>11.37%</b>
<b>Total Income</b>	<b>580.00</b>	<b>5,100.00</b>	<b>(4,520.00)</b>	<b>11.37%</b>
<b>Expense</b>				
5332100 · Employee Benefits				
5332196 · Membership Dues	100.00	100.00	0.00	100.0%
<b>Total 5332100 · Employee Benefits</b>	<b>100.00</b>	<b>100.00</b>	<b>0.00</b>	<b>100.0%</b>
5333400 · Maintenance Supplies and Parts				
5333460 · Supplies - Miscellaneous	861.64	2,000.00	(1,138.36)	43.08%
<b>Total 5333400 · Maintenance Supplies and Parts</b>	<b>861.64</b>	<b>2,000.00</b>	<b>(1,138.36)</b>	<b>43.08%</b>
5334200 · Travel Expenses				
5334220 · Professional Development	0.00	150.00	(150.00)	0.0%
<b>Total 5334200 · Travel Expenses</b>	<b>0.00</b>	<b>150.00</b>	<b>(150.00)</b>	<b>0.0%</b>
5335700 · Other Expense				
5335735 · Official Functions	2,308.05	2,000.00	308.05	115.4%
<b>Total 5335700 · Other Expense</b>	<b>2,308.05</b>	<b>2,000.00</b>	<b>308.05</b>	<b>115.4%</b>
5339000 · Reserve				
5339010 · Admin Reserves	0.00	850.00	(850.00)	0.0%
<b>Total 5339000 · Reserve</b>	<b>0.00</b>	<b>850.00</b>	<b>(850.00)</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>3,269.69</b>	<b>5,100.00</b>	<b>(1,830.31)</b>	<b>64.11%</b>
<b>Net Income</b>	<b>(2,689.69)</b>	<b>0.00</b>	<b>(2,689.69)</b>	<b>100.0%</b>



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**DATE: 01-23-12**

**TO: Honorable Mayor and Council Members**

**FROM: Sharon Jungman**

**SUBJECT: Reserve Fund Balance Calculation for  
Quarter Ending 12-31-11**

**City of Ovilla**  
**Reserve Fund Balance Calculation**  
**12/31/2011**

<b>Description</b>	<b>Account Number</b>	<b>2011-2012 Budget Amount</b>
Total General Fund 2010-2011 Budget		\$ 2,225,938.00
Capital Outlay - Machinery and Equipment	5106440	(1,000.00)
Capital Outlay - Furniture	5106465	(500.00)
Capital Outlay - Machinery and Equipment	5107440	(1,000.00)
Capital Outlay- Audio Visual	5107470	(5,000.00)
Capital Outlay - Reserves for Contingency	5109001	(86,561.00)
Capital Outlay - Machinery and Equipment	5206440	(650.00)
Capital Outlay - Personal Protective Equipment	5206445	(2,000.00)
Capital Outlay - Machinery and Equipment	5207440	(100.00)
Capital Outlay - Vehicles	5207450	(12,370.00)
Other Expenses - Matching Fire Grant Expense	5305770	(400.00)
Capital Outlay - Machinery and Equipment	5306440	(11,000.00)
Capital Outlay - Personal Protective Equipment	5306445	(10,500.00)
Capital Outlay - Machinery and Equipment	5406440	(450.00)
Capital Outlay - Machinery and Equipment	5506440	(8,453.00)
Capital Outlay - Personal Protective Equipment	5506445	(300.00)
Capital Outlay - Other	5506490	(500.00)
Capital Outlay - Building	5507420	(7,500.00)
Capital Outlay - Machinery and Equipment	5507440	(6,500.00)
Capital Outlay - Infrastructure	5507460	(145,000.00)
Capital Outlay - Land Improvements	5606410	(300.00)
Capital Outlay - Machinery and Equipment	5606440	(500.00)
Capital Outlay - Machinery and Equipment	5607440	(3,000.00)
Total		1,922,354.00
Add Back Lease P&I Coded to Acct. 5207450		\$ 12,370.00
Total Budget Less Capital or one time Expenditures		\$ 1,934,724.00

**Total Reserve Bank Value Accounts**

Prosperity Money Market Reserve (Acct. #14039009)	1011500	\$ 29,354.35
Prosperity Bank (Acct. #670010608)	1012290	\$ 55,070.56
Prosperity Money Market Reserve (Acct. #93075883)	1012250	\$ 97,383.99
Citizen's National Bankd (Acct. #11383177)	1012255	\$ 240,000.00
Texstar Reserves ( Acct.#07017-1112)	1011525	\$ 927.69
Total Reserve Cash		\$ 422,736.59
Excess in Designated Cash Account ( Acct. #9307605)	1012520	\$ 55,000.00
Total Reserve Cash & Designated Cash		\$ 477,736.59

Number of Days in Current Reserve	\$ 5,300.61	90.13
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# Ovilla City Council

## CONSENT ITEMS

3 Item(s)

Meeting Date: January 23, 2012

Department: Administration

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

### Attachments:

1. Minutes of the Regular Council Meeting of January 09, 2012
2. Quarterly Investment Report
3. Renewal of Inter-local Cooperation Contract Agreement between the County of Ellis and the City of Ovilla for "Governmental Functions & Services" beginning February 01, 2012.

### Agenda Item / Topic:

N/A

### Discussion / Justification:

The Inter-local contract is an annual renewal.

### Recommendation / Staff Comments:

Staff recommends approval.

### Sample Motion(s):

***"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES THE CONSENT ITEMS AS PRESENTED."***

***"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES THE CONSENT ITEM(S) AS PRESENTED WITH THE EXCEPTION OF \_\_\_\_\_ TO PULL FOR IMMEDIATE DISCUSSION/ACTION PRIOR TO APPROVAL."***

**CITY OF OVILLA MINUTES**  
**Monday, 09 January 2012**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Vansyckle called the Regular Council Meeting of the Ovilla City Council to order at 7:00 P.M. The following City Council Members were present:

	Tom Leverentz	Mayor Pro-Tem, Place 1
	James Wade	Council Member, Place 3
	Richard Dormier	Council Member, Place 5
Absent:	Michael Dickey	Council Member, Place 2
	Doug Hunt	Council Member, Place 4

Mayor Vansyckle noted absent members and present members, thus constituting a quorum. City Administrator Randy Whiteman and various department-head staff members were also present.

PL 5 Dormier gave the Invocation.  
Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

**CITIZENS COMMENTS / CITIZENS FORUM:**

1. Mr. Phil Lynch – Signed up to speak on listed Agenda Items 3 & 4.

♦ **Department Activity Reports / Discussion**

- Police Department Chief M. Moon
  - Gave Monthly Report
- Fire Department Fire Chief D. Pickard
  - Gave Monthly Report
- Public Works Director B. Piland
  - Gave Monthly Report
  - Advised that due to the rain, pothole repairs would be delayed. PL5 Dormier inquired about the needed road maintenance/preservation on Cockrell Hill Road. PW Director Piland responded that crews had been working on Thorntree and would address Cockrell Hill Road soon.
  - Discussed park playground equipment.
- Finance Department Accountant S. Jungman
  - Gave Monthly Municipal Court Report – slight increase from this time last year.
  - Gave Monthly Financial Statements – Ad valorem taxes are coming in.
- Administration City Administrator R. Whiteman
  - Gave Monthly Reports – Code Enforcement and Animal Control
  - Reviewed new Council Log (Council's city hall visitor log) and asked for clarification on signature log sheet.

♦ **CONSENT ITEMS:**

- Monthly Financial Transactions
- Minutes of the December 12, 2011 Regular Council Meeting.

PL5 Dormer made a motion to approve the Monthly Financial Transactions and asked to remove the minutes of the December 12, 2011, Regular Council Meeting from the Consent Item(s) for discussion and review.

PL3 Wade seconded the motion.

*Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.*

*Present Council announced AYE in favor. No oppositions, no abstentions.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0. Financial Transactions were approved.***

Mayor opened discussion on the minutes. PL5 Dormier noted one change (a word replacement from "I" to "we" on the motion to Item 4) on page 4, corrected prior to the convening of the Council meeting.

Mayor Pro-Tem Leverentz made a motion to approve the minutes of December 12, 2011, with the amendment on page 4 as noted.

PL3 Wade seconded the motion.

*Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.*

*Present Council announced AYE in favor. No oppositions, no abstentions.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0. December 12, 2011 Minutes were approved.***

## **REGULAR AGENDA INDIVIDUAL CONSIDERATION:**

- ITEM 1. Discussion/Action** – Consider authorizing a RFQ (Request for Qualifications) for professional services to provide a map of the City's municipal boundaries and extraterritorial jurisdiction.
- Requested by Staff

City Administrator Randy Whiteman advised that in compliance with Section 41 of the Local Government Code, a municipality is required to have an official map of its confirmed boundaries with official updates. Staff has possession of certain Ovilla maps, but is unable to locate an adopted municipal boundary and extraterritorial map of the City. A proposed RFQ was presented to Council. PL5 Dormier reminded staff to include a request for digital files in the RFQ.

Mayor Pro-Tem Leverentz made a motion that Council authorizes the proposed RFQ for professional services to prepare a municipal boundaries and extraterritorial jurisdiction map for the City of Ovilla – and to include a request for electronic files.

PL5 Dormier seconded the motion.

*Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.*

*Present Council announced AYE in favor. No oppositions, no abstentions.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0.***



- ITEM 2. Discussion/Action** – Consider changes to the Employee Personnel Handbook, drug testing policy procedures, to clarify when testing is warranted.
- Requested by Council

Mayor Pro-Tem Leverentz opened discussion by asking Council to consider a revision to the particular section of the Employee Handbook that currently requires drug testing after any accident. Mayor Pro-Tem Leverentz solicited the opinions of three department heads (Police Chief Moon, Fire Chief Pickard & Public Works Director Piland) regarding an estimated damage dollar amount on accidents to warrant drug testing. It was clarified that, regardless, all accidents would go to the ARB. (Accident Review Board) The determination for drug testing would rely on the discretion of the department head if the proposed changes were approved. During the December 12 Council meeting, staff was directed to ask the ARB to consider an estimated damage dollar amount before a drug test was required. The ARB hesitantly submitted a \$500 estimated damage to warrant a drug test. Discussion included an increased dollar amount of estimated damage to be \$1,000. Policy stated that bodily damage or third-party damage mandated a drug test. Council debated how a department head could actually estimate the value of the damage and if a dollar amount should even be considered for drug testing.

Mayor Vansyckle suggested that Council take no action and establish a committee to schedule meetings with the department heads for continued discussion.

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent.*

**VOTE: NO ACTION.**

**Mayor Vansyckle turned the order of the meeting over to Mayor Pro-Tem Leverentz to address Items 3 and 4.**

- ITEM 3. Discussion/Action** – City Council will review an ethics complaint filed on December 12, 2011 by Mr. Phil Lynch against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.
- Requested by Council

Mayor Pro-Tem Leverentz read aloud Item 3, and advised Mr. Lynch that according to the Council Rules of Governance and Hearing of Complaints, he was allowed 5 working days to present any supplemental documentation to accompany his December 12, 2011 filed complaint. Mr. Lynch advised Council he had no additional documentation and was prepared to continue with his complaint as originally submitted. Mayor Pro-Tem Leverentz stated that the complaint would be given to Mayor Vansyckle the following day. The Mayor would be allowed 5 working days to prepare and submit his response to the accusation(s). Once all information was formally filed, Council would hold an oral hearing and then deliberate.

PL5 Dormier made a motion that according to the Council Rules of Governance and Hearing of Complaints, Council accept the complaint and move forward with the process.

PL3 Wade seconded the motion.

*Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.*

*Present Council announced AYE in favor. No oppositions, no abstentions.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

**VOTE: The motion carried unanimously: 3-0.**

*Bill Vansyckle, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Michael Dickey, Place Two*

*Doug Hunt, Place Four  
James Wade, Place Three  
Richard Dormier, Place Five*



- ITEM 4. Discussion/Action** – City Council will review an ethics complaint filed on December 21, 2011 by Mr. Phil Lynch against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.
- Requested by Council

Mayor Pro-Tem Leverentz read aloud Item 4 and informed Mr. Lynch of his 5 additional days to supplement his complaint if needed. Mr. Lynch advised that in accordance with the Council Rules of Governance and the Hearing of Complaints received through the city secretary's office, he hereby waived any desire for extra time and immediately presented Council with additional documentation to accompany his original complaint filed on December 21, 2011. Mr. Lynch stated he was still waiting to receive a response from a request for information he filed through the Public Information Act, with the city secretary's office. Mr. Lynch suggested that Council update their Code of Ethics (Council Rules of Governance) by replacing the bulleted sections with numbers for uncomplicated and simpler reference. Additionally, Mr. Lynch asked that Council hold Mr. Vansyckle accountable for his actions. Mayor Pro-Tem Leverentz stated that Mayor Vansyckle was allowed 5 working days to prepare his response to the ethics complaint (filed by Mr. Lynch) and to submit it to the city secretary's office within that same timeframe.

PL5 Dormier made a motion that Council accept the December 21, 2011 filed ethics complaint with the presented supplement by Mr. Lynch and to move forward with the process on the Hearing of Complaints.

PL3 Wade seconded the motion.

*Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.*

*Present Council announced AYE in favor. No oppositions, no abstentions.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0.***

***Mayor Pro-Tem Leverentz turned the order of the Council Meeting back over to Mayor Vansyckle.***

- ITEM 5. Discussion/Action** – Consider submitting zoning changes to the P&Z for review and recommendation.
- Requested by Staff

City Administrator Randy Whiteman shared the city's approved CLUP (Comprehensive Land Use Plan) Map that included Industrial and Multi-Family zonings for a certain area in north Ovilla. CA Randy Whiteman also showed Council a map referencing the 7-parcels of land for the proposed zoning changes as indicated on the CLUP Map. Consequently, without the zoning changes, this leaves the City vulnerable to this type of zoning requests. PL5 Dormier commented that he thought these changes had been completed long ago.

Mayor Pro-Tem Leverentz made a motion that Council forwards the proposed zoning changes to the P&Z for recommendation.

PL5 Dormier seconded the motion.

*Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.*

*Present Council announced AYE in favor. No oppositions, no abstentions.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0.***

*Bill Vansyckle, Mayor*

*Tom Leverentz, Mayor Pro-Tem*

*Michael Dickey, Place Two*

4

*Doug Hunt, Place Four*

*James Wade, Place Three*

*Richard Dormier, Place Five*

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**Council's Request for Consideration of Future Agenda Items**

**Place 5, Dormier:** Update the Council Code of Ethics, reformat (replace bulleted sections with numbers) and to clarify Council's intent of the visitor's log.  
**Place 4, Hunt:** Absent  
**Place 3, Wade:** Discuss the cost replacement insurance on fire trucks  
**Mayor:** None  
**Place 2, Dickey:** Absent  
**Mayor Pro-Tem Leverentz:** Consider searching for new legal services  
 Create new logo for city's ISO rating of 2

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**Adjournment**

PL3 Wade made a motion to adjourn the meeting of January 09, 2012 at 8:05 P.M.

PL5 Dormier seconded the motion.

***VOTE: The motion carried unanimously.***

ATTEST:

\_\_\_\_\_  
 Bill Vansyckle, Mayor

\_\_\_\_\_  
 Pam Woodall

*Approved January 23, 2012*

**Attachments:**

1. December 12, 2012 complaint filed by Mr. Phil Lynch
2. December 21, 2012 complaint filed by Mr. Phil Lynch



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**DATE: 01-23-2012**

**TO: Honorable Mayor and Council Members**

**FROM: Sharon Jungman**

**SUBJECT: Quarterly Investment Report for  
Quarter Ending 12-31-11**

City of Ovilla  
Fiscal Year 2011-2012  
Fourth Quarter Investment Report  
For Quarter Ending December 31, 2011

Fund	Bank	Investment Type	Quick Books Account #	Inception Date	Maturity Date	Rate	Beginning Bank Value 10/1/2011	Activity	Ending Bank Value 12/31/2011	Book Value 12/31/2011	Difference
GENERAL FUND											
GF	Prosperity Bank	Operating Prosperity Bank	1012500	N/A	N/A	0.3200%	\$ 471,440.81	Interest Earned \$ 261.99 Net Deposit \$ 792,142.59 Net Withdrawals \$ 783,869.78 Ending Balance	\$479,975.61	\$691,529.78	(\$211,554.17)
GF	Texstar Investment		1012525	N/A	N/A	0.0815%	\$ 3,715.76	Interest Earned \$ 0.81 Withdrawal \$ - Ending Balance	\$ 3,716.57	\$3,716.57	\$0.00
GF	Prosperity Bank		1012520	3/2/11	N/A	0.3000%	\$227,597.54	Interest Earned \$ 172.14 Withdrawal \$ - Ending Balance	\$227,769.68	\$227,212.47	\$557.21
GF	Prosperity Bank	Reserves Prosperity Bank	1011500	N/A	N/A	0.1500%	\$ 29,343.25	Interest Earned \$ 11.10	\$29,354.35	\$29,354.35	\$0.00
GF	Texstar Investment		1011525	N/A	N/A	0.0815%	\$ 927.50	Interest Earned \$0.19	\$927.69	\$927.69	\$0.00
GF	Prosperity Bank	\$240,000 Moved to Citizens National Bank On 8/18/11	1012250	N/A	N/A	0.2000%	\$ 97,334.92	Interest Earned \$ 49.07 Net Deposit \$ - Net Withdrawals \$ - Ending Balance	\$ 97,383.99	\$97,383.99	\$0.00
GF	Citizens National Bank		1012255	8/18/11	2/16/12	1.0000%	\$ 240,000.00	Interest Earned \$ - Net Deposit \$ - Net Withdrawals \$ - Ending Balance	\$ 240,000.00	\$240,000.00	\$0.00
GF	Community National Bank	1012275	7/16/10	10/16/11	1.5500%	\$ 54,856.24	Interest Earned \$ 214.32 Net Withdrawals \$ 55,070.56 Ending Balance	\$ 55,070.56	\$ -	\$0.00	\$0.00
GF	Prosperity Bank	1012290	10/17/11	10/17/12	0.4000%	\$ 55,070.56	Interest Earned		\$55,070.56	\$55,070.56	\$0.00

## City of Ovilla

Fiscal Year 2011-2012

## Fourth Quarter Investment Report

For Quarter Ending December 31, 2011

Fund	Bank	Investment Type	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 10/1/2011	Activity	Value 12/31/2011	Value 12/31/2011	Difference
Total General Fund											
								Total General Fund Balance	\$1,134,198.45	\$1,345,195.41	(\$210,996.96)
DEBT SERVICE											
		Savings Account									
Debt	Prosperity Bank		1010000	N/A	N/A	0.3300%	\$ 201,359.87	Interest Earned	\$ 171.29		
								Deposits	\$ 123,009.40		
								Deductions	\$ -		
								Ending Balance	\$324,540.56	\$398,253.33	(\$73,712.77)
Water & Sewer Utility Fund											
		Operating									
W&S	Prosperity Bank		1021500	N/A	N/A	0.3000%	\$ 569,224.75	Interest Earned	\$ 596.89		
								Net Deposit	\$ 511,760.20		
								Net Withdrawals	\$ 252,418.78		
									\$829,163.06	\$825,220.16	\$3,942.90
W&S	Texstar Investment		1021525	N/A	N/A	0.0815%	\$ 1,142.71	Interest Earned	\$ 0.25		
								Net Deposit	\$ -		
								Withdrawals	\$ -		
								Ending Balance	\$1,142.96	\$1,142.96	\$0.00
W&S	Prosperity Bank		1021530	N/A	N/A	0.2000%	\$ 83,177.13	Interest Earned	\$ 41.94		
								Net Deposit	\$ -		
								Net Withdrawals	\$ -		
									\$83,219.07	\$83,219.07	\$0.00
W&S	Prosperity Bank		1021800	N/A	N/A	0.3400%	\$ 136.66	Interest Earned	\$ 0.12		
								Net Deposit	\$ -		
								Net Withdrawals	\$ -	\$136.78	\$0.00
W&S	Prosperity Bank		1020500	N/A	N/A	0.3000%	\$ 103,707.96	Interest Earned	\$ 78.44		
								Net Deposit	\$ -		
								Net Withdrawals	\$ -	\$ 103,786.40	\$0.00
Total W&S Utility Fund											
								Total W&S Fund	\$1,017,448.27	\$1,013,505.37	\$3,942.90

City of Ovilla  
Fiscal Year 2011-2012  
Fourth Quarter Investment Report  
For Quarter Ending December 31, 2011

Fund	Bank	Investment Type	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 10/1/2011	Activity	Value 12/31/2011	Difference
CAPITAL PROJECTS										
CP	Texpool Investment	Construction Funds	1023000	N/A	N/A	0.0461%	\$ 308.16	Interest Earned Deposits	\$ -	
								Withdrawals Ending Balance	\$ -	\$0.00
CP	Texstar Investment		1023500	N/A	N/A	0.0815%	\$ 1,392.49	Interest Earned Deposits	\$ 0.31	
								Withdrawals Ending Balance	\$ -	
								Ending Balance	\$ 1,392.80	\$0.00
CP	Prosperity Bank		1024000	N/A	N/A	0.3000%	\$128,973.70	Interest Earned Deposits	\$ 97.55	
								Withdrawals Ending Balance	\$ -	
								Ending Balance	\$129,071.25	\$0.00
Total Capital Projects										\$0.00
W&S IMPACT FEE										
W&S Impact	Operating Prosperity Bank		8520150	N/A	N/A	0.1000%	\$ 6,672.91	Interest Earned Deposits	\$ 1.69	
								Withdrawals Ending Balance	\$ -	
								Ending Balance	\$ 6,674.60	(\$0.00)
W&S Impact	Prosperity Bank Money Market		8510100	N/A	N/A	0.2000%	\$ 88,245.46	Interest Earned Net Deposit	\$ 44.49	
								Net Withdrawals Ending Balance	\$ -	
								Ending Balance	\$ 88,289.95	\$0.00
W&S Impact	Texstar Investment		8520155	N/A	N/A	0.0815%	\$ 3,144.54	Interest Earned Net Deposit	\$ 0.69	
								Net Withdrawals Ending Balance	\$ -	
								Ending Balance	\$ 3,145.23	\$0.00
W&S Impact	Prosperity Bank Money Market		8520160	N/A	N/A	0.2000%	\$20,524.13	Interest Earned Net Deposit	\$ 10.35	
								Net Withdrawals Ending Balance	\$ -	
								Ending Balance	\$ 20,534.48	\$0.00




City of Ovilla  
Fiscal Year 2011-2012  
Fourth Quarter Investment Report  
For Quarter Ending December 31, 2011

Fund	Bank	Investment Type	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 10/1/2011	Activity	Value 12/31/2011	Value 12/31/2011	Difference
Total	W&S Impact Fund								\$118,644.26	\$118,644.26	\$0.00
PARK IMPROVEMENT											
Park	Prosperity Bank		1010000	N/A	N/A	0.1000%	\$ 4,188.90	Interest Earned Deposits	\$ 1.08		
								Withdrawals	\$ 669.04		
								Ending Balance	\$ -	\$4,859.02	(\$0.00)
Park	Prosperity Bank		1010200	3/16/11	N/A	0.1000%	\$ 19,637.37	Interest Earned Deposits	\$ 4.95		
								Withdrawals	\$ -		
								Ending Balance	\$ -	\$19,642.32	\$0.00
Total	Park Improvement Fund								\$24,501.34	\$24,501.34	(\$0.00)
Ovilla 4B EDC											
	Operating										
4B EDC	Prosperity Bank		1012500	N/A	N/A	0.3200%	\$ 163,059.10	Interest Earned	\$ 139.19		
								Net Deposit	\$ 20,387.78		
								Net Withdrawals	\$ 3,684.74		
								Ending Balance	\$ 179,901.33	\$179,901.33	\$0.00
Municipal Development District											
	Operating										
MDD	Prosperity Bank		1012501	N/A	N/A	0.0700%	\$ 19,628.55	Interest Earned	\$ 3.97		
								Net Deposit	\$ 5,371.41		
								Net Withdrawals	\$ 70.00		
								Ending Balance	\$24,933.93	\$24,933.93	\$0.00
Police Dept. Special Fund											
	Operating										
Police Special	Prosperity Bank		1001010	N/A	N/A	0.0000%	\$ 6,786.42	Interest Earned	\$ -		
								Net Deposit	\$ 652.50		
								Net Withdrawals	\$ 657.53		
								Ending Balance	\$6,781.39	\$6,781.39	\$0.00
Fire Dept. Auxiliary Fund											
	Operating										
Fire Auxil.	Prosperity Bank		1010000	N/A	N/A	0.0000%	\$ 4,563.29	Interest Earned			
								Net Deposit	\$ 580.00		
								Net Withdrawals	\$ 3,269.69		

## City of Ovilla

## Fourth Quarter Investment Report

For Quarter Ending December 31, 2011

Fund	Bank	Investment Type	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 10/1/2011	Activity	Value 12/31/2011	Value 12/31/2011	Difference
								Ending Balance	\$1,873.60	\$1,674.10	\$199.50
								Total Investments	\$2,963,595.34	\$3,244,162.67	(\$280,567.33)
<p>This report is prepared in accordance with Chapter 2256 of the Public Funds Investment Act (PFIA). Section 2256.023(a) of the PFIA states that " not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity</p>											
											
<p>Randy Whiteman City Administrator</p>											





**RON BROWN**  
ELLIS COUNTY COMMISSIONER  
PRECINCT 4

(972) 723-8017  
FAX (972) 723-8613  
1011 Eastgate  
Midlothian, Texas 76065

January 5, 2012

Pam Higgins  
City of Ovilla  
105 S. Cockrell Hill Rd.  
Ovilla, TX 75154

Dear Ms. Higgins,

Please find enclosed three Interlocal Contracts to be signed and returned back to my office.  
Should you have any questions please feel free to call me at (972) 723-8017 or  
[annita.johnston@co.ellis.tx.us](mailto:annita.johnston@co.ellis.tx.us).

Sincerely,

A handwritten signature in blue ink that reads "Annita Johnston". The signature is fluid and cursive, with the first name "Annita" being more prominent than the last name "Johnston".

Annita Johnston  
Administrative Assistant to  
Commissioner Ron Brown  
ELLIS COUNTY ROAD & BRIDGE PCT. 4  
1011 Eastgate Rd.  
Midlothian, Tx. 76065  
972-723-8017  
972-723-8613 (fax)



**INTERLOCAL COOPERATION CONTRACT**  
**BETWEEN**  
**COUNTY OF ELLIS AND CITY OF CITY OF OVILLA;**

**WHEREAS,** the hereinafter below described government entities desire to increase their efficiency and effectiveness by entering into this contract one with the other; and

**WHEREAS,** such contracts are authorized under Chapter 791 of the Government Code of the State of Texas, said law cited as the Interlocal Cooperation Act of the State of Texas; and

**WHEREAS,** the function or service contracted for and to be provided by this agreement is with the definition of "Governmental function and services" as defined by Section 791.003 of the Government Code; and

**WHEREAS,** the function or service contracted to be provided is a function or service that each party to the contract is authorized to perform individually;

**NOW, THEREFORE,** the parties agree and covenant one with the other as follows:

- A) The County of Ellis (hereinafter COUNTY) shall be the party providing the function or service which shall include the maintenance, repair and / or construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The COUNTY shall be further authorized to sell to the CITY goods and services.\
- B) The City of Ovilla (hereinafter CITY) shall be the party receiving the function, goods, or service and providing payment for such function, goods and / or services.
- C) CITY, as paying party, acknowledges and certifies, as required by the Interlocal Cooperation Act, that all payments shall be made from current revenues available to CITY.
- D) The term of this agreement shall be from February 1, 2012 to February 1, 2013.

E) Both parties acknowledge and understand, in reference to any project undertaken under this contract involving the construction, improvement, or the repair of a road, building or other facility, the following:

- 1) That prior to beginning said project, a work order in the form similar to Exhibit A attached hereto shall be adopted describing the project to be undertaken and identifying the project's location, and
- 2) That the payment and penalty provisions set out in Section 791.014 (c) and (d) of the Government Code Interlocal Cooperation Act shall apply to this contract.

F) CITY agrees to pay to COUNTY within thirty (30) days of billing by COUNTY for the goods, governmental function, and / or services provided in an amount that fairly compensates COUNTY for service or functions performed by COUNTY under this Contract.

EXECUTED in duplicate this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
COUNTY JUDGE

ELLIS COUNTY, TEXAS

Attest:

\_\_\_\_\_  
Ellis County Clerk

\_\_\_\_\_  
MAYOR  
City of Ovilla

Attest:

\_\_\_\_\_  
City Secretary

FY '11-12

# EXHIBIT A

## WORK ORDER UNDER INTERLOCAL AGREEMENT

Service Provider: Ellis County, Texas

Department to Provide Service: \_\_\_\_\_

Basis of Authority to Provide Service: *Interlocal Agreement dated:* \_\_\_\_\_

*per Commissioners Count Minute Order* \_\_\_\_\_

Local Government Requesting Service: \_\_\_\_\_

Description of Project to be Undertaken: \_\_\_\_\_

Location of Project to be Undertaken: \_\_\_\_\_

Requested by: \_\_\_\_\_

*Ron Brown*

Department: *Ellis County Commissioner, Pct. 4*

APPROVED in Open Commissioners Court per Minute Order No. \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, ~~2011~~/12.

\_\_\_\_\_  
*Carol Bush*

*County Judge, Ellis County, Texas*

\*\*\*\*\*

ACCEPTED AND AGREED TO this \_\_\_\_ day of \_\_\_\_\_, ~~2011~~/2012.

*Signature:* \_\_\_\_\_

*Title:* \_\_\_\_\_

*On Behalf of:* \_\_\_\_\_



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): **1** (City Secretary use only)

Meeting Date: January 23, 2012

Department: Admin/Code

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

### Attachments:

1. Current Chapter / Section referring to Fences in the Ovilla Codification
2. Mayor Vansyckle's proposed changes

### Agenda Item / Topic:

- ITEM 1.**      **Discussion/Action** – Consider and discuss proposed changes and updates to the Ovilla Codification Ordinance, Chapter 14, Section 35: FENCES IN RESIDENTIAL DISTRICTS, and direct staff to forward to the Planning & Zoning Commission for review and recommendation, initiating the legal requirements for adoption.
- Requested by Mayor Vansyckle

### Discussion / Justification:

Mayor Vansyckle requested this change to the codification for the replacement of non-conforming fences.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL**\_\_\_\_\_."

Pam,  
Please setup an agenda item as follows:

RESIDENTIAL FENCE 35.3 Request to P& Z to review this in its entirety and review as to add a section A under 35.3 D 1.. I have attached a highlighted copy for explanation.

Please also attach the complete Fence ordinance to this item as well.

Bill

***Bill Vansyckle***  
***Mayor, City of Ovilla***  
***105 S. Cockrell Hill Rd.***  
***Ovilla, Tx 75154***  
***972-617-7262***



### 35.3 FENCES IN RESIDENTIAL DISTRICTS

A. Maximum Height. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise permitted in this section. Fences may be permitted to be constructed to a height exceeding eight feet (8') by special exception as approved by the Zoning Board of Adjustment.

B. Trash Storage Areas. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.

C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

D. Support and Rails.

1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.<sup>3</sup>

**A) Replacement of Non conforming fences – fences or screening elements constructed in front of the building line prior to this ordinance being enacted may be permitted, provided placement is original location and all other city code requirements have been met.**

D. Garbage Collection Areas. Garbage, refuse and trash collection and storage areas in non-residential districts shall be fully enclosed by a screening element of not less than six feet in height.

E. Electric Fences. Electric fences are expressly prohibited in all districts except those where agricultural and related principal activities are permitted, provided such fences shall be plainly marked as "electric fencing" every seventy-five (75) feet of fence.

F. Barbed Wire Fences. Barbed wire fences used in conjunction with permitted agricultural uses and activities in the agricultural zoning district are permitted, provided the building official deems there is no safety hazard related issues associated with said fence. Barbed wire fencing is expressly prohibited in all other zoning districts.

G. Razor Wire. Razor wire fencing, or other similar material, is strictly prohibited in residential zoning districts. When used in other districts, razor wire fencing must be a minimum of eight feet in height.

(Ordinance 2010.013 adopted 6/14/10)

### **35.3 FENCES IN RESIDENTIAL DISTRICTS**

A. Maximum Height. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise permitted in this section. Fences may be permitted to be constructed to a height exceeding eight feet (8') by special exception as approved by the Zoning Board of Adjustment.

B. Trash Storage Areas. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.

C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

D. Support and Rails.

1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.
2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

(Ordinance 2010.015 adopted 8/9/10)





# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 2 (City Secretary use only)

Meeting Date: January 23, 2012

Department: Admin/Code

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

### Attachments:

1. Current Chapter / Section referring to Signs
2. Email copy Mayor Vansyckle's proposed changes

### Agenda Item / Topic:

**ITEM 2.**      **Discussion/Action** – Consider and discuss proposed changes and updates to the Ovilla Codification Ordinance, Chapter 3, Section 3.06: SIGNS, and direct staff to forward to the Planning & Zoning Commission for review and recommendation, initiating the legal requirements for adoption.

- Requested by Mayor Vansyckle

### Discussion / Justification:

Mayor Vansyckle requested this change to the codification for the addition of a new **Temporary Sign** definition.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL**\_\_\_\_\_." **"**

**Bill Vansyckle**

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**From:** Bill Vansyckle [mayorvansyckle@cityofovilla.org]

**Sent:** Thursday, January 12, 2012 9:52 AM

**To:** 'Pam Higgins'

**Subject:** Agenda Item for 1-23-12

Pam,

Please add the following to the agenda:

Request to forward to P&Z the SIGN ORDINANCE 08-017 for their review. I wanted to bring to their attention a New Definition for TEMPORARY SIGNS (attached)

Please attach to item the sign ordinance.

Thanks

Bill

***Bill Vansyckle***  
***Mayor, City of Ovilla***  
***105 S. Cockrell Hill Rd.***  
***Ovilla, Tx 75154***  
***972-617-7262***

## Bill Vansyckle

---

**From:** Mike Dooly [mdooly@cityofovilla.org]

**Sent:** Tuesday, June 21, 2011 4:51 PM

**To:** Bill Vansyckle

**Subject:** FW: Temporary Sign ordinance

This could be allowed off premise and allow churches and schools to put signs up.

---

**From:** Mike Dooly [mailto:mdooly@cityofovilla.org]

**Sent:** Tuesday, June 21, 2011 4:47 PM

**To:** 'mayorvansyckle@cityofovilla.org'

**Subject:** Temporary Sign ordinance

Mayor Vansyckle sir, I found a temporary sign ordinance that might work for us.

Temporary Sign Ordinance

Temporary Signs - Decorative flags, banners, balloons, bunting for community or non-profit organization celebrations, conventions, commemorations and grandopening events for a prescribed period of one week.

To extend to 10 days prior to event and 3 days after the event has ended.

Private property only, not allowed in Right of Ways or Utility easements.

Size limited to 9 Square feet

**ARTICLE 3.06 SIGNS\*****Division 1. Generally****Sec. 3.06.001 Purpose**

The regulations established in this article are intended to provide minimum standards to safeguard life, property, and public welfare regulating and controlling the use, materials, construction, location, number, maintenance, and the permitting of certain signs and sign structures. In addition, this article is intended to enhance the beauty of the city by limiting visual clutter. The provisions of this article are not intended to permit a violation of any provision of any other ordinance or federal or state law. (Ordinance 07-014, ex. A, sec. 1, adopted 8/13/07)

**Sec. 3.06.002 Definitions**

For the purposes of this article, the following definitions shall apply:

Abandoned sign. A sign which, for at least 12 continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product, or activity on the premises on which the sign is located; or, if the premises are leased, relates to a tenant and at least two years have elapsed since the date the most recent tenant ceased to operate on the premises.

Administrative official. The individual charged with the administration and enforcement of this article, or his duly authorized representative.

Area of sign. The total area within the extreme rectangular perimeter of the attraction area intended to draw attention to the sign. Supporting structures shall not be included in calculations. The area of the sign with two faces, approximately opposed, shall be that of the larger face if such condition prevails; but if the angle between the panes of the opposing faces exceeds 30 degrees, the total area of both faces shall be considered the sign area. For multi-sided or circular signs, the calculation shall include all of the projected area. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

Awning. An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

Banner. A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. "Banner" does not include a flag.

(Ordinance 07-014, ex. A, sec. 2, adopted 8/13/07)

Billboard. A sign other than a monument sign which contains at least seventy-two square feet face area per face. (Ordinance 08-017, sec. 1, adopted 8/11/08)

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\* **State law reference**—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

Canopy. A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory, and is open on two or more sides.

Commercial message. A message which refers to the offer for sale or existence for sale of products, property, accommodations, services or attractions or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

Construction sign. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

Directory sign. A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

External illumination. Illumination of a sign by an artificial source of light which is not contained within the sign itself.

Extraterritorial jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the city and that is located within the boundaries identified in section 42.021 of the Local Government Code, plus any area accepted in the city's extraterritorial jurisdiction through a petition.

Flag. Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, nonprofit organization, or corporation, that is flown from flagpoles.

Flashing sign. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this article, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

Ground sign. A sign not wholly supported on a building, or which has its main supporting structure depending on the ground for attachment.

Illuminated sign. A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide nighttime viewing of, the subject matter on the sign face.

Illumination, external. Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

Illumination, internal. Lighting by means of a light which is within a sign having a translucent background, silhouetting opaque letters or designs, on which letters or designs are placed which themselves are made of translucent material.

Inflatable sign. Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Instructional sign. A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

Logo. Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

Marquee. Any hood or awning or permanent construction projecting from the wall of a building or other structure containing either permanent or changeable advertising.

Menu board. A sign displaying the menu for a drive-up window for a food establishment.

Monument sign. A permanent ground sign generally constructed out of brick, stone, or cast concrete supported on a concrete foundation across the entire base of the structure.

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

Noncommercial message. Any message that is not a commercial message.

Nonresidential district. Any of the following zoning districts identified in the official zoning map of the city: CR, CG, I, and those nonresidential areas within a planned development district. Within the city's extraterritorial jurisdiction, it shall mean any lot located within 100 feet of a building used for any purpose other than residential.

Normal maintenance operations. The process of keeping a sign in good repair. Maintenance operations include (1) cleaning; (2) painting; (3) repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365-day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location; and (4) replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive three hundred sixty-five day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location. Examples of actions that are not maintenance operations include, without limitation: (1) converting a sign from a multiple pole structure to a monopole structure; (2) replacing wooden components with metal components; (3) increasing the area or height of a sign, except for increases in area permitted under subsection (1) above; (4) adding illumination to a non-illuminated sign; (5) adding additional display faces; and (6) converting a sign to utilize animated display or moveable copy technology.

Off-premises sign. A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premises on which the sign is located.

On-premises sign. A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premises where the sign is located.

Pennant. A wind device usually made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

Permanent sign. A sign which is fixed in nature that is erected, affixed, or maintained on premises for a period of time, which is regulated by table 1, Schedule for Permanent Signs.

*Pole sign (also called pylon sign).* A freestanding ground sign supported by one or more poles, columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

*Political sign.* A temporary sign pertaining to any national, state, county, or local election that supports or opposes an announced candidate or political party, or pertaining to an issue of political significance.

*Portable sign.* Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term “portable sign” shall include the following:

- (1) A sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;
- (2) An “A-frame” type sign;
- (3) A sign affixed by a pole or poles to a portable base made of wood, metal, or concrete;
- (4) A sign suspended or attached to a stand with an inverted “T” base; and
- (5) Any sign that the base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.

*Premises.* A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of the county that the property is located in. A location with multiple tenants shall be considered as one premises.

*Projecting sign.* A sign suspended from a building or structure and projecting out therefrom more than one foot.

*Pylon sign.* See “Pole sign.”

*Qualified street frontage.* The width of property along the street of a commercial or industrial development which bears the address of the property.

*Reader-board sign.* A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

*Real estate directional sign.* A temporary off-premises sign used to direct traffic to a residential section or subdivision location within the city or its extraterritorial jurisdiction.

*Real estate sign.* A sign relating to the sale, lease, or rental of the premises upon which such a sign is placed.



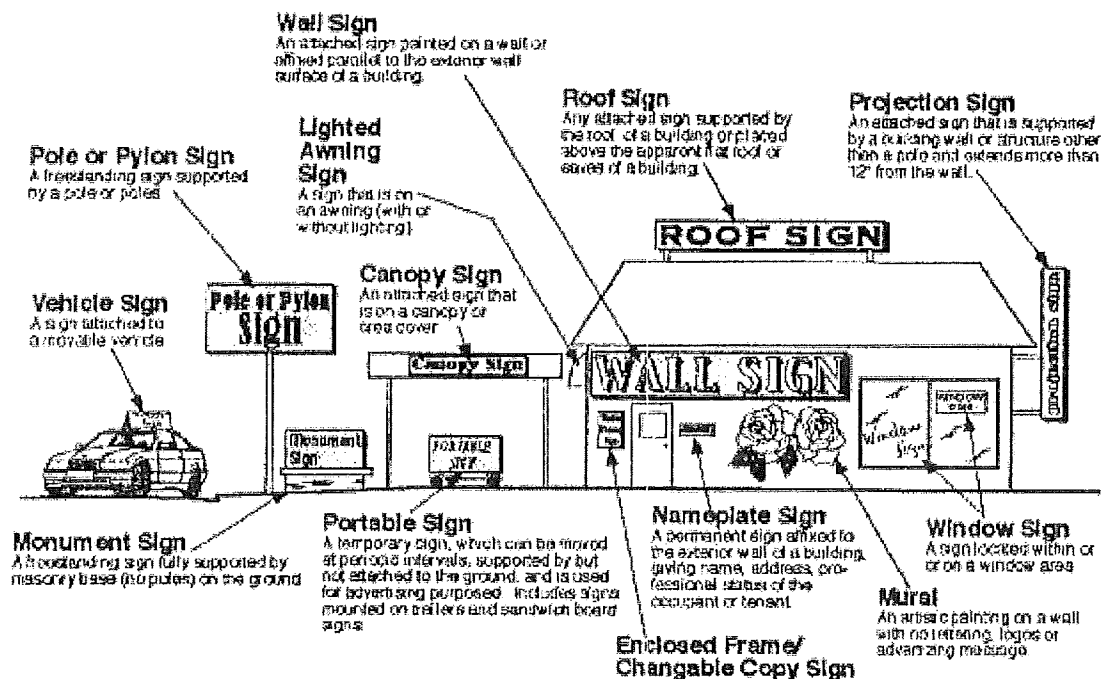
**Residential district.** Any district zoned for residential uses, to include R-15, R-22, R-E, R-C, R-D, ME, or MH or any other residential zoning district identified in the official zoning map, to include residential areas within a planned development district. Within the city's extraterritorial jurisdiction, it shall mean any lot located within 100 feet of a building used for residential purposes.

**Roof sign.** A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support and that projects above the top walk [wall] or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Searchlight.** A large outdoor lighting apparatus used to attract attention to a business or a specific location.

**Secondary sign.** A sign located on premises identifying individual uses in a mixed use multi-tenant commercial shopping center.

**Sight triangle.** An imaginary triangle which has two sides which start at the center point of an intersection of two streets, along the curbline and measuring twenty-five (25) feet in length down each respective street along the nearest edge of the driving surface. The line connecting the end points of these two lines forms the third side of the triangle and must be an area of unobstructed visibility.



**Sign.** Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or non-illuminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the



general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile.

Subdivision sign. A sign used to identify a particular subdivision.

Temporary sign. A sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall, or building, intended to be displayed for a short period of time only. It does not include a sign constructed of metal or wood.

Window sign. A sign located within or on a window area.

Yard sign. A sign located within the yard of a residential or nonresidential lot advertising the services of a contractor who has provided a direct service to the location in which the sign is located.

(Ordinance 07-014, ex. A, sec. 2, adopted 8/13/07)

### **Sec. 3.06.003      General standards**

(a) Applicability. The standards and regulations specified in this article shall apply to all signs displayed in the city and its extraterritorial jurisdiction.

(b) Height of signs. Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.

(c) Building and electrical codes applicable. All signs must conform to the regulations and design standards of the building code and other ordinances of the city. Wiring of all electrical signs must conform to the electrical code of the city.

(d) Illumination of signs. Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public right-of-way and surrounding property.

(e) Requirement to repair. Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign substantially to its original condition as determined by the designated official, or at the owner's election such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this article, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

(f) Placement of signs.

(1) Restrictions. No sign may be erected or placed on a public right-of-way. Any signs so erected or placed may be removed by the designated official without notice. No sign



## AGENDA ITEM REPORT

Item(s): **3** (City Secretary use only)

Meeting Date: January 23, 2012

Department: Administration

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

### Attachments:

1. Council Policy and Procedures and Hearing of Complaints

### Agenda Item / Topic:

- ITEM 5.**      **Discussion/Action** – Consider revisions to Resolution 2010-013, review and amend the Policy of Governance Process/Rules of Procedure and the Hearing of Complaints, and direct staff to return with amended resolution for Council consideration.
- Requested by Councilman Dormier.

### Discussion / Justification:

The Council has asked to amend the Resolution to clarify the process by which the procedures are enacted to include the addition of the Hearing of Complaints provided by the City's attorney and the addition of rulings which include access limitations to City Hall and other sanctions against the Mayor.

### Recommendation / Staff Comments:

Staff requested clarification and enforcement guidelines.

### Sample Motion(s):

***"I MAKE A MOTION THAT COUNCIL DIRECTS STAFF TO FORWARD THE REVISIONS TO THE CITY ATTORNEY FOR INCLUSION IN THE AMENDING RESOLUTION."***

**RESOLUTION 2010.013**

**COPY**

**A RESOLUTION ADOPTING A POLICY ON GOVERNANCE PROCESS AND RULES OF PROCEDURE FOR THE CITY OF OVILLA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has determined that it is advisable to adopt a Policy on Governance Process and Rules of Procedure for the City of Ovilla and its elected officials, appointed officials, and staff;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:**

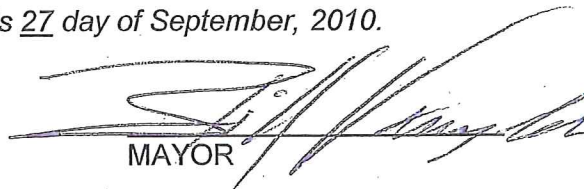
**SECTION 1.**

That the City Council hereby approves and adopts the "Policy on Governance Process and Rules of Procedure" which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

**SECTION 2.**

**That this Resolution shall take effect immediately and it is so resolved.**

**PASSED AND APPROVED** on this 27 day of September, 2010.

  
MAYOR

ATTEST:

  
CITY SECRETARY

# **Policy on Governance Process and Rules of Procedure**

For Members of Ovilla City Council, Boards and Commissions  
Adopted by the Ovilla City Council

## **1.1 Introduction**

The Mayor and Ovilla City Council is the governing body for the City of Ovilla; therefore, they must bear the initial responsibility for the integrity of governance. The Mayor and Council are accountable for their own professional development (both as a group and as individuals), their responsibilities, their own discipline and their own performances. The development of this policy is to ensure effective and efficient government. All citizens and businesses of Ovilla are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Ovilla's Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

## **2.1 Mission Statement**

Based on recognition that stewardship of the public interest must be their primary concern, Members will work for the common good of the people of Ovilla and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Mayor and Ovilla City Council.

## **3.1 Comply with the Law**

The authority of this Governance Policy is derived from the laws of the nation, the State of Texas and the City of Ovilla.

## **Mayor-City Council Relations**

## **4.1 Mayoral and Counsel Responsibilities:**

- The Mayor shall be the official head of City government.
- The Mayor shall preside at all meetings of the Council. The Mayor Pro Tem

shall preside in his/her absence.

- The Mayor shall preserve order and shall require Council Members engaged in debate to limit the discussions to the question under consideration.
- The Mayor has the authority to appoint, on an as-needed basis, various advisory committees, or ad hoc task force. Ad hoc committees are formed on as-needed basis with a clearly defined purpose and term. Council shall confirm these appointments. These bodies shall carry no authority.
- The Mayor shall be the spokesperson for the Council on all matters unless absent, at which time his/her Council designee will assume the role.
- The Mayor, along with the Mayor Pro Tem, shall act as the official Council Relations/Governance Subcommittee.
- Should a conflict arise among Council Members that the Mayor could not resolve, then the Subcommittee shall assemble; if a conflict should arise between the griever and either the Mayor or Mayor Pro Tem, then neither shall serve on the Council Relations/Governance Subcommittee to resolve that conflict. If a conflict cannot be resolved at Subcommittee level then the entire Council shall assemble in Executive Session, except as provided by Section 551.074 of the Texas Open Meetings Act.
- Rules of Procedure for the Council, City of Ovilla shall be observed as a general guide for parliamentary procedure.

#### **5.1 City Council Responsibilities:**

- Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.
- Council Members shall attend all state-required training courses; the City Administrator shall keep Council apprised of state requirements. Each Member is encouraged to further their understanding of good municipal governance through available training programs. Education to be paid for with tax money shall be requested in advance through the City Administrator or City Secretary.
- It is the responsibility of each council Member to be informed about previous actions taken by the council in their absence. This shall include gathering any information that may have been presented during their absence.
- Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Members of Council, boards and commissions,

the staff or public.

- Any Council Member may request the Mayor to enforce the rules established by the Council. Should the Mayor fail to do so, a majority of the council Members present can require him/her to do so.
- When a Council Member is appointed to serve as a liaison to a board, the Council Member is responsible for keeping the other Council Members equally informed of significant board activities. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision making process.
- Members shall base their decisions on the merit and substance of the matter at hand, rather than on unrelated considerations.
- Periodic appointments to boards or commissions shall be approved by a majority vote of Council.

It shall be the goal of the Council to limit dual service on such boards or commissions except in extreme circumstances. Extreme circumstances shall be determined by a majority vote of the Council.

#### **6.1 Council Meetings:**

Three types of meetings are recognized:

Regular Meetings - will be held the second and fourth Monday of each month.

Meetings will be held at the City of Ovilla Council Chamber Room and shall begin at seven o'clock p.m. Every reasonable effort shall be made to ensure that these meetings are completed at a reasonable hour.

Special and Workshop Meetings – may be held in accordance with Section 22.038(b) of the Texas Local Government Code.

#### **7.1 Agendas:**

- The Mayor, working with the City Administrator, will determine what items of business shall come before Council. Items for each Council meeting agenda shall be added one of the three ways listed below. An item not appearing on the agenda shall not be taken up for discussion during a meeting.
  1. Any Council Member may ask the Mayor to place an item on the agenda;
  2. Any item shall be placed on the agenda at the request of three or more Council Members. The Council Members requesting the agenda item shall be responsible for the presentation of that item during the meeting. Any staff assistance should be requested through the City Secretary's office; or
  3. Any Member of city staff wishing to place an item on the agenda shall submit that item to the City Administrator's office for approval. The City Administrator may establish procedures for submission of items

to Mayor.

- The agenda packets for all Regular Meetings will be delivered by staff three (3) full days before the regular meeting.
- The City Secretary's office is responsible for seeing that notices for all meeting of the Council comply with the Open Meetings Law.

## **8.1 Council and Staff Relations:**

The Mayor and Council Members shall make a reasonable attempt to direct questions about the Council Agenda packet to the City Administrator prior to the meeting. This will allow staff time to respond to the Council Members' concern and make every reasonable attempt to provide additional information furnished to all Council Members.

1. The City Administrator shall designate the appropriate staff Member to address each agenda item and shall insure that each presentation informs the Council on the issues that requires Council action. The presentations shall be professional and timely and should list the options available for resolving the issue.
2. The City Administrator shall be directly responsible for providing equal information to the Mayor and all Council Members. Should the City Administrator find his/her staff time is being dominated by a single Member, he/she should inform the Mayor or Mayor Pro-Tem of the concern.
3. The City Administrator will be held responsible for the Administrator's professional and ethical behavior, as well as the professional and ethical behavior of the Administrator's staff.
4. The Mayor, all Council Members and staff shall show respect and courtesy to each other and citizens at all times.
5. The City Secretary is responsible for seeing that all newly elected Council Members are provided with a thorough orientation on staff procedures, municipal facilities and other information of interest to municipal officials.
6. As an expression of the standards of conduct for Members expected by the City, the Ovilla Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when Members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for Mayor, City Council, applicants of board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Ovilla Code of Ethics. In addition, the Mayor, City



Council, boards and commissions shall **annually** review the Code of Ethics. The Mayor and City Council shall consider recommendations from boards and commissions and updates as necessary.

7. Consultants hired by the City shall be considered staff members for purposes of governance.

## **Code of Ethics**

### **A. Code of Ethics**

The office of an elected and/or appointed official is one of trust and service to the citizens of Ovilla. This position creates a special responsibility for the Ovilla City Council Member, Mayor and all boards. The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. Any use of the phrase "Members" shall constitute the Mayor, City Council and all board/commission Members. In an effort to further these objectives, certain ethical principles shall govern the conduct of any and all Council Member, Mayor, and/or board /commission Member who shall:

- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that every Member may merit the respect and confidence of the citizens of Ovilla;
- Recognize that the chief function of local government at all times is to serve the best interest of all people. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies or facilities, for private gain or personal purposes;
- Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- Not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which compromise their independence of judgment or action or give the appearance of being compromised;
- Assure their independence and impartiality on behalf of the common good. Members shall not use their official positions to influence government positions, which may give the appearance of conflict of interest. Members shall represent the official policies or positions of the City Council, board or commission to the best of



their ability when designated as delegates for this purpose. When presenting their **individual** opinions and positions, Members shall explicitly state they do not represent their body or the City of Ovilla, nor will they allow the inference that they do;

- In accordance with the law, Members shall disclose investments, interest in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where an appreciable conflict of interest may exist;
- Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the Mayor and City Council;
  - Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Ovilla. It is recognized that certain exceptions are made by the State for Executive Sessions; however, any action as a result of that type of meeting will be handled later in Open Session;
  - Respect and adhere to the Council-Administrator structure of Ovilla City government as outlined by the Ovilla City Code of Ordinances. Members therefore shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they direct/interfere with the ability of staff to implement Council policy decisions;
  - Because of the value of the independent advice of boards and commissions to the public decision-making process, refrain from using their position to unduly influence the deliberations or outcomes of board of commission proceedings;
  - Support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with city employees and in no way create the perception of inappropriate direction to staff.

### **Compliance and Enforcement:**

The Ovilla Code of Ethics expresses the minimum standard of ethical conduct expected for Members of the Mayor, Ovilla City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions are brought to their attention of Members who

appear to be in violation of the Code of Ethics. Therefore, the City Council may impose sanctions on Members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the Code of Ordinances, the City Council also may remove Members of boards and commissions from office.

At such time that the City Council determines that an elected official has violated any provision of this policy, that official shall be subject to disciplinary action as prescribed by State law.

**SAMPLE**  
**MODEL OF EXCELLENCE**  
**Ovilla City Council, Boards and Commissions**  
**MEMBER STATEMENT**

As a Member of the Ovilla City Council, Mayor, Board or Commission, I do hereby agree to uphold and abide by the Code of Ethics for elected and appointed officials, adopted by the City and conduct myself by the following model of excellence.

***I will:***

***Recognize the worth of individual Members and appreciate their individual talents, perspectives and contributions;***

***Help create an atmosphere of respect and civility where individual Members, City staff and the public are free to express their ideas and work to their full potential;***

***Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;***

***Respect the dignity and privacy of individuals and organizations;***

***Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;***

***Avoid and discourage conduct which is divisive or harmful to the best interest of Ovilla; and***

***Treat all people with whom I come in contact in the way I wish to be treated.***

***I affirm that I have read and understood the City of Ovilla Code of Ethics.***

**Name: \_\_\_\_\_ (print)**

**Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

**Office Held: \_\_\_\_\_**

# Rules of Procedure for the Mayor and City Council of Ovilla

## Authority, applicability:

- (a) Pursuant to the provisions of the constitution and laws of the state, the Mayor and City Council hereby enacts these rules of procedure for all meetings of the City Council.
- (b) During any meeting, a reasonable opportunity shall be given for citizens to be heard under these rules. The rules of procedure are enacted as guidelines to be followed by all persons in the Council Chamber. The citizen participation portion of the rules will be posted in the Council Chamber Room for review by the public.

## General Rules:

- (a) **Meetings to be public.** All official meetings of the Mayor and City Council, except executive meetings or sessions permitted by the Texas Open Meetings Law, and all sessions of a committee of the Council shall be open to the public.
- (b) **Quorum.** The required quorum for City Council meetings shall be determined in accordance with State law.
- (c) **Attendance of the Mayor and Council Members.** Pursuant to Section 22.041(b) of the Texas Local Government Code, no Member shall be excused from attendance at a City Council meeting except on account of his/her own sickness or that of his/her family. The Mayor and any Member of the City Council absent for three (3) regular consecutive meetings of the City Council, unless prevented by sickness, without first obtaining a leave of absence at a regular meeting, shall be deemed to have vacated his/her office.
- (d) **Misconduct.** The Mayor and City Council may punish its own Members for disorderly conduct in accordance with State law.
- (e) **Minutes of meetings.** An account of all proceedings of the City Council shall be kept by the City Secretary and shall be entered in a book constituting the official records of the City Council.
- (f) **Questions to contain one subject.** All questions submitted for a vote shall contain only one (1) subject. If two (2) or more points are involved, any Member may require a division, if the questions reasonably admit a division.
- (g) **Right of floor.** The Mayor and any Member desiring to speak shall confine his/her remarks to the subject under consideration or to be considered. No Member shall be

allowed to speak more than once on any one subject until every Member wishing to speak shall have spoken.

**(h) Duties of City Attorney.** The attorney for the city, or the acting attorney for the city, shall be available upon request for all meetings of the City Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law.

**(i) Duties of City Secretary.** The city secretary, or acting city secretary, shall attend all meetings of the city council unless excused, and shall keep the official minutes and perform such other duties as are required by statute and as may be requested by the Mayor and City Council. The city secretary reports to the Mayor and Council directly.

**(j) Duties of City officers and employees.** Any officer or employee of the city, when requested by the Mayor, shall attend any meeting of the City Council. If requested to do so by the Mayor, they shall present information relating to matters before the City Council.

**(k) Rules or order.** These rules govern the proceedings of the Mayor and Ovilla City Council in all cases, except that, where these rules are silent, the most recent edition of the Texas Municipal League Handbook for General Law Cities as they pertain to a Type-A General Law City shall govern.

**(l) Suspension of rules.** Any provision of these rules not governed by the United States and Texas Constitutions and laws of the State of Texas may be temporarily suspended by the affirmative vote of two-third (2/3) of the City Council Members present. The vote on any such suspension shall be taken by ayes and nays and entered in the minutes of the City Council.

**(m) Amendment of rules.** These rules may be amended, or new rules adopted, by the affirmative vote of two-thirds (2/3) of the City Council Members present, provided that the proposed amendments or new rules shall have been introduced before the City Council at a prior City Council meeting.

## **Conduct and Decorum**

### **(a) Council Members.**

- (1)** During City Council meetings, the Mayor and City Council Members shall preserve order and decorum and shall neither by conversation or by otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor (or chairman) or the rules of the City Council.
- (2)** A councilperson, once recognized, shall not be interrupted while speaking unless called to order by the mayor (or chairman), unless a point of order is raised by another Member or unless the speaker

chooses to yield to questions from another Member. If a councilperson is called to order while her/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled not to be in order, her/she shall remain silent or shall alter his/her remarks so as to comply with rules of the City Council. Point of order - a question as to whether the current procedures are allowed by parliamentary procedure. Must assert a rule of procedure is being violated.

**(b) Administrative staff.**

- (1)** Members of the administrative staff and employees of the city shall observe the same rules of procedure and decorum applicable to the Mayor and Members of the City Council and shall have no voice unless and until recognized by the chair.
- (2)** The presiding officer shall have the authority to preserve decorum in meetings so far as Members, citizens and City employees are concerned and shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by city employees in City Council meetings.
- (3)** All remarks and questions addressed to the Mayor and City Council shall be addressed to the City Council as a whole and not to any individual Member thereof.
- (4)** No staff Member, other than a staff Member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

**(c) Citizens.**

- (1)** Citizens are welcome and invited to attend all meetings of the City Council and shall be admitted to the council chamber in compliance with fire safety capacity of the room.
- (2)** All Citizens shall refrain from private conversations in the chamber while the City Council is in session.
- (3)** Citizens attending City Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the administrative staff. Any person making personal, impertinent, or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be

removed from the room if the sergeant-at-arms is so directed by the presiding officer, and such person shall be barred from further audience before the City Council during that session of the City Council.

- (4) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who shall direct the sergeant-at-arms to remove such offenders from the room. In case the presiding officer shall fail to act, any other Member of the City Council may move to require him or her to enforce the rules, and the affirmative vote of three (3) Members of the City Council shall require the presiding officer to act.
- (5) No placards, banners or signs of any kind shall be permitted in the council chamber except exhibits, displays and visual aids used in connection with presentations to the City Council, provided that such exhibits, displays and visual aids do not disrupt the meeting.
- (6) Enforcement. The chief of police and/or designee of the police department shall act as sergeant-at-arms for the City Council, and shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

### **Meetings generally; types of meetings**

(a) **Regular meetings.** The City Council shall meet on the second and fourth Monday of each month or any other times set by the City Council, unless postponed or cancelled for valid reasons. All regular meetings of the City Council shall be held at the City Hall at 105 S. Cockrell Hill Road, Ovilla, Texas.

(b) **Special, Workshop and Emergency meetings.** Special, workshop and emergency meetings may be called as provided by State law.

(c) **Public hearings.**

(1) All meetings shall be held in full compliance with the provisions of state law and ordinances of the city. Any party in interest may appear in their own behalf or be represented by counsel or agent.

(2) The City Secretary shall set public hearing date(s) for the Mayor and City Council when required by State law and /or as requested, be responsible for timely advertising in the official newspaper, and notify interested parties according to requirements of the City Council.

**(d) Conducting public hearings.**

(1) The Mayor shall call each agenda item in such order as to be in accord with the hearing time specified in the notice of public hearing.

(2) The mayor shall open the Public Hearing and call the time.

(3) The Mayor shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the City Council any additional pertinent communications.

(4) The mayor shall then recognize individual persons present who wish to speak in support of any proposal or agenda item.

(5) Then recognize individual persons in the audience who wish to voice opposition to any proposal or agenda item.

(6) The applicant or their representative may give a brief rebuttal statement. Whenever necessary, the Mayor shall direct that all remarks shall be germane to the proposal or agenda item. The City Council may direct questions to any speaker in order to clarify statements and facts presented.

(7) The mayor shall then declare the public hearing closed as to that proposal and give time of closing.

**(e) Motions.**

(1) A motion shall be made by any Member, other than the presiding officer.

(2) Except as provided by State law, a motion to approve any matter before the City Council or to recommend approval of any request requiring City Council action shall require a majority of favorable votes of the Members present. When fewer than all Members are present for the voting and when all motions to recommend on a give application fail to carry by two (2) votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. No request or application shall be continued under this rule beyond the next regular meeting. Failure of the City Council to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under the rule.

**(f) Disqualification from voting.**



(1) Previous to the hearing, a Member shall file the required affidavit and disqualify themselves from voting whenever her/she finds that he/she or his/her family have a substantial interest in the proposal under discussion, or if the Member finds he/she or his/her family shall be directly affected by the decision of the City Council, in accordance with State law. Affidavits required may be obtained from the city secretary.

(2) The Mayor or a Member shall disqualify themselves from voting whenever any applicant, or his/her agent, has sought to illegally influence the vote of the Member concerning his/her application.

(g) **Executive meetings.** The Mayor and City Council may meet in an executive meeting or sessions as permitted by the Texas Open Meetings Act. The City Secretary or City Administrator shall attend the executive meetings upon request of the Mayor or City Council.

(h) **Recessed meetings.** Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting.

(i) **Notice of meetings.** The agenda for all meetings shall be posted by the City Secretary on the bulletin board outside city hall, and notice of all meetings shall be given by the City Secretary pursuant to the requirements of the Texas Open Meetings Act.

#### **Duties of chairman and other officials.**

(a) **Chairman.** The Mayor, or in his/her absence the Mayor Pro-Tem, shall preside as chairman at all meetings of the City Council. In the absence of both the Mayor and Mayor Pro-Tem, the City Council shall elect a temporary chairman.

(b) **Budget officer.** The City Accountant under the direction of the City Administrator shall serve as budget officer for the city and have the responsibility to prepare the annual budget for review and approval by the City Council.

(c) **Call to order.** The meetings of the City Council shall be called to order by the Mayor or in his/her absence by the Mayor Pro-Tem. In the absence of both the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the City Secretary, and a temporary chairman shall be elected as provided in subsection (a).

(d) **Preservation of order.** The chairman shall preserve order and decorum and confine Members in debate to the question under discussion. The chairman shall call upon the sergeant-at-arms as necessary to enforce compliance with the rules contained herein.

(e) **Determination of points of order.** The Mayor/chairman shall determine all points of order, subject to the right of any councilperson to appeal to the City Council. If an

appeal is taken, the question shall be "Shall the decision of the chairman be sustained?" If a majority of the Members present vote "No", the ruling of the chair is overruled; otherwise, it is sustained. Point of order - Mayor decides if appealed - point of order goes to Council for majority vote.

**(f) Questions to be stated; announcement of results.** The chairman shall state all questions submitted for a vote and announce the results. A roll call vote shall be taken upon the request of any Member, and upon the passage of all ordinances and resolutions.

**(g) Substitute for chairman.** The chairman may call any other Member to take his/her place in the chair, and such substitution shall not continue beyond adjournment.

**(h) Call for recess.** The chairman may call for a recess of up to fifteen (15) minutes at regular intervals of approximately up to one hour at appropriate points in the meeting agenda, or if requested by any two (2) Members.

#### **Order of business; presentation to Council**

**(a) Agenda.** The order of business of each meeting shall be as contained in the agenda prepared by the Mayor. The agenda shall be a listing by topic or subjects to be discussed and considered by the City Council. Conduct of business at special meetings shall be likewise governed by an agenda and rules of procedure contained herein.

**(b) Presentations by the Mayor and Members of Council.** The agenda shall provide a time when the Mayor or any Councilperson shall bring before the City Council any business that he/she feels should be deliberated upon by the City Council. The Mayor and Council may request future agenda items for consideration.

**(c) Open forum.** An opportunity shall be provided for any person in attendance to address the council regarding any item not on the agenda. These matters need not be specifically listed on the agenda, but discussion and formal action on such matters shall be deferred until a subsequent City Council meeting.

**(d) Time limit.** Speakers before the City Council shall limit their remarks to three (3) minutes or less, except as provided by the Chairman.

**(e) Oral presentations by City Secretary.** Matters requiring the Mayor's or City Council's attention or action, which may have developed since the deadline for delivery of the written communication to the Mayor or Council, may be presented orally by the City Secretary. If formal City Council action on a subject is required, such action may be taken provided the provisions of the Texas Open Meetings Law have been satisfied.

## **Ordinances, Resolutions and Motions**

**(a) Form of ordinances and resolutions.** All ordinances and resolutions shall be presented to the City Council in printed or typewritten form. The City Council may, by proper motion, amend any ordinance or resolution presented to it as long as it is clear in the motion what amendments/changes are being made and it is understood by all that the final product will contain those amendment/changes.

**(b) Distribution of ordinances and resolutions.** The City Secretary shall prepare copies of all proposed ordinances and resolutions for distribution to all Members of the City Council at the meeting at which the ordinance or resolution is to be introduced, or at such earlier time as is expedient.

**(c) Recording of votes.** The ayes and nays shall be taken upon the passage of all ordinances and resolutions and the vote of each Member shall be recorded in the minutes.

**(d) Majority vote required.** An affirmative vote of three (3) Members is necessary to repeal any ordinance or take any official action in the name of the city except as otherwise provided by the laws of the state.

**(e) Addressing council on question of personal privilege.** The right of a Member to address the City Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motive as assailed, questioned or impugned.

**(f) Dissents and protests.** Any Member shall have the right to express dissent from or protest against any ordinance or resolution of the City Council and have the reason therefore entered upon the minutes. Such dissent to protest shall be filed in writing and presented to the City Council no later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

**(g) Voting required; excuse from voting.** No Member shall be excused from voting except for lack of information and except on matters involving the consideration of her/her own official conduct, or where his/her personal interest are involved, and in these instances her/she shall abstain. Any Member prohibited from voting by State law shall file an affidavit with the City Secretary and announce at the commencement of consideration of the matter and shall remove themselves from the Council Chamber Room until deliberations are concluded on that matter. The Member having briefly stated the reason for his/her request, the excuse from voting shall be made without debate.

**(h) Order of precedence of motions.**

**(1) The following motions shall have priority in the order indicated:**

**(A)** Adjourn (when unqualified), and is not debatable and may not be amended;

- (B) Take a recess (when privileged);
- (C) Raise a question of privilege - An urgent motion which seeks an immediate ruling on an alleged violation of rights or privileges of Members;
- (D) Lay on the table - to postpone and defer final disposition;
- (E) Previous question (2/3 vote of those present required);
- (F) Limit or extend limits or debate (2/3 vote of those present required);
- (G) Postpone to a certain time;
- (H) Commit or refer;
- (I) Amend;
- (J) Postpone indefinitely;
- (K) Main motion.

**(2) The first two (2) motions are not always privileged.** To adjourn shall lose its privileged character and be the main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

**(3) A motion to adjourn is not in order:**

- (A) When repeated without intervening business or discussion;
- (B) When made as an interruption of a Member while speaking;
- (C) While a vote is being taken.

**(I) Motion to reconsider action.** A motion to reconsider any action of the City Council can be made not later than the next succeeding official meeting of the City Council. Such a motion can only be made by a Member who voted with the majority. It can be seconded by any Member. No question shall be twice reconsidered, except by unanimous consent of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

**(j) Moving the previous question.** When the previous question is recognized, moved and seconded, it shall be put with the phrase "Call for the question", or simply saying "question". There shall then be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the council. An affirmative vote of three-fifths (3/5) of the City Council shall be required to move the previous question. To demand the previous question is equivalent in effect to moving "that debate now cease, and the City Council immediately proceed to vote on the pending motion."

**(k) Withdrawal of motions.** A motion may be withdrawn or modified by its mover without asking permission until the motion has been stated by the chairman. If the mover modifies his/her motion, the seconder may withdraw his/her second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the City Council.

**(l) Amendments.** When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

**(m) Approval of appropriations.** Before formal approval by the City Council of motions providing for appropriation of money, information must be presented to the City Council showing the purpose of the appropriation. In addition, before finally acting on such an appropriation, the City Council shall obtain a report from the city accountant as to the availability of funds and his/her recommendations as to the desirability of the appropriation.

**(n) Transfer of appropriations.** At the request of the City Accountant and the City Administrator.

### **Committees, Boards and Commissions**

**(a) Council committees.** The City Council may, as needed, authorize the appointment of ad hoc council committees. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the City Council.

**(b) Citizen boards, commissions and committees.** The Mayor and City Council may create other committees, boards, and commissions to assist in the conduct of the operation of the city government with such duties as the Mayor and City Council may specify not inconsistent with the laws of the state. Any committees, boards, or commissions so created shall cease to exist upon the accomplishment of the special purpose for which it

was created, or when abolished by a majority of the vote of the City Council. No committee so appointed shall have powers other than advisory to the Mayor and City Council, except as otherwise specified by the laws of the State of Texas or the City of Ovilla Code of Ordinances.

(1) Initial appointments to any board, commission, and committee shall be determined in one-year or two-year terms for said established board, commissions or committee. Terms shall commence on the first day of July of each year and end on June 30<sup>th</sup> of each year.

(2) Vacancies created or occurring shall be filled by the Mayor and City Council for the unexpired term of the board, commission or committee Member.

(3) Each board, commission, or committee shall establish rules of procedures for operation and submit said procedures to the Mayor and City Council for final approval.

(4) Each board, commission, or committee shall prepare and submit a proposed budget (if applicable) each year to the Mayor and City Council for their consideration.

(5) The chairperson of each board, commission, or committee shall report to the Mayor and City Council upon request and prepare and present an annual report.

(6) The policy of the Mayor and City Council is that members of the various city boards, commissions, and committees be removed from office for lack of attendance at the various meetings of the boards, commissions, and committees. Members may be removed on the following basis:

(A) **Regular meetings.** Members may be removed from office for three (3) consecutive unexcused absences during the course of one year and/or lack of attendance at twenty-five percent (25%) of the number of regular meetings in the year.

(B) **Special called meetings.** Members may be removed from office for lack of attendance at fifty percent (50%) of the number of special called meetings in on year.

(C) An unexcused absence is defined as an absence for which no advance notification is given and/or as determined by the affected board, commission, or committee.

(D) Members may be removed from office for lack of

completing mandatory course completion as required by the State of Texas Office of the Attorney General or other state statute.

**(E)** Members are required to return all City issued materials; code books, maps, and/or keys immediately upon leaving office.

## **PROCEDURES ON HEARING ETHICS COMPLAINTS**

When an Ethics Complaint is filed, such complaint shall be processed and handled as provided in this policy. Ethics Complaints shall be filed with the City Secretary.

### **Complaints against Members of the City Council**

When an Ethics Complaint is filed against a member of the City Council, including the Mayor, the City Secretary shall notify the Complainant in writing that the Complainant has five (5) working days from the date of receipt of such notice to file with the City Secretary any and all written statements and/or other documents supporting the Complaint. If no additional documents are received within such five (5) day period, the Complaint will be considered as previously filed.

After expiration of such five (5) day period, the City Secretary shall forward the Original Complaint and any supporting documents that have been received to the Respondent, and notify the Respondent in writing that the Respondent has five (5) working days from the date of receipt of such notice to file with the City Secretary a response to the Complaint and any and all documents in support of such response.

The Mayor shall then place the Complaint on the next available Agenda to be heard by the City Council, provided, however, that neither the Complainant nor the Respondent shall be entitled to deliberate or vote on the Complaint, and may not preside over the hearing of the item.

### **Complaints against Board Members**

All Complaints against Board Members will be assigned to a Council Relations/Governance Subcommittee (hereafter referred to as "the Subcommittee"), which shall be composed of the Mayor and Mayor Pro-Tem. The Mayor shall notify the Complainant in writing that the Complainant has five (5) working days from the date of receipt of such notice to file with the City Secretary any and all written statements and/or other documents supporting the Complaint. If no additional documents are received within such five (5) day period, the Complaint will be considered as previously filed.

After expiration of such five (5) day period, the Mayor shall forward the Original Complaint and any supporting documents that have been received to the Respondent, and notify the Respondent in writing that the Respondent has five (5) working days from the date of receipt of such notice to file with the Subcommittee a response to the Complaint and any and all documents in support of such response.

The Subcommittee will have the option to request that the Complainant, the Respondent, and any other witnesses appear before the Subcommittee in person to provide additional explanations or information, and may suggest a resolution of the Complaint.



If the Subcommittee cannot reach a decision or chooses to defer to the City Council, or if the Complainant and/or the Respondent reject any resolution proposed by the Subcommittee, the Complaint shall be referred to the City Council.

If the Respondent requests that the complaint be heard in front of the City Council, the Complaint shall not be presented first to the Subcommittee, but all procedures regarding notice provided above shall still be followed prior to it being assigned to the whole Council, and all documents received by Subcommittee will be copied and supplied to the Council.

### **Hearing Before The City Council**

The Mayor, Mayor Pro Tem, or other designated chair will call the agenda item containing the Complaint. The Complainant will be asked to present a statement or present any clarification of the materials and or statements previously filed, but no new material allegations not contained in the Complaint may be presented nor considered. The Respondent will then be asked to present a statement or present any clarifications of the materials or statements previously filed.

Next the Council may ask questions of the Complainant that are relevant to the Complaint. Next the Council may ask questions of the Respondent that are relevant to the Complaint. The Complainant and Respondent will not ask each other questions or direct others to ask for them nor engage in discussion except as provided herein. No comments will be taken from citizens unless they are fact witnesses and have previously submitted statements in writing as witnesses for one of the parties and only if requested to speak by the Council for clarification.

After all the Council's questions have been asked and answered, the Chair will allow the Complainant to give closing remarks and then the Respondent to give closing remarks. Closing remarks will be limited to 3 minutes each.

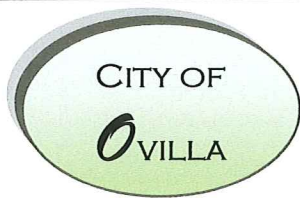
The Council will then deliberate on the item.

The Complaint will be presented in regular (open) session, but the Council may assemble in Executive Session to conduct deliberations and resolve the Complaint to the extent permitted by Section 551.074 of the Texas Open Meetings Act or other applicable law, provided that if the Respondent requests a public hearing, such hearing shall be accorded and any deliberations shall then be conducted in open session.

Upon conclusion of the hearing, in regular (open) session, the Chair will entertain any motions. Making and voting on any motions will be limited to the Council minus the Complainant and Respondent, if they are voting members on the Council. The Mayor will only vote to break a tie unless he/she is the Complainant or Respondent, in which case no vote will be allowed. The imposition of any discipline, sanction, or censure must be supported by a majority vote.

Should the Council uphold the Complaint then they may set a different time to consider appropriate action.

Should the Council find in favor of the Respondent, the Complaint will be dismissed with prejudice.



## AGENDA ITEM REPORT

Item(s): 4 (City Secretary use only)

Meeting Date: January 23, 2012

Department: Admin

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Administrative Staff

### Attachments:

1. Proposed Resolution 2012-001

### Agenda Item / Topic:

**ITEM 4. Discussion/Action** – Consider a proposed **Resolution 2012-001** to order a General Election to be held on May 12, 2012, for the election of City Council Officers, Place 1, Place 3 and Place 5, designate the main and early voting polling place(s), and designate the early voting period dates and hours. (TX Election Code Sections §3.006, §52.093, §85.001, §85.004, §85.007)

### Discussion / Justification:

State Legislation requires the City Council to authorize the Order of General Election. May 12, 2012 is uniform Election Day. Early Voting takes place from April 30, 2012, through May 08, 2012 at City Hall.

Law requires that two of those days during early voting by personal appearance have designated hours from 7:00 A.M. to 7:00 P.M. on designated dates. The recommended two days for 12-hour early voting for the May 12, 2012 General Election are Monday, May 07, 2012 and Tuesday, May 08, 2012.

### Recommendation / Staff Comments:

Staff recommends approval.

### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL APPROVE RESOLUTION 2012-001 AUTHORIZING THE ORDER OF GENERAL ELECTION FOR MAY 12, 2012, DESIGNATING THE EARLY VOTING PERIOD OF APRIL 30 THROUGH MAY 07, AND POSTING NOTICE FOR TWO DAYS OF 7AM TO 7PM DURING EARLY VOTING BY PERSONAL APPEARANCE TO BE HELD ON MAY 07 AND MAY 08, 2012."**

## EL TEMA INFORME

TEMA(s): 4

FECHA DE LA REUNION: 23 de Enero 2012

☐ Discusion ☒ Accion

Departamento: Administrativas

Gasto presupuestado: ☐ YES ☐ NO ☒ N/A

Presentado por : Personal administrative

### ARCHIVOS ADJUNTOS:

1. Propuesta de Resolucion 2012-001

### OBJETIVO:

Considepar la Resolucion 2012-001, autorizando la eleccion general que se llevara cabo el dia 12 de mayo del 2012 con el proposito de elejir tres posiciones para consejales 1, 3 y 5 lugar y designar las fechas para las elecciones primarias.

### ULTIMO/TERMINO:

La legislacion del estado requiere que el principal y el concejal authorizen la orden para la eleccion general. Mayo 12, 2012 es dia de eleccion uniforme. La votation temprana empieza en 30 de abril 2012 asta 08 mayo 2012 en el pueblo.

La ley requiere que dos de estos dos dins durante las votaciones primarias tengan oras desgnadas de 7:00 a.m. asta las 7:00 p.m. en las fechas designadas. Los dos dias recomendados para las 12 horas de elecciones primarias del 12 de mayo, 2012. La eleccion general es el dia lunes 07 de mayo y el dia martes 08 de mayo 2012.

### ARCHIVO:

Propuesta de resolucion ordenando la resolucion de la eleccion con los archivos.

### EJEMPLO DE MOVIMIENTO:

***"YO MUEVO QUE EL CONSEJAL APROEVE LA RESOLUCION 2012-001 AUTORIZANDO LA ORDEN DE ELECCION GENERAL DE 12 MAYO 2012, DESIGNANDO EL PERIODO DE VOTACION TEMPRANA DE 30 ABRIL ASTA 08 MAYO, Y ANUNCIAR POR DOS DIAS DE 7:00 AM ASTA LAS 7:00 PM. DURANTE LA VOTACION TEMPRANA POR EL PERSONAL DE APARIENCIA QUE SERA EN 07 DE MAYO Y 08 DE MAYO 2012."***



**RESOLUTION 2012-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING A GENERAL ELECTION TO BE HELD ON MAY 12, 2012 FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS, (PLACES 1, 3 & 5) FOR EXPIRED TERMS BY THE QUALIFIED VOTERS OF OVILLA IN ACCORDANCE WITH THE TEXAS ELECTION CODE {EC §3.004, §3.006, §4.008, §85.004, §85.007} AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council will have three expired positions of the Council in 2012.

**WHEREAS**, the City Council calls to Order the General Election of May 12, 2012 to elect Place One, Place Three and Place Five of the City Council as required by the Texas Election Code:

**WHEREAS**, the Order of Election must be written in English and Spanish as required by the Texas Election Code:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS THAT;**

**SECTION ONE**

The **Order of Election** shall be posted to read as follows with the attachments:

*(Headings of the attachments)*

**ORDER OF ELECTION FOR THE CITY OF OVILLA  
ORDEN DE ELECCION PARA OVILLA**

**PASSED AND APPROVED THIS 23 DAY OF JANUARY 2012.**

---

Bill Vansyckle, Mayor

Attest:

---

Pamela Woodall, City Secretary

*Attachments:   Order of Election  
                      Orden de Eleccion*

**Resolucion 2012-001**

**Resolucion de el consejal del pueblo del pueblo de Ovilla Texas. Autorizando la Eleccion General que se llevara a cavo en mayo 12, 2012 con el proposito de elejir un tres miembros del consejo (1, 3 y 5 lugar) por el termino expirado por los votantes calificados de Ovilla. De acuerdo con el codigo de eleccion {EC§3.004, 3.006, 4.008, 85.004, 85.007} y proporcionando una fecha efectiva.**

**CONSIDERANDO**, El pueblo tendra tres posiciones epiradas de el consejo en el 2012.

**CONSIDERANDO**, El consejal del pueblo llama para ordenar la Elecccion General del 12 de mayo, 2012 para elejir 1, 3 y 5 lugar de el consejal del pueblo como es requerido por el codigo de eleccion de Texas.

**CONSIDERANDO**, La orden de eleccion tiene que ser escrita en ingles y espanol como es requerido por el codigo de eleccion de Texas.

**AHORA, POR ESO SERA ORDENADO POR EL PUEBLO DE OVILLA TEXAS, QUE;**

**SECCION UNO**

**LA ORDEN DE ELECCION SERA PUESTA PARA LEERSE DE LA SIGUIENTE MANERA**

**ORDEN DE ELECCION PARA EL PUEBLO DE OVILLA**

**PRESENTADO Y APROVADO ESTE DIA 23 DE ENERO 2012.**

---

Bill Vansyckle, Firma del Alcalde

---

Pamela Woodall, Secretaria



## ORDER OF ELECTION FOR THE CITY OF OVILLA

An election is hereby ordered to be held on MAY 12, 2012 for the purpose of:

City Council Seat, Place 1  
City Council Seat, Place 3  
City Council Seat, Place 5

Early voting by personal appearance will be conducted each weekday at

105 S. Cockrell Hill Road, Ovilla, TX 75154 (City Hall)

Between the hours of 8:00 a.m. and 4:30 p.m. beginning on Monday, April 30, 2012

And ending on Tuesday, May 08, 2012.

Additional early voting hours will be held as follows:

Monday, May 07, 2012 and Tuesday, May 08, 2012  
7:00 AM until 7:00 PM at the same location.

Applications for ballot by mail shall be mailed to:

Pamela Woodall, City Secretary  
105 South Cockrell Hill Road  
Ovilla, Texas 75154

Applications for ballots by mail must be received no later than the close of business on  
Friday, May 04, 2012. (Received, not Postmarked)

Issued this the 23 day of January, 2012.

\_\_\_\_\_  
Signature of Mayor Vansyckle

\_\_\_\_\_  
Signature of Mayor Pro-Tem Leverentz

Absent

\_\_\_\_\_  
Signature of Councilperson Dickey

\_\_\_\_\_  
Signature of Councilperson Wade

\_\_\_\_\_  
Signature of Councilperson Hunt

\_\_\_\_\_  
Signature of Councilperson Dormier

*Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day (March 13, 2012). AWI-2 --Prescribed by Secretary of State  
Sections 3.004, 3.006, 4.008, 85.004, 85.007 Texas Election Code*

**R2012.001**



# ORDEN DE ELECCION PARA OVILLA

Por la presente se ordena que se llevará a cabo una elección el **12 de mayo 2012** con el propósito de:

**Firma del la Persona del Concilio 1**  
**Firma del la Persona del Concilio 3**  
**Firma del la Persona del Concilio 5**

La votación adelantada en persona se llevará a cabo de lunes a viernes en

**105 S. Cockrell Hill Road, Ovilla, TX**  
*sitio*

Entre las **8:00 a.m.** de la mañana y las **4:30 p.m.** de la tarde empezando el **Monday, 30 de abril 2012** y terminado el **Tuesday, 08 de mayo 2012**.

**07 de mayo 2011 y 08 de mayo 2012 las horas de 7:00 AM a 7:00 PM.**

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

**Pamela Woodall, City Secretary**  
*Nombre del Secretaria de Votacion Adelantada*  
**105 South Cockrell Hill Road**  
*Direccion*  
**Ovilla, Texas 75154**  
*Cuidad Zona Postal*

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el **Friday, 04 de mayo 2012**.

**Emitida este dia 23 de January, 2012.**

\_\_\_\_\_  
Firma del Alcalde Vansyckle

\_\_\_\_\_  
Firma de la Persona del Concilio Leverentz

\_\_\_\_\_  
*Absent*  
Firma de la Persona del Concilio Dickey

\_\_\_\_\_  
Firma de la Persona del Concilio Wade

\_\_\_\_\_  
Firma de la Persona del Concilio Hunt

\_\_\_\_\_  
Firma de la Persona del Concilio Dormier

**Nota de instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días (13 de marzo 2012) antes del día de elección.**

**R2012.001**





## AGENDA ITEM REPORT

Item(s): 5 (City Secretary use only)

Meeting Date: January 23, 2012

Department: Admin

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

### Attachments:

1. Four applications & one reappointment for consideration

### Agenda Item / Topic:

**ITEM 5. Discussion/Action** – Consider and review applicants for possible board appointments to the vacancies on the Economic Development District Board, the Board of Adjustment and the Municipal Development District Board.

- Presented by Administrative staff.

### Discussion / Justification:

The EDC, BOA and MDD Boards have had vacancies for a while. Council authorized staff to post notice of openings and begin collecting applications. Staff has four applicants to consider.

EDC – Ed Arnold and George Owens – Resigned in November

BOA – Louis Grinage resigned in October

MDD- Lynn Shortnacy chose not to renew membership to MDD for the term renewing in November (He currently serves on the P & Z Commission & chose to remain with that board.)

\*\*City Secretary's office received a late response from Mr. Charles Daniels asking for reappointment to the MDD.

### Recommendation / Staff Comments:

Staff recommends appointment(s).

### Sample Motion(s):

***"I MAKE A MOTION THAT COUNCIL APPOINTS \_\_\_\_\_ TO SERVE OUT THE TERM OF ED ARNOLD THAT EXPIRES 2012 & \_\_\_\_\_ TO SERVE OUT THE TERM OF GEORGE OWENS THAT EXPIRES 2013. "***

***"I MAKE A MOTION THAT COUNCIL APPOINTS \_\_\_\_\_ TO SERVE AS AN ALTERNATE ON THE BOARD OF ADJUSTMENT FOR THE COMPLETION OF THE TERM & PLACE FORMALLY HELD BY LOUIS GRINAGE – TERM EXPIRES 2013. "***

***"I MAKE A MOTION THAT COUNCIL RE-APPOINTS \_\_\_\_\_ TO SERVE ANOTHER TERM ON THE MDD BOARD and APPOINTS \_\_\_\_\_, REPLACING LYNN SHORTNACY'S TERM THAT EXPIRES 2013. "***

**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.

NAME	<u>CHARLES DANIELS</u>		
HOME ADDRESS	<u>601 EDGEWOOD LN.</u>		
	<u>DALLAS, TX 75154</u>		
HOW LONG HAVE YOU LIVED IN OVILLA?	<u>4</u>	EMAIL	<u>CHARLES DANIELS1969@yahoo.com</u>
HOME TELEPHONE	<u>972-217-1505</u>	BUSINESS TELEPHONE	<u>214-868-3699</u>
PROFESSION	<u>DEPUTY</u>		
INTERESTS	<u>TRAVELING, MUSEUMS</u>		

- 1. DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?**

BUDGET COMMITTEES CITY OF DALLAS,  
PUBLIC INFORMATION OFFICER DALLAS WATER  
UTILITIES, INTERIM MANAGER CITY OF DALLAS

- 2. HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?** NO

- 3. HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?** NO

If yes to one or both, please list the municipality, committee and dates served:




4. PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.


- ♦ LIONS CLUB OVILLA
- ♦ COORDINATOR NATIONAL NIGHT OUT OVILLA
- ♦ ANWA WATER COORDINATOR DAWAS WATER UTILITIES

5. WOULD YOU BE WILLING TO SERVE ANY COMMITTEE IF APPOINTED?

YES  
(YES OR NO)

6. IF YOU ARE INTERESTED IN SERVING ON A SPECIFIC BOARD OR COMMISSION, PLEASE SPECIFY

CRIME CONTROL BOARD



SIGNATURE

7-10-2009

DATE

CHARLES DANIELS

PRINTED NAME OF APPLICANT

**CITY OF OVILLA OFFICIAL USE ONLY**

**DATE APPOINTED** N/A **COMMITTEE APPOINTED TO** MDD BOARD

**RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262**

**ATTENTION: Pamela Higgins**  
CRIME CONTROL NEVER TRANSPIRED -  
MR. DANIELS WAS ASSIGNED TO SERVE ON THE  
MDD BOARD



DATE RECEIVED: MAY 27 2011



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
to race, color, national origin, religion, sex or disability.

**CITY OF OVILLA  
BOARDS AND COMMISSIONS  
INFORMATION STATEMENT AND APPLICATION**

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**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

\*\*If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)\*\*

**BOARDS AND COMMISSIONS**

- ☐ Planning and Zoning Commission  
**1** ☐ Board of Adjustment  
☐ Economic Development Corporation  
☐ Municipal Development District

**MEETING INFORMATION**

1<sup>st</sup> Monday of each month – 7:00 PM  
3<sup>rd</sup> Monday of each month – 7:00 PM  
Every other 4<sup>th</sup> Monday – 6:00 PM  
Undetermined

NAME **JEANNE HAM**

HOME ADDRESS **106 OAK FOREST LANE, OVILLA TX 75154-3318**

HOW LONG HAVE YOU LIVED IN OVILLA? **10 YEARS** EMAIL [JSHAM81@SBCGLOBAL.NET](mailto:JSHAM81@SBCGLOBAL.NET)

HOME TELEPHONE **972-617-1291**

CELL TELEPHONE **972-989-1003**

PROFESSION **RETIRED – Army & Air Force Exchange Service**

INTERESTS: **travelling; meeting people**

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

I feel I can responsibly serve to the best interest of our city and our citizens.

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

No

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY? No

If yes to one or both, please list the municipality, committee and dates served:

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

Volunteer Desoto Food Pantry  
Volunteer NFL Superbowl XLV Host Committee  
Judge for Miss Ellis County/Miss Duncanville pageants  
Served as alternate election Judge in the Ovilla sales tax election

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

No

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired)

Retired Army Air Force Exchange Service

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

SIGNATURE

Jeanne Ham  
JEANNE HAM

24 May 2011  
DATE

PRINTED NAME OF APPLICANT

\*\*\*\*\*



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,

105 SOUTH COCKRELL HILL ROAD,

OVILLA, TX 75154

972-617-7262

ATTENTION: Pamela Higgins



DATE RECEIVED:

Dec 5, 2011



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA**  
**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

\*\*If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)\*\*

**BOARDS AND COMMISSIONS**

- ☐ Planning and Zoning Commission
- ☐ Board of Adjustment
- ☒ Economic Development Corporation
- ☒ Municipal Development District

**MEETING INFORMATION**

1<sup>ST</sup> Monday of each month – 7:00 PM  
3<sup>rd</sup> Monday of each month – 7:00 PM  
Every other 4<sup>th</sup> Monday – 6:00 PM  
Undetermined

NAME

Ronald P. Kingsten

HOME ADDRESS

211 Willow Creek Ln

HOW LONG HAVE YOU LIVED IN OVILLA?

32

EMAIL

R.Kingsley1305809global.net

HOME TELEPHONE

972-217-1937

BUSINESS TELEPHONE

972-217-1937

PROFESSION

Sales / Food

INTERESTS

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

Yes

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

Yes Water Board 2 years  
City Council 8 years

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

No

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

❖ \_\_\_\_\_  
❖ \_\_\_\_\_  
❖ \_\_\_\_\_

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) Self employed

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

Ronald P. Kingsley  
SIGNATURE

12-5-11  
DATE

Ronald P. Kingsley  
PRINTED NAME OF APPLICANT

\*\*\*\*\*



CITY OF OVILLA OFFICIAL USE ONLY

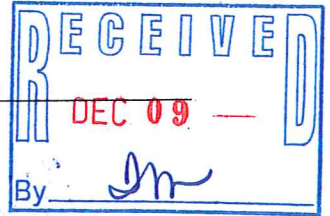
DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Higgins



DATE RECEIVED:



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA**  
**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

\*\*If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)\*\*

**BOARDS AND COMMISSIONS**

- 2 Planning and Zoning Commission
- 1 Board of Adjustment
- 3 Economic Development Corporation
- Municipal Development District

**MEETING INFORMATION**

1<sup>st</sup> Monday of each month – 7:00 PM  
3<sup>rd</sup> Monday of each month – 7:00 PM  
Every other 4<sup>th</sup> Monday – 6:00 PM  
Undetermined

NAME John Patrick Sawyers  
HOME ADDRESS 112 Circle Dr  
Ovilla, Texas 75154  
HOW LONG HAVE YOU LIVED IN OVILLA? 4mo. EMAIL johnsawyers@hotmail.com  
HOME TELEPHONE (972) 515 8877 BUSINESS TELEPHONE cell (972) 415-9581  
PROFESSION semi-retired. (unemployed)  
INTERESTS Mechanical and educational challenges  
Also, Computer challenges



**JOHN P SAWYERS**

**112 Circle Dr.**

**Ovilla, Texas 75154**

**(972) 515-8877**

**[johnsawyers@hotmail.com](mailto:johnsawyers@hotmail.com)**

**Career Objectives**

Interested in the production phase of manufacturing, including first line supervision, technical, Industrial Engineering, Inventory and Quality control.

**Summary of Qualifications**

Spent many years in the plastics injection molding and production manufacturing. Obtained 140 plus hours towards a Bachelor of Science Degree in Occupational Education, (BSOE). Maintained excellent attendance; specialized training in Six Sigma and OSHA safety compliance, Production scheduling and Quality Control of product, Problem solving for productivity, Specialized Production and Processing Software.

**Work History**

March 2010 – August 2011 Hobbs Bonded Fibers Waco, Texas

Production and Maintenance Inventory Control Specialist

I worked directly with Purchasing, Maintenance and Engineering to control tools, production supplies and inventory. While using Mp2 Maintenance Programming, I was able to maintain minimal down time with good control of supplies.

Oct 2004 - Jan 2010 Allergan/Waco Plastics

SR. Process Tech

Maintained production of 12 Plastic injection molding machines. Duties included equipment; Examining and inspect containers, materials, and products to ensure that packing specifications were met. Recorded product, packaging, and order information on specific forms and records. Removed completed or defective product or materials by placing them on moving equipment such as conveyors or in specific areas such as loading docks. Operated machinery used in the production process, and assist machine operators. Examined products to verify conformance to standards. Observed equipment operations so that malfunctions could be detected and notified operator of any malfunctions. Lifted raw material, finished products, manually or using hoists. Counted finished products to determine if product orders were complete. Marked or tagged identification on parts, loaded and unloaded items from machine.

Oct 1999 - Oct 2004 Sterilite Plastics

Production Supervisor

Maintained production of 50 injection molding machines and 80 employees. Enforced safety and sanitation regulations. Directed and coordinated the activities of employees engaged in the production or processing of goods, such as inspectors, machine setters and fabricators. Read and analyzed charts, work orders, production schedules and other records and reports to determine production requirements and to evaluate current production estimates and outputs. Conferred with other supervisors to coordinate operations and activities within or between departments. Planned and established work schedules, assignments and production sequences to meet production goals. Inspected materials, products, or equipment to detect defects or malfunctions. Demonstrated equipment operations of work and safety procedures to new employees, or assigned employees to experienced workers for training. Other experiences: OSHA safety process and procedure, Hazardous Communication Training and Employee Right to Know, Lock out Tag Out, Certified Forklift Operator, ISO 9000 and Six Sigma.

June 1997 - Oct 1999 WNA Cups Illustrated  
Machine and Mold Maintenance

Reassembled machines after the completion of repair or maintenance work. Started machines and observed mechanical operation to determine efficiency and to detect problems. Inspected or tested damaged machine parts, and marked defective areas or advised supervisors of repair needs. Lubricated or applied adhesives or other materials to machine, machined parts or other equipment, according to production specifications. Dismantled machines and removed parts for repair, using hand tools, jacks, cranes or hoist. Recorded production repairs and machine maintenance information. Lock out Tag Out.

### **Education**

Wayland Baptist University - Lubbock, Texas

Education Level: 3(+) Years College, technical or vocational school

Lack 3 college credit hours to graduate.

### **Training**

Texas Tech University – Lubbock, Texas

Math English and History

Six Sigma/ISO 9000

OSHA- Safety Compliance

Hazardous Communication and Employee Right to Know

Certified Forklift Operator

### **Computer Skills**

Email Software (Outlook)

Internet Browser (Internet Explorer)

Personal Computers

Presentation Software (PowerPoint)

Spreadsheet Software (Calc, Excel, Graph, Charts, etc)

Word Processing Software (Word, WordPerfect, Import and Export, etc)

Specialized Production and Processing Software

Additional Computer Skills:

40(+) College Credit Hours in Computer Science.

### **Driver's License**

Class C - Standard Driver's License

### **References**

Kenny Davis

972-921-7383

Van Morris

972-875-4480

Chad Hubbard

254-498-8009

DATE RECEIVED: Dec 2011



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA**  
**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

**\*\*If you are interested in applying for more than one position, please indicate the order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)\*\***

**BOARDS AND COMMISSIONS**

- ☐ Planning and Zoning Commission
- ☐ Board of Adjustment
- ☒ Economic Development Corporation
- ☐ Municipal Development District

**MEETING INFORMATION**

1<sup>st</sup> Monday of each month – 7:00 PM  
3<sup>rd</sup> Monday of each month – 7:00 PM  
Every other 4<sup>th</sup> Monday – 6:00 PM  
Undetermined

NAME Howard Goldstein

HOME ADDRESS 108 Ashburne Glen LN  
Ovilla, TX 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 3 mos EMAIL hjayeg@hotmail.com

HOME TELEPHONE 214-564-9927 BUSINESS TELEPHONE 972-577-3907

PROFESSION Computer System Engineer

INTERESTS Reading History Politics Business Sports



1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

I have worked on projects with high profile clients. I have done project management, documentation, technical specifications, and assisted with budgets.

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

No

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

No

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

❖ \_\_\_\_\_  
❖ \_\_\_\_\_  
❖ \_\_\_\_\_

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

NO

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) Dell Services

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

Howard Goldstein  
SIGNATURE

December 14, 2011  
DATE

Howard Goldstein  
PRINTED NAME OF APPLICANT



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Higgins



## AGENDA ITEM REPORT

Item(s): **6** (City Secretary use only)

Meeting Date: January 23, 2012

Department: All departments

☒ Discussion ☐ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Attachments:	
1. City's payment handling 2. Auditor's questionnaire to money processing and handling	
Agenda Item / Topic:	
<b>ITEM 6.</b>	<b>Discussion Only</b> – Review safeguards and protection of cash funds that come through the City. <ul style="list-style-type: none"><li>• Requested by PL4 Hunt</li></ul>
Discussion / Justification:	
Per an email from Mayor Vansyckle – Mr. Hunt stated that in light of an incident at the City of Sunnyvale, Council would like to know of staff's daily money management.	
Recommendation / Staff Comments:	
N/A	
Sample Motion(s):	
N/A	

## Payment Handling

1. Payment made to City Hall (water, ticket, animal fees, copies, PIA's...Etc.)
2. Payment processed to account in appropriate software (AVR, INCODE, Quickbooks, etc.)
3. Payment then processed in Cash Collection by putting into batches
4. Batches then totaled and balanced
5. Once balanced deposit prepared for bank with deposit slip showing breakdown of cash/checks and sealed
6. Batches are put in the locked bank bag, in a secure location, and each batch is logged on the bank deposit log for the next run to the bank.
7. After deposit; Bank Deposit log sheet checked off and deposit slips are matched up with printouts to verify batch amount and deposit amounts are the same.
8. Cash Boxes are periodically verified by City Accountant.
9. Auditors verify a sample of all our deposits.

**Governmental Unit: City of Ovilla**

**Financial Statement Date: 9/30/11**

**Audit Area: Payroll**

**Transaction Classes: Payroll**

**General Ledger Accounts: Salary expense and related payroll taxes; payroll & retirement liability accounts**

**Prepared by: Sharon Jungman**

**Date: 12-15-11**

**1. How and by whom are transactions initiated and authorized?**

Supervisor for each department approves timesheets for their departments.

Department Head approves Supervisor Timesheets.

City Administrator approves Department Heads Timesheets.

**2. What source documents (or electronic means) are used to capture information for entry in the accounting system?**

Timesheets are used by all hourly employees.

Absence Request sheets are used by employees (Salary & Hourly)

Copies of timesheets are kept, filed by pay period.

**3. Describe the accounting processing steps, both automated and manual, from original entry to inclusion in the general ledger. Processing includes functions such as edit and validation, calculation, measurement, valuation, summarization, and reconciliation. Indicate how and by whom transactions are processed.**

Timesheets are turned into the employee's supervisor, once verified and approved the supervisor turns them into the Department head. The Department head approves Supervisor timesheets and gets their own timesheet approved by the City Administrator. Next the Department Head turns in the timesheets to the City Accountant.

Once the timesheets are given to the City Accountant, they are entered into an excel spreadsheet, vacation, sick leave and comp time are verified. Time is then entered into the accounting software; three different payroll registers (by Total, by Class, by Employee) are printed to ensure accuracy and Benefit hours are accrued during the payroll process and verified after payroll is completed. Payroll JE is created by the City Accountant and the necessary JE's and Transfers are completed. Once the payroll has been verified the payroll is then sent. Employees are sent an e-mail via View My Paycheck so they can see their payroll stub. All Payroll backup is kept filed by pay period in a notebook.

Next the City Accountant prints paychecks for any employees who do not have direct deposit and child support checks and any other approved deductions from payroll.

Checks (payroll & transfers) are given to City Administrator and the City Secretary to be signed.

Bank transfer is made online with our local bank.

**4. What additional accounting records and supporting documents are used or created when processing transactions?**

EFTPS 941 tax is paid over the phone on a pay period basis. Paper copy of worksheet with amounts, dates and confirmation number is kept on file.

Quarterly 941 reports are mailed in and a copy kept on file.

TEC reports are filed electronically and a paper copy and confirmation kept on file.

TMRS (retirement) reports are entered on an excel spreadsheet from information obtained from Quickbooks retirement report and payments made monthly by the City Accountant.

Child support payment checks are paid every pay period by City Accountant.

**5. What subsidiary journals or ledgers are involved?**

Payroll Summary (by employee)

Payroll Summary (by Class)

Payroll Summary (by Total)

Direct Deposit Confirmation

Payroll Recap



**Governmental Unit:** City of Ovilla

**Balance Sheet Date:** 09/30/11

**Audit Area:** Inventory

**Transaction Classes:** Inventory

**General Ledger Accounts:** Inventory

**Prepared by:** Sharon Jungman

**Date:** 12-15-11

1. **How and by whom are transactions initiated and authorized?**

Employees purchase inventory items through out the year as needed. Inventory is counted at year end.

2. **Describe the accounting processing steps (including electronic means used to process data) from initiation to inclusion in the general ledger.**

Water & Sewer Department is the only department that maintains an inventory of parts. Each adopted budget includes the necessary funds to purchase needed inventory. Inventory purchases less than \$3,000, may be initiated by the supervisor with approval from the Department Head. A purchase order is required if the purchase is for \$500 or more. Purchase orders are matched with invoices and an Accounts Payable check is issued for payment. Inventory is counted at year end and the general ledger is adjusted at year end as an audit closing entry.

3. **Supporting documents involved are as follows:**

Purchase order, invoice, and check copy. Year end inventory listing

4. **Subsidiary journals or ledgers involved are as follows:**

Accounts payable, check register

5. **Computer input or output data are as follows:**

Accounts payable listing, check register

6. **Specific financial statement accounts affected by this transaction class are as follows:**

Inventory

**Governmental Unit:** City of Ovilla

**Financial Statement Date:** 9/30/11

**Audit Area:** Disbursements

**Transaction Classes:** Accounts Payable Disbursements

**General Ledger Accounts:** All funds expenditure accounts; Accounts payable

**Prepared by:** Sharon Jungman

**Date** 12-15-11

**1. How and by whom are transactions initiated and authorized?**

- Dept Heads and/or supervisors must complete a purchase requisition with 3 quotes and a purchase order (POs required on all nonrecurring purchases) on all purchases valued at \$500 or less than \$50,000.
- Purchase orders must be approved by the City Administrator
- Purchases \$50,000 and over must have; Formal Bids, a purchase requisition with 3 quotes, a Purchase Order and City Council Approval.

**2. What source documents (or electronic means) are used to capture information for entry in the accounting system?**

- Approved POs
- Vendor invoices

**3. Describe the accounting processing steps, both automated and manual, from original entry to inclusion in the general ledger. Processing includes functions such as edit and validation, calculation, measurement, valuation, summarization, and reconciliation. Indicate how and by whom transactions are processed.**

- Invoice with proper paperwork attached submitted to City Accountant
- Invoice entered in Quickbooks.
- Check cut by City Accountant out of accounts payable.
- Check and paperwork given to City Administrator and City Secretary for Signatures.
- Check put into envelope with appropriate backup and put in the mail.
- Check stub with backup attached filed in AP Drawer by fiscal year.
- Pink copy of Purchase order filed.

**4. What additional accounting records and supporting documents are used or created when processing transactions?**

- PO
- Purchase Requisitions
- Invoices
- Check Stubs
- Bank Recons

**5. What subsidiary journals or ledgers are involved?**

- Check register
- A/P Aging

**Note:** Information about this account or transaction class is captured for inclusion in the financial statements (including disclosures) by review of GL detail and review of Accounts Payable listing, inquiry and search for unrecorded liabilities

**Governmental Unit: City of Ovilla**

**Financial Statement Date: 09/30/2011**

**Audit Area: Accounts Receivable and Revenue**

**Transaction Classes: Utility billing**

**General Ledger Accounts: Water & Sewer Revenue, Accounts Receivable**

**Prepared by: Tammy McCoy**

**Date: 12/12/11**

**1. How and by whom are transactions initiated and authorized?**

Meters are read typically around the 7-10<sup>th</sup> of each month

Readings entered on computer by the Utility Billing Clerk

Utility billing clerk runs preliminary billing reports to verify accuracy of data entry

Rereads are performed and corrected readings entered

Utility billing clerk runs final billing reports and review for accuracy

Bills are printed and mailed out during the last week of the month

Payments are due by the 15th of the following month

10% late fee applied after the 15th, second notice mailed on or about 20th day, service cut off on 10 days after due date.

**2. What source documents (or electronic means) are used to capture information for entry in the accounting system?**

Entry of meter readings

Print out Exceptional Usage Report

Printed billing register

Printed adjustments reports

Printed billing /collections summary

**3. Describe the accounting processing steps, both automated and manual, from original entry to inclusion in the general ledger. Processing includes functions such as edit and validation, calculation, measurement, valuation, summarization, and reconciliation. Indicate how and by whom transactions are processed.**

The utility billing clerk enters readings and computer calculates bills based on default rates entered on computer by utility billing clerk.

The billing register is saved.

**4. What additional accounting records and supporting documents are used or created when processing transactions?**

Exceptional usage report reviewed for misreading

Rereads done

Billing register is printed and reviewed for accuracy and changes made

Final billing register saved

Bills printed

Deposits report for issuing checks on refunds

**5. What subsidiary journals or ledgers are involved?**

A/R Listing

Deposit Listing

**Governmental Unit:** City of Ovilla

**Balance Sheet Date:** 09/30/11

**Audit Area:** Capital Assets

**Transaction Classes:** Capital Outlay

**General Ledger Accounts:** Capital Outlay

**Prepared by:** Sharon Jungman

**Date:** 12-15-11

1. **How and by whom are transactions initiated and authorized?**

The City Department Heads prepares a Capital Outlay budget during the annual budgeting process. The City Council meets and discusses the budget, changes are made and then the City Council approves the new fiscal Budget with the general operating budget. When a department director determines it is time to purchase an asset, they will follow the procedures documented in our Policy & Procedure Guide to Purchasing.

2. **Describe the accounting processing steps (including electronic means used to process data) from initiation to inclusion in the general ledger.**

Purchases valued between \$500, but less than \$25,000, are required to obtain three price quotes and approval by the City Administrator. Purchases ranging from \$25,000 to less than \$50,000, must have three quotes and must be reviewed by City Council, purchases of \$50,000 and over require a formal bid process and City Council approval.

3. **Supporting documents involved are as follows:**

Purchase Requisitions with three quotes when over \$500, Advertisements for bids when the purchase is \$50,000 or above and purchase orders.

4. **Subsidiary journals or ledgers involved are as follows:**

The city of Ovilla has eleven funds.

5. **Computer input or output data are as follows:**

Purchases are entered in Accounts Payable for Payment in Quickbooks and then paid thru Quickbooks.

6. **Specific financial statement accounts affected by this transaction class are as follows:**

Expenditures, expenses, cash

**Governmental Unit:** City of Ovilla

**Balance Sheet Date:** 09/30/11

**Audit Area:** Debt

**Transaction Classes:** Debt & Debt Service

**General Ledger Accounts:** Long term liabilities

**Prepared by:** Sharon Jungman

**Date:** 12-15-11

1. **How and by whom are transactions initiated and authorized?**  
City Accountant has a schedule of payments due on existing obligations. Invoices are received in advance and payments are scheduled by the City Accountant.
2. **Describe the accounting processing steps (including electronic means used to process data) from initiation to inclusion in the general ledger.**  
Large payments are wired, smaller payments are entered thru accounts payable and paid by check. Journal entries are made to record the payments.
3. **Supporting documents involved are as follows:**  
Amortization schedule, invoices
4. **Subsidiary journals or ledgers involved are as follows:**  
None
5. **Computer input or output data are as follows:**  
All invoices are inputted into the Quickbook accounting software.
6. **Specific financial statement accounts affected by this transaction class are as follows:**  
Cash, bond payable, interest expense

## GOVERNMENTAL FINANCIAL REPORTING SYSTEM DOCUMENTATION FORM

**Governmental Unit:** City of Ovilla

**Financial Statement Date:** 9/30/11

**Audit Area:** Revenue

**Transaction Classes:** Fines Revenue (Also see cash receipts memo)

**General Ledger Accounts:**

**Prepared by:** Jessica Foresman & Sharon Jungman      **Date:** 12-15-11

### Initiation and Recording

#### 1. How and by whom are transactions initiated and authorized?

- Three-part tickets (white copy is filed in court jacket folder by court; yellow copy goes to offender; and pink copy is maintained in ticket book). The offender is given an information sheet at the time of citation and given a court date. Offender is given a minimum of 10 days till court date. The offender can pay the fine, request deferred adjudication, request defensive driving, request an extension or request a trial date before or on their court date. The issued tickets are dropped off by the police secretary directly to the court clerk. The court clerk enters the citations into Incode daily. If the offender does not appear on court date failure to appear charges are added after 10 days. Warrants are issued the next time the Judge is available. Court is usually held once a month, normally the last Thursday of every month (except Nov and Dec, we work around the holidays).
- The court clerk enters all tickets into the court computer system (Incode) and docket numbers are issued. A court jacket folder is created and filed by docket number. The court clerk and the assistant court clerk both collect on tickets. Clerks work out of separate locked cash drawers. The court clerk takes full responsibility for the money in the drawer. \$300 is maintained in the drawer to make change. Receipts are printed off the computer system. If the offender sends a self addressed stamped envelope, the receipt is mailed to the offender. Otherwise, it is placed in the court jacket folder. At the end of the week, the court clerk prints the Distribution Summary, Payment Transaction reports, verifies the total and takes to City Accountant who enters it in (date, amount, received from), verifies amount and posts to general ledger. Money is taken to the bank as needed. The court clerk runs Receipt Collections and Receipt Collections Register at the end of each month.
- Warrants are prepared once a month. The warrants are taken to the police department to be transported to dispatch to be entered,
- Tickets paid through the mail are received by the court clerk (cash not accepted through mail). The court clerk pulls the court jacket folder and posts the payment to the computer. If the offender sends a self addressed stamped envelope, the receipt is mailed to the offender. If not, the receipt is placed in their jacket. At the end of the week, the court clerk prints the Distribution Summary, Payment Transaction reports, verifies the total and takes to City Accountant who enters it in (date, amount, received from), verifies amount and posts to general ledger. Money is taken to the bank as needed. The court clerk runs Receipt Collections and Receipt Collections Register at the end of each month.

#### 2. What source documents (or electronic means) are used to capture information for entry in the accounting system?

Incode; computer printed receipt; computer printed Distribution Summary, Receipt Listings, Payment Breakdown; state quarterly reports; Quickbooks

#### 3. How and by whom are transactions originally entered in the accounting system for processing?

City Accountant enters the deposits weekly from the Distribution Recap report after verifying it matches computer generated reports and the deposit amount balances to the report.

## Processing

4. Describe the accounting processing steps, both automated and manual, from original entry to inclusion in the general ledger. Processing includes functions such as edit and validation, calculation, measurement, valuation, summarization, and reconciliation. Indicate how and by whom transactions are processed.

The City Accountant verifies that the total receipts match the total deposit slip. She enters the deposit into Quickbooks using the breakdown on the Distribution Recap Report.

5. What additional accounting records and supporting documents are used or created when processing transactions?

Deposit Summary sheets and backup are kept in Deposit Notebook with a bank deposit slip attached to each deposit.

6. What subsidiary journals or ledgers are involved?

Quickbooks, General Fund is the ledger used.

7. Describe the expected type (recurring or nonrecurring), number, and size of journal entries affecting the general ledger accounts for this transaction class.

Deposits for fines revenue and other revenue collected are made weekly and the number & size of journal entries depends on the type of revenue collected that week. A check is prepared and sent quarterly to the State Comptroller.

## Reporting

8. What financial reports or other information are generated in this area for use by management in managing and controlling the government's activities?

Report	Used for
Distribution Summary	Breakdown of revenue by fee code
Payment Transaction Reports	Breakdown of revenue by name/code
Receipt Collections	List of docket info with summary of total paid by day
Receipt Collection Register	List of docket info with detail of total paid by day
Payment Breakdown	Breakdown of cash, check or money orders received by day
Quarterly State Court Cost	Sent to state

9. How are significant accounting estimates related to this account balance or transaction class developed? (Examples include the allowance for uncollectible accounts, inventory obsolescence, securities valuation, impairment of long-lived assets, arbitrage rebate liability, and accrued loss contingencies.)

None

10. How is information about this account or transaction class captured for inclusion in the financial statements, including disclosures? What, if any, adjustments are made to the general ledger account balances for this transaction class when preparing the financial statements?

The Information from Fine Revenue is entered weekly in QuickBooks when the City Accountant makes the deposit from the Court Clerk Distribution Recap Report.



## AGENDA ITEM REPORT

Item(s): 7 (City Secretary use only)

Meeting Date: January 23, 2012

Department: Admin

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

### Attachments:

1. Filed complaint by Mr. Phil Lynch
2. Additional documents later acquired by City Accountant
3. Mayor Vansyckle's response to the complaint

### Agenda Item / Topic:

**ITEM 7.**      **Discussion/Action** – City Council will hear a complaint filed by Mr. Phil Lynch on December 12, 2012, against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.

- Requested by Council

### Discussion / Justification:

Complaint was filed during the December 12, 2011 Council Meeting. Mr. Lynch was given the opportunity to present supplements. According to the Council Rules of Procedure on Hearing of Complaints, Mayor Vansyckle was allowed five business days to submit his response to the allegation.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL\_\_\_\_\_."**



Handdelivered  
**received**  
12.12.2011  
During Council Meeting

## **Ethics Complaint against Mayor Bill Vansyckle 12/12 2011**

I, Phil Lynch, a citizen of Ovilla, Texas, the undersigned, according to the Ovilla Procedures on Hearing Ethics Complaints, formally file ethics charges and other civil violations which may apply, in accordance with the Ovilla Ethics Code against Mayor Bill Vansyckle. I charge the Mayor with systematically abusing his power as an elected official of Ovilla. I expect a full investigation by the appropriate city authority, which does not include Mr. Vansyckle.

Using the Public Information Act, I discovered that the Mayor, without Council approval, did abuse his power by seizing what clearly is the responsibility of the City Administrator and staff, intentionally violating the City's required bid process, without written Council authority, purchased items other than those discussed and agreed upon by council members during the budget meetings, that the council did not approve, on a city credit card that the council did not authorize him to use, spending more than the Council had budgeted on the Audio Video (AV) project – all without prior written permission of the Council.

Unless appropriate documentation such as original itemized receipts for the purchase of audio/visual equipment is provided by the Mayor, the council and the citizens have no proof that the funds were expended as the Mayor says. The total disregard for following established purchasing procedures by not providing documented itemized bids and providing original receipts of items purchased should cause a red flag to go up. This transaction lends itself to possible fraud.

Our existing internal controls should be enforced by the City Council to protect against fraud but when an individual of authority like the Mayor has a total disregard for following established procedures, we must question if fraud exists.

Please find attached, **Exhibit A**, a copy of the council's budget item 5107470, a \$5,000.00 approved item for Audio and Visual equipment.

Next please find **Exhibit B**, the duties of the Ovilla City Administrator found in the Ovilla Code of Ordinances *Section 9.03.043, (9), "The city administrator shall be the administrative officer to the city. He shall be responsible to the governing body of the city for the proper administration of **ALL** affairs of the city."* (Bold added for effect)

*(9) the city administrator shall supervise the purchase of all materials, supplies and equipment for which the funds are provided in the budget...*

On or about the Month of October, 2011, Mr. Vansyckle did, without written permission of the City Council, abuse his authority by taking a City-owned credit card, not assigned to him, and abuse his elected authority as an elected official by randomly purchasing audio video equipment. Mr. Vansyckle did so without required purchasing protocol of obtaining three bids, obtaining approval of the City Accountant or the City Administrator, or contracting for the instillation and receiving a guarantee for labor and equipment.

At least we hope that was what he purchased. We just can't know for sure because the Mayor willingly violated the tightly and scripted regulated purchasing and accounting protocol.

In Ovilla, according to Ordinance 2010.020, Section 2 A., both the Mayor and the City Administrator have spending limits up to the sum of \$25,000.00 "in accordance with City Ordinance". Section B. 1., Purchases Limit Chart, reads, when amounts of \$500.00 to \$25,000.00 are in play, the purchase requires 3 legitimate quotes on exactly what is to be purchased, City Accountant approval and City Administrator approval.

Neither the city nor the Council has any idea what was purchased or how much was paid for each item showing up on the City's monthly bill as a result of the unauthorized use of the City's credit card.

Furthermore, the city has no idea if the items purchased are at City Hall or somewhere else as the Mayor additionally violated required purchasing protocol by failing to bring to our City's accounting department original itemized receipts for any of the purchases at Best Buy.

For example, in **Exhibit C**, for the record, the Mayor offered only two receipts from our IT contractor, and they appear to have come by e-mail out of what I believe to be six different purchases, each one from our IT contractor, one for \$20.00 and the other for \$89.99. There are no original itemized receipts for the rest of the \$6,000.00 spent by the Mayor on (hopefully) AV equipment. I see on the credit card bill of 11/03/2011, what I believe to be six different purchases.

We can't know what was purchased since the Mayor once again failed to reveal that information to the City Accountant, to the City Administrator or to the City Council. The Mayor additionally failed to report the City Council or the City

Administrator his decision to purchase items not previously discussed with the City Council or City Administrator. Yet, to date, no Council action has held him accountable. Therefore the city has no original itemized receipts, no copies of receipts, guarantees, warranties and maybe no ability to return the expensive items if they are deemed to be ineffective or of low performance quality by the Council or the City, since, once again, many of the items are not what the Council approved. And once again, some if not all of the items are absolutely not what Council thought would be purchased.

In addition, I charge the Mayor with fraudantly deceiving the City Accountant, the City Administrator and Council, thereby deceiving the citizens of Ovilla by filling out and signing three falsified bids for this specific project, in **Exhibit D**, for the AV system.

Three actual bids from organizations or companies who know exactly what they're bidding on by first receiving an itemized list of the project needs are required by Ordinance for this project. If the lower bid is not selected by the City Administrator or City Council, whichever is appropriate, as I understand the protocol, the written reasons are to become a part of the file. If bids are not possible, the Council must be informed before purchase is permitted, and only permitted by written Council permission.

If the Council had required the Mayor to follow protocol and the Ovilla City Code of Ordinances, the City Administrator would have obtained a minimum of three bids designed to achieve our exact AV needs. After the bid winner is selected, arrangements would have been made for oversight, speedy installation with an appropriate warranty period. None of that occurred.

In addition, according to known information, copies of the so-called bids were completed both after, and months prior to submission as two of the bids were for different equipment than this project altogether. Upon bid submission, I'm alleging the Mayor had **already made** the purchases for random items at Best Buy. Contrary to what you see, Best Buy **did not** make a formal bid as the Mayor wrote on one of the falsified bids for this project. In fact, **in direct violation of our purchasing code ordinance, no company or organization ever made an actual bid** to the Mayor or Ovilla City for AV approved by the Council in the budget.

I found no evidence of a list of any kind provided by any company, including the Mayor, for items required to reach the Council's AV objective. Please note the unacceptable incompleteness of the bids, remembering the Mayor only

turned them in **after** the Best Buy purchases were made, and only **after** being pressed by the City Staff who knew the law and the Ordinances.

The Staff is not the policeman of the Mayor, the City Council is. I charge the Mayor with abusing his power by recklessly spending more than the approved AV budget by more than 20% (from \$5,000.00 to over \$6,000.00. See the Best Buy Bill dated 11/03/11 and all receipts obtained from PIA, attached) without gaining Council approval prior to spending a budgeted item.

In this complaint, please note that I used the word 'systematically'. During the Mayor's time in office, up to and including today, the City Council appears to have enabled the Mayor to operate outside our elected official's authority, abuse his authority with employees, forcing them with his power as the Mayor to overlook what the Council should have been in control of, and we, gentlemen, the citizens of Ovilla suffer the consequences. May I humbly suggest that you begin immediately inspecting what you expect.

The first example of this systematic abuse is mentioned June 8, 2009, in the original Council Chamber, is Mayor Vansyckle's assertion, when, according to PIA results, **Exhibit E**, the Mayor stated, *"It was expected that donations would cover the expenses for the inside renovations. Funds to pay for the new chairs and photo frame replacements had already been donated. Not all price quotes were submitted to date"*

On July 13, 2009 there was a discussion in the city council meeting about the city hall renovations and *"Mayor Vansyckle advised those present that all renovations for The Council Chamber were from donated funds and not a part of this item under discussion."*

On August 11, 2009, an excerpt from the city council meeting was approved in the Council minutes, *"Mayor Vansyckle discussed the progress of the renovated Council Chamber Room, reiterating that none of the renovations was at the taxpayer's expense."*

The next mention, August 24, 2009, in the old chamber referring to the 'free Council Chamber' renovation was *"Mayor Vansyckle advising of a raffle for a power saw and a riding lawnmower planned for Heritage Day to help defray the cost of the Council Chamber Room remodel."*

September 14, 2009, *"Mayor Vansyckle discussed the progress of the renovated Council Chamber Room. **Reiterating that none of the renovation was at***

**taxpayer's expense."** After that meeting, on September 14, 2009, only 2 more donations came in. The Mayor knew or should have known in September, the financial part of the project was a failure. But the citizens who would ultimately pay for the Mayor's out of control behavior were intentionally kept in the dark.

On March 8, 2010, five months later, in a Discussion Item Only, about the renovation of the Council Chamber, did Mayor Vansyckle finally come clean and reveal the ugly truth. The council approved minutes state that, *"Mayor Vansyckle had hoped that the donated funds collected from the previous fiscal-year for the newly renovated Council Chamber Room would have completely covered all expenses. Unfortunately, city funds were necessary to cover the financial obligations; however, staff is still accepting donations to reduce the city's cost of \$6,289.00."*

Notice that in **Exhibit F**, the donations had been finished since October 30, 2009 with a \$100.00 donation, and there were no donations thereafter. Sadly, on **Exhibit F** I can count only nine citizens, of which three are anonymous, who donated to The Council Room Project. It is interesting to note that it was five months later when the Mayor, without City Council approval, or City Council approved budgeting monies for the renovation, charged the citizens of Ovilla for nearly 40% of the total construction to come out of the city's general fund.

In my experience, the failure of accountability, of proper oversight, proper accounting, the huge lack of citizen contribution participation, collecting only 60% of the money when continuing to spend and authorize spending in the name of the City, without any concept of the future consequences to the taxpayer were, failure to report the overspending to the Council or the City Administrator, in my view, were not legal as he did it in our name without council approval. Nor did the Mayor use appropriate methods of handling construction of property owned by the citizens, or taxes not budgeted prior to expenditure to cover the failed project. Yet, the spending continued as though the elected official had no political or legal worries by ignoring accepted policies of protocol and accountability.

I'm equally sure it was not ethical or legal to ultimately force the Council, because the unauthorized expenditures made by Vansyckle in the name and on behalf of the City, into obtaining taxpayers monies out of the budgeted general fund to cover an out-of-control elected official.

I can find no evidence that any City Council agenda contained any discussion or action item outside those mentioned above. The City Council, in 2009 and 2010, permitted the citizens of Ovilla to become the victim of an out-of-control elected official, who once again demonstrated in the current AV project that the official has no concept or intension of following accounting protocol, bid process, purchasing expertise, staying within a budgeted item, protecting the city by following protocol, spending monies unauthorized by the City Council or the handling of citizens' tax monies with unauthorized credit card expenditures. In effect, the Mayor apparently has been permitted by the intentional failure of Council oversight to act above the law.

Economics 101 teaches, that "there ain't no a free lunch". Another interesting idea is, "if it's too good to be true, it is". But if one lives in a world where they are permitted by the Council, who trusts because of political debt, and is continually looking the other way, to make up their own rules as they go along, continually violate ordinances and the Code of Ethics and when it blows up, command the City staff to clean it up, the stink finally gets on all of us.

In my opinion, as a taxpayer and citizen, the City Council should have never permitted any construction of City-owned property of any description until the individual offering "free" construction or any other "free" item could have validated he had collected 100% of the alleged donated monies and had the monies placed in a city controlled escrow account. Then and only then, the Council could have made the construction project an agenda item with Council approval, using legal protocols and the City Administrator, according to Code, with full knowledge of the progress and expenditures.

Handling one's Council responsibilities is not easy. It's most difficult when the abuser is owed so much politically.

The City Council's failure to reign in an elected official, who has continually seized authority he does not legally or ethically possess, has contributed, in my observation, to enabling the particular official until, one more time, we have the AV Project abuse of power today.

My **Exhibit G** is a copy of the Ethics Code. I have numbered the bullets to make them easier to follow. In addition to points of law and City Code of Ordinances Mr. Vansyckle may have violated, I charge the Mayor in the AV project, based on the aforementioned of violating #1, #2, #3, #5, #8, and #9.

#1. If Convicted, based on highest ideals of honor and integrity (high moral standards), he has not merited the respect and confidence of the citizens of Ovilla with their money and required accountability standards.

#2. The best interests of the citizens have not been served in any part of the AV project.

#5, Mr. Vansyckle has failed to represent the official policies of the city code of ordinances by violating his Oath of Office in abusing his authority and in injecting himself in place of the City Administrator and Staff as the City's equipment procurement expert and spending monies not approved with a credit card he has no written authority to possess much less use.

#8. Mr. Vansyckle failed to conduct fully the AV business in open meetings. Recordings of City Council meetings where the AV project is discussed, Mr. Vansyckle avoids direct answers to specific questions on his purchases and implementation progress. He continually used a 'straw man' excuse to explain why the AV system is not functioning, constantly referring to Ferris City and Ferris elected officials. I wonder if Ferris obtained their *working* AV system with knock-offs, items not originally discussed and approved by the Council, bypassing the City Administrator, failing to properly obtain at least three bids to protect the City's treasury and overspending the Council approved budget.

We, as citizens, fully expect the City Council to regain control our out-of-control mayor, including, after your investigation, finding the will to forward this allegation to the appropriate authorities for an unbiased, complete investigation into these charges.

Phil Lynch

A handwritten signature in dark ink, appearing to read 'Phil Lynch', with a large, stylized initial 'P' and a long, sweeping underline.



City of Ovilla  
General Fund  
Budget 2011-2012

EXHIBIT  
A  
1 page

General Fund		2011-2012 Budget
	5105600 - Insurance	
	5105610 - Insurance - Property	2,500.00
	5105620 - Insurance - Liability	780.00
	5105630 - Insurance - Fidelity Bond	250.00
	5105635 - Public Official Surety Bond	900.00
	Total 5105600 - Insurance	4,430.00
	5105700 - Other Expenses	
	5105705 - Postage	6,000.00
	5105710 - Cash - Over/Short	10.00
	5105725 - Records Management Expense	1,000.00
	5105730 - Memberships	2,100.00
	5105740 - Advertising	5,000.00
	5105752 - Pre-Employment Screening	300.00
	5105760 - Bank Service Charge	25.00
	5105764 - Filing Fees	250.00
	5105765 - Miscellaneous	2,000.00
	5105700- Other Expenses - Other	0.00
	Total 5105700 - Other Expenses	16,685.00
	5106400 - Minor Capital Outlay	
	5106420 - Buildings	0.00
	5106430 - Improvements Other Than Bldgs	0.00
	5106440 - Machinery & Equipment	1,000.00
	5106465 - Furniture	500.00
	5106490 - Other	0.00
	Total 5106400 - Minor Capital Outlay	1,500.00
	5107400 - Capitalized Assets	
	5107420 - Buildings	0.00
	5107430 - Improvements Other Than Bldgs	0.00
	5107440 - Machinery & Equipment	1,000.00
	5107470 - Audio & Visual Equipment	5,000.00
	5107490 - Other	0.00
	Total 5107400 - Capitalized Assets	6,000.00
	5109000 - Reserves	
	5109001 - Reserve for Contingency	86,561.00
	5109005 - Reserve for Sales Tax Street	0.00
	Total 5109000- Reserves	86,561.00
Total 10 - Administration		492,501.00

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B  
2 Pages**Sec. 9.03.034 Powers and duties**

The city administrator shall be the administrative officer of the city. He or she shall be responsible to the governing body of the city for the proper administration of all affairs of the city. To that end, he or she shall be empowered and shall be required to:

- (1) Prepare job descriptions for all officers and employees of the city, and fill budgeted positions on the city staff, other than department heads. Recommend to the mayor and city council the appointment of department heads. He or she shall be empowered to suspend department heads and recommend their termination to the mayor and city council. He or she shall direct and supervise the day-to-day activities of all employees through department heads.
- (2) Prepare the budget draft annually in conjunction with the heads of departments, and submit it to the governing body together with a message describing the important features and be responsible for the administration of the adopted body [budget].
- (3) Prepare and submit to the governing body, with the assistance of the heads of departments, at the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Keep the governing body advised of the financial condition and future needs of the city, and make such recommendations as may be deemed desirable. Make proposals for applications for federal grants and make required reports for such grants as may be applicable and desirable for city needs.
- (5) Keep the governing body informed on a timely basis of the significant activities of the city, with special emphasis on the expansion projects associated with the growth of the city.
- (6) Recommend to the governing body a standard schedule of pay for each appointive office and position in the service, including minimum, intermediate and maximum rates.
- (7) Recommend to the governing body (from time to time) adoption of such measures, ordinances, and resolutions as may be deemed necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.
- (8) Attend all meetings of the governing body unless excused therefrom, and be prepared to answer questions that may be asked.
- (9) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; and purchase materials and supplies necessary for operation or maintenance of city services for amounts up to and including two thousand dollars (\$2,000.00), and up to and including four thousand nine hundred ninety-nine and 99/100 dollars (\$4,999.99) with the proper approval of the governing body to the extent funds have been provided in the budget. No purchase shall be made, contract let or obligation incurred which exceeds the current budget appropriation without a supplemental appropriation by the governing body. No contract shall be let except by

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the mayor and the city council. The city administrator may issue such rules governing procedures for purchasing within the administrative organization as the governing body shall approve.

- (10) Transfer any unneeded surplus in the amount budgeted from one account to another account in which a deficiency exists, if and when, in the judgment of the city administrator, actual or probable receipts are less than the amount estimated and therein appropriated for expenditures of the several departments. The city administrator may authorize the transfer of funds by department heads among major account divisions within department budgets.
- (11) See that all laws and ordinances are duly enforced and see that all franchises, permits and privileges granted by the city are faithfully observed.
- (12) Investigate the affairs of the city, or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the governing of the city, and regarding service maintained by the public utilities in the city, and see that the quality of service be maintained by the public works department.
- (13) Perform such other duties as may be required by the governing body not inconsistent with the law or ordinances of the city.

(1989 Code, ch. 8, sec. 9.04)

**Sec. 9.03.035 Conflict of interest**

He or she shall hold no other public office, nor any office, whether public or not, within the city and shall not be employed by or affiliated with any business or organization doing business with the city, in order to assure the duties and responsibilities of this office may be performed in a timely and responsible manner. This section shall not be interpreted to prevent the city administrator from holding offices in civic organizations, with city council approval. (1989 Code, ch. 8, sec. 9.05)

State law reference—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171.

**Sec. 9.03.036 Emergency expenditures**

In case of accident, disaster, or other circumstance creating a public emergency, the city administrator may award contracts and make purchases for the purpose of meeting said emergency, but he or she shall file within seventy-two (72) hours with the governing body a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures. (1989 Code, ch. 8, sec. 9.06)

**Sec. 9.03.037 Bond**

The city administrator shall furnish a surety bond to be approved by the city council, said bond to be conditioned on the faithful performance of duties. The premium of the bond shall be paid by the city. (1989 Code, ch. 8, sec. 9.07)

# EXHIBIT

C  
4 pages

Statement Date  
11/03/11

## INDIVIDUAL CARDHOLDER ACTIVITY

WOODALL, PAM

XXXX-XXXX-XXXX-

Monthly Limit  
\$7,500

Cash Limit\*  
\$00

Sale Date	Post Date	Reference Number	Type of Activity	Amount
10-03	10-05	05410191277174570063908	BEST BUY 00009720 RICHFIELD MN	4,937.02
10-05	10-07	05410191279174570086949	BEST BUY 00009720 RICHFIELD MN	89.99
10-13	10-17	55541861288072000490125	FOUR SEASONS HOTELS HOUSTON TX 000005567 ARRIVAL: 10-10-11	684.45
10-18	10-20	05410191292174570076752	BEST BUY 00009720 RICHFIELD MN	187.45
10-20	10-24	05410191294174570115855	BEST BUY 00009720 RICHFIELD MN	20.00
10-20	10-24	55541861294004015098538	GUITAR CENTER #440 DALLAS TX	138.48
10-21	10-24	05410191295174570129210	BEST BUY 00009720 RICHFIELD MN	369.96
10-26	10-27	05410191299295101206957	BEST BUY MHT 00002568 FARMERS BRANC TX	105.44 CR
10-31	11-01	55436871304733046288578	TEXAS MUNICIPAL CLERKS 940-5653488 TX	250.00
TOTAL PURCHASES/ADVANCES/CREDITS				6,571.91

mayor -

Pam school

~~WILLIAM, RANDY~~

~~XXXX-XXXX-XXXX-~~

~~Monthly Limit  
\$10,000~~

~~Cash Limit\*  
\$00~~

<del>Sale Date</del>	<del>Post Date</del>	<del>Reference Number</del>	<del>Type of Activity</del>	<del>Amount</del>
<del>10-07</del>	<del>10-07</del>	<del>5543286128000306703511</del>	<del>HOTEL S.COM US 800-219-4306 WA</del>	<del>275.16</del>
<del>10-18</del>	<del>10-24</del>	<del>55499671295200983602001</del>	<del>ICSC NEW YORK NY</del>	<del>270.00</del>
<del>TOTAL PURCHASES/ADVANCES/CREDITS</del>				<del>545.16</del>

~~RYLAND, BRAD~~

~~XXXX-XXXX-XXXX-~~

~~Monthly Limit  
\$5,000~~

~~Cash Limit\*  
\$00~~

<del>Sale Date</del>	<del>Post Date</del>	<del>Reference Number</del>	<del>Type of Activity</del>	<del>Amount</del>
<del>10-18</del>	<del>10-20</del>	<del>55541861292010181563868</del>	<del>THE HOME DEPOT 6505 WAXAHACHIE TX</del>	<del>198.50</del>
<del>10-21</del>	<del>10-31</del>	<del>55541861301010181123530</del>	<del>THE HOME DEPOT 6505 WAXAHACHIE TX</del>	<del>314.73</del>
<del>11-02</del>	<del>11-03</del>	<del>55547501300253083010212</del>	<del>LONE STAR WESTERN &amp; CA WAXAHACHIE TX</del>	<del>249.22</del>
<del>TOTAL PURCHASES/ADVANCES/CREDITS</del>				<del>562.45</del>

\*Cash Advance Limit is a portion of your Total Monthly Limit  
\*\*Available Cash Line is a portion of your Available Credit Line

## Audio/Visual Equipment

Date	Purchased From	Description	Amount
9/27/2011	Best Buy		4,937.02
10/20/2011	Best Buy	Projection Screen	89.99
10/5/2011	Best Buy	Handheld Wireless Microphone	20.00
10/18/2011	Best Buy		187.45
10/21/2011	Best Buy		369.96
10/20/2011	Guitar Center		138.48
10/26/2011	Best Buy		(105.44)
11/7/2011	John Binford	Tablet PC Testing, Drop Box	206.25
11/11/2011	John Binford	Set Up Tablets, wireless router	168.75
			<u>6,012.46</u>

**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Thursday, October 20, 2011 1:36 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Order Date:** 10/20/2011

**Thank you for your order**

**Billing Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

We are currently processing your order and will notify you by e-mail when your order ships, is ready for store pickup, or when a home delivery date has been confirmed. Please note that a Best Buy For Business Account Manager may contact you if additional information is needed to complete the order. To check the status of your order, select the "Order Status" button below. For more information, see our [Shipping Policy](#).

**Order Number:** 224993682

**Order Status**

Qty	Product Description	Price	Total Price
1	Audio-Technica Freeway 200 Series Handheld Wireless Microphone System Item BB10975531 Retek SKU 8889651 Return Process In-store or by mail. <a href="#">See Policy.</a>  Store Pickup - FARMERS BRANCH TX, 4255 LYNDON B JOHNSON FWY MIDWAY/LBJ SHOPPING CTR (Store# 256)	\$20.00	\$20.00

**Total:** \$20.00

**Tax:** \$0.00

**ORDER TOTAL:** \$20.00

**At Best Buy For Business, we work hard to earn your business every day:**

- \* More than 100,000 business-class technology products including notebooks, networks, servers and software.
- \* More brand-name manufacturers: Apple, HP, Lenovo, Microsoft, Toshiba and many more.
- \* Personalized service: online, in stores, by phone and at your office
- \* Volume discounts, commercial warranty plans and available financing.

10/24/2011

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**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Tuesday, October 04, 2011 2:03 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Order Date:** 10/04/2011

**Thank you for your order**



**Billing Address**  
Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**  
Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

We are currently processing your order and will notify you by e-mail when your order ships, is ready for store pickup, or when a home delivery date has been confirmed. Please note that a Best Buy For Business Account Manager may contact you if additional information is needed to complete the order. To check the status of your order, select the "Order Status" button below. For more information, see our [Shipping Policy](#).

**Order Number:** 224926260

**Order Status**

Qty	Product Description	Price	Total Price
1	Elite Manual Series M99NWS1 - projection screen - 99 in ( 252 cm ) Item BB10820180 Retek SKU 9613594 Return Process In-store or by mail. <a href="#">See Policy</a> . Standard Delivery Ground	\$89.99	\$89.99

**Total:** \$89.99

**Tax:** \$0.00

**ORDER TOTAL:** \$89.99

**At Best Buy For Business, we work hard to earn your business every day:**

- \* More than 100,000 business-class technology products including notebooks, networks, servers and software.
- \* More brand-name manufacturers: Apple, HP, Lenovo, Microsoft, Toshiba and many more.
- \* Personalized service: online, in stores, by phone and at your office
- \* Volume discounts, commercial warranty plans and available financing.

**Have you enrolled in the Best Buy Reward Zone program?**

As a member, you earn rewards points on most business purchases, redeemable

10/4/2011

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CITY OF OVILLA  
Purchase Requisition

EXHIBIT

D

2 pages

Date:	
Name	Bill VANSYCKIE
Department:	
Account Number:	
Date Required:	

Description of Item: PUB. ID - VISUAL

Quantity: \_\_\_\_\_

Explanation: \_\_\_\_\_

Required if expenditure exceed \$500

I. QUOTE #1	
Vendor Name & Number:	DELL
Address:	WERS
Contact Person & Phone	WA IRENE CORNEL
Price:	6,842. <sup>99</sup> (NOT ALL REQUIRES EQUIPMENT)
II. QUOTE #2	
Vendor Name & Number	
Address:	
Contact Person & Phone	
Price:	
III. QUOTE #3	
Vendor Name & Number	
Address:	
Contact Person & Phone	

Comments: \_\_\_\_\_

Name : \_\_\_\_\_

Date: \_\_\_\_\_

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**CITY OF OVILLA**  
**Purchase Requisition**

Date:	
Name	<i>CITY OF OVILLA</i>
Department:	
Account Number:	
Date Required:	

Description of Item: *Audio - Visual Equipment for*  
*COUNCIL MEETINGS*

Quantity: \_\_\_\_\_

Explanation: \_\_\_\_\_

Required if expenditure exceed \$500

I. QUOTE #1	
Vendor Name & Number:	<i>B257 Buy</i>
Address:	<i>DAVITA CORP.</i>
Contact Person & Phone	<i>ZACK POWACK</i>
Price:	<i>5,089.96</i>
II. QUOTE #2	
Vendor Name & Number	<i>ITD Home.</i>
Address:	<i>WEB</i>
Contact Person & Phone	<i>NONE.</i>
Price:	<i>3,063.-</i>
III. QUOTE #3	
Vendor Name & Number	<i>DELL</i>
Address:	<i>WEB</i>
Contact Person & Phone	<i>NO</i>

Comments: *1,244.98 # 865.07*  
*NOT FOR EQUIP. NEEDED*

Name: *[Signature]*

Date: \_\_\_\_\_

*ELB*





EXHIBIT

E

3 pages

October 5, 2011

Emailed: [morrisgresham@sbcglobal.net](mailto:morrisgresham@sbcglobal.net)

Mr. Morris Gresham  
202 Brookwood Court  
Ovilla, TX 75154

RE: Public Information Request 2011.09.21

Dear Mr. Gresham,

The City of Ovilla in receipt of your email request for information dated September 21, 2011. Pursuant to Chapter 552 of the Government Code, the information attached is responsive to your request:

*"I have all the data on the council chambers renovation, including the mayor's statements that it would be at no cost to the City. Since it did, indeed, cost the City, I'd like to know if the City Council approved the original expenditure or if it was only at the instruction of the mayor."*

I have researched the minute books and do not have a definitive answer for you. I have pulled excerpts from approved minutes of Council meetings where the Council Chamber Room renovations were mentioned and/or discussed. Those statements are highlighted.

**On June 08, 2009, Item 4, was a Discussion/Action item referring to the necessary renovations to the city hall, police department and old fire station. These renovations were for the outside of the buildings; however, this is the first mention of the Council Chamber Room renovations. I have attached the excerpts from the minutes-highlighted:**

**ITEM 4. Discussion/Action** – Receive, review, and consider necessary and miscellaneous building renovations to City Hall, the police station and the old fire station.

The city hall building, police station and the old fire station had been in need of miscellaneous outside repairs for some time. Code Enforcement Officer Mike Dooly presented Council with repair quotes from various companies. All the repairs to the outside buildings would aesthetically match the new Fire Station. Mr. Dooly noted that the listed repairs were imminent and necessary safety repairs: rain gutter replacements, wood replacements due to rotting and deterioration and, a sagging roof with drainage issues. The amended budget of \$12,500 would not cover the cost of funds required for all the necessary renovations. Council Member Hunt asked that he would like to review the specific areas of needed improvement. Council Member Graham stating the need for exact specifications and reiterated the comment made by Council Member Hunt.

Ms Sharon Jungman addressed Council with a list of options to update the Council Chamber room. Mayor Vansyckle announced that it was expected that donations would cover the expenses for the inside renovations. Funds to pay for new chairs (for the Council Chamber room) and photo frame replacements had already been donated. Not all price quotes were submitted to date.

On July 13, during the Regular Council Meeting, renovations were addressed – only regarding the outside of the buildings. Please see the highlighted excerpt below.

**TABLED ITEM FROM JUNE 08, 2009**

**Discussion/Action** – Receive, review, and consider necessary and miscellaneous building renovations to City Hall, the police station and the old fire station.

**Consider motion to remove item from table-**

Mayor Pro-tem Leverentz made a motion to remove the tabled item from the table for consideration. Council Member Wade seconded the motion.

**VOTE: The motion carried unanimously.**

Council, City Administrator and Code Enforcement Officer Dooly reviewed and discussed the electrical bids submitted for new lighting for the exterior of the building. Code Enforcement Officer Dooly informed Council that the outside motion detectors are not working properly. Council Member Graham received clarification from Mr. Dooly that staff was not asking Council to appoint a contractor to complete all the work this evening, only addressing the electrical work to be done. Council Member Wade voiced concern for the necessity of some areas designating points of new lighting on the bids and ascertained why the public works maintenance crew could not perform some of the work. Mr. Dooly responded that Ovilla did not have an electrician on staff. Additionally, Council Member Wade questioned why public works maintenance crews could not complete the outside painting as well. City Administrator Randy Whiteman explained that scaffold equipment and height were factors. Painting the outside of the building on scaffolds was much different and considerably dangerous as opposed to painting the inside of the building. The City Administrator stated he believed professional painters should perform that task. Council Member Wade stated he wanted to address the purchase of scaffolds as a new agenda item at an upcoming meeting.

Mayor Pro-tem Leverentz made a motion that Council approves Brite Electric for commercial grade lighting repairs and installation at the old fire station and city hall. Council Member Hunt seconded the motion.

Before the motion could pass Council Member Dickey interceded and made a motion to place everything back on the table to allow continued discussion and the issue of possibly purchasing scaffolds. Council Member Wade seconded the motion to table the item.

Mayor Pro-Tem Leverentz and Council Member Hunt opposed.

**VOTE: The motion carried 3-2. The agenda item was placed back on the table.**

(Mayor Vansyckle advised those present that all renovations to the Council Chamber were from donated funds and not a part of this item under discussion.)

**On August 10, 2011, this excerpt was in the approved Council minutes:**

Mayor Vansyckle discussed the progress of the renovated Council Chamber Room, reiterating that none of the renovation was at taxpayer's expense.

**This excerpt was taken from the Council approved minutes of August 24, 2009**

Mayor Vansyckle – Advised of a raffle for a power saw and riding lawnmower planned for Heritage Day to help defray the cost of the Council Chamber Room remodel.



This excerpt was taken from the Council approved minutes of September 14, 2009

Mayor Vansyckle discussed the progress of the renovated Council Chamber Room room, reiterating that none of the renovation was at taxpayer's expense.

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From my research, there was one occasion that Mayor Vansyckle listed the Council Chamber room renovations on the agenda as a Discussion Only Item. That date was March 08, 2010 and the excerpt is listed below.

---

**ITEM 6. Discussion Only – Discussion and update of the Council Chamber Room renovations.**

Mayor Vansyckle had hoped that the donated funds collected from the previous fiscal-year for the newly renovated Council Chamber Room would have completely covered all expenses. Unfortunately, city funds were necessary to cover the financial obligations; however, staff is still accepting donations to reduce the city's cost of \$6,289.

**THERE WAS NO ACTION. DISCUSSION ONLY.**

---


Mr. Gresham, the Council Chamber room renovations were never listed as an action item to be approved by Council because it was supposed to have been paid through donations only. However, all budget(s) and/or budget amendments are approved by Council annually and bi-annually to balance the budget and mid-year budget each year. Our accountant is out of the office this week, but I will confirm with her (upon her return next week) that funds to cover the unexpected expenses from the Chamber Room renovations were taken from the contingency fund.

---

Total cost      -0- (emailed)  
Time spent      3 hours  
Time YTD        11 hours, 15 minutes

If you have any questions, please contact my office.

Respectfully,

  
Pam Woodall Higgins  
City Secretary  
972.617.7262  
[phiggins@cityofovilla.org](mailto:phiggins@cityofovilla.org)

City of Ovilla General Fund  
Account QuickReport  
City Council Remodel

10 - Administration

5105500 - Repairs & Bldg Improvements

5105560 - Repairs - Council Room

10:15 AM

02/25/2010

Accrual Basis

Type Date Name Memo Amount

Deposit	06/29/2009	Donation	Money Order for Council Room Chairs	-400.00
Deposit	06/29/2009	Donation	Money Order for Council Room Chairs	-1,000.00
Bill	06/29/2009	Petty Cash	Repairs Council-Picture Frame	16.23
Deposit	07/10/2009	Michael Dickey	Donation from Mike Dickey for Council Room remo	-400.00
Deposit	07/14/2009	Donation	Donation from D. Muckleroy	-100.00
Bill	07/15/2009	Home Depot Credit Services	Acct. 5434	1,449.50
Deposit	07/24/2009	Gregory Borth	Donation for Lighting	-600.00
Deposit	07/24/2009	Phillip Lynch	Donation for Council chambers	-100.00
Bill	08/04/2009	Keith Ace Hardware	Drop Cloths	44.97
Bill	08/10/2009	Phillips Lumber Company, Inc.	Lumber for Remodel	1,470.04
Bill	08/18/2009	Robert Child	Trim Work	1,400.00
Bill	08/18/2009	Phillips Lumber Company, Inc.	Lumber for Remodel	118.21
Credit	08/19/2009	Phillips Lumber Company, Inc.	Credit for Lumber Returned	-379.22
Bill	08/26/2009	Asuncion Zambrano	Paint & Stain City Council Room	2,850.00
Bill	08/28/2009	Tommy Cole	Electrical Work	1,000.00
Bill	08/28/2009	Taylor Made Counter Top Co., Inc.	Countertops for Council Room	2,800.00
Bill	08/31/2009	Marek Brothers Co. LTD	Drywall for Council Room Remodel	1,593.00
Deposit	09/01/2009	James Wade	Donation for Purchase of Lawn Tractor	-690.00
Bill	09/01/2009	Vision Printing Inc.	Raffle Tickets	95.00
Deposit	09/04/2009	Anonymous	Donation	-3,200.00
Deposit	09/11/2009	Stephen B. Trammell DO	Donation for Council Room Remodel	-500.00
Bill	09/11/2009	Flooring Services, LTD	Tile & Installation	915.50
Bill	09/11/2009	Flooring Services, LTD	Carpet & Installation for Council Chambers	1,310.40
Bill	09/14/2009	Vision Printing Inc.	Raffle Tickets	95.00
Bill	08/14/2009	Home Depot Credit Services	Acct. 5434	332.28
Check	08/23/2009	Lowes	Boien Lawn Mower for Raffle	718.00
Deposit	09/28/2009	Donation	Raffle Ticket Money For City Council Room	-1,550.00
Deposit	10/16/2009	Access Oak Cliff 3 LTD	Doug Hunts Contribution	-1,000.00
Deposit	10/30/2009	David Griffin	Donation for City Council Room Remodel	-100.00

Total 5105560 - Repairs - Council Room

Total 5105500 - Repairs & Bldg Improvements

Total 10 - Administration

TOTAL

EXHIBIT

F  
page

E 20

G  
3 pages

Council, boards and commissions shall **annually** review the Code of Ethics. The Mayor and City Council shall consider recommendations from boards and commissions and updates as necessary.

7. Consultants hired by the City shall be considered staff members for purposes of governance.

### Code of Ethics

#### A. Code of Ethics

The office of an elected and/or appointed official is one of trust and service to the citizens of Ovilla. This position creates a special responsibility for the Ovilla City Council Member, Mayor and all boards. The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. Any use of the phrase "Members" shall constitute the Mayor, City Council and all board/commission Members. In an effort to further these objectives, certain ethical principles shall govern the conduct of any and all Council Member, Mayor, and/or board /commission Member who shall:

- 1 • Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that every Member may merit the respect and confidence of the citizens of Ovilla;
- 2 • Recognize that the chief function of local government at all times is to serve the best interest of all people. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies or facilities, for private gain or personal purposes;
- 3 • Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- 4 • Not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which compromise their independence of judgment or action or give the appearance of being compromised;
- 5 • Assure their independence and impartiality on behalf of the common good. Members shall not use their official positions to influence government positions, which may give the appearance of conflict of interest. Members shall represent the official policies or positions of the City Council, board or commission to the best of

their ability when designated as delegates for this purpose. When presenting their **individual** opinions and positions, Members shall explicitly state they do not represent their body or the City of Ovilla, nor will they allow the inference that they do;

- 6 • In accordance with the law, Members shall disclose investments, interest in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where an appreciable conflict of interest may exist;
- 7 • Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the Mayor and City Council;
- 8 • Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Ovilla. It is recognized that certain exceptions are made by the State for Executive Sessions; however, any action as a result of that type of meeting will be handled later in Open Session;
- 9 • Respect and adhere to the Council-Administrator structure of Ovilla City government as outlined by the Ovilla City Code of Ordinances. Members therefore shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they direct/interfere with the ability of staff to implement Council policy decisions;
- 10 • Because of the value of the independent advice of boards and commissions to the public decision-making process, refrain from using their position to unduly influence the deliberations or outcomes of board of commission proceedings;
- 11 • Support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with city employees and in no way create the perception of inappropriate direction to staff.

#### **Compliance and Enforcement:**

The Ovilla Code of Ethics expresses the minimum standard of ethical conduct expected for Members of the Mayor, Ovilla City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions are brought to their attention of Members who

appear to be in violation of the Code of Ethics. Therefore, the City Council may impose sanctions on Members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the Code of Ordinances, the City Council also may remove Members of boards and commissions from office.

At such time that the City Council determines that an elected official has violated any provision of this policy, that official shall be subject to disciplinary action as prescribed by State law.



**Additional information acquired by City Accountant since the filing of the complaint.**

## **Pam Higgins**

---

**From:** Sharon Jungman [sjungman@cityofovilla.org]  
**Sent:** Wednesday, January 04, 2012 4:20 PM  
**To:** Pam Higgins  
**Cc:** Randy Whiteman; Thomas Leverentz  
**Subject:** Audio Visual Equipment Recap  
**Attachments:** Audio-Visual Equipment for Council Room.xlsx; 20120104151143153.pdf; 20120104161154505.pdf

Pam,

Per the request of the City Council here is a recap of what I know about the purchase of audio visual equipment for the City Council Room.

Please see Schedules & Receipts attached

The Mayor ordered Audio Visual Equipment in September on Pam's City Credit Card.

The charges for the equipment did not come thru till the October charge bill came in, which we received in the first part of November. I asked the Mayor for the receipts for the charges and he told me he did not have them and gave me the number of the Best Buy Sales Rep. I called the Sales Rep several times and got no response, so I told the Mayor and he said he would contact him. He called the Sales Rep and within a couple of days I had the receipts. When I received the November charges in December, there were additional charges and returns, again I had to call the Sales Rep and he e-mailed the receipts to me.

I have not received the next credit card bill, so I do not know if there are any additional charges.

After repeated requests from Randy, the Mayor did fill out a quote sheet, but the quotes were not for prices on the same items he purchased from Best Buy and so it is hard to compare the quotes. The Dell quote was obtained on November 19<sup>th</sup>, after we had received the Best Buy equipment, the other quotes the mayor referenced were quotes I had obtained back in February 2011, that did not include tablets or microphones.

The Council approved \$5,000 for the purchase of Audio Visual Equipment and I have received receipts for merchandise totaling \$6,067.77 with additional charges from the IT person totaling \$6,442.77.

I am not sure what it will take to finish and get everything in operating order?

To my knowledge a purchase order has never been completed for this merchandise as required by our purchasing Policy & Procedures Guide.

**Sharon Jungman**  
**City of Ovilla**  
**City Accountant**  
**972-617-7262**  
**Fax 972-515-3221**  
**[sjungman@cityofovilla.org](mailto:sjungman@cityofovilla.org)**



Audio/Visual Equipment			
Date	Purchased From	Description	Amount
09/27/2011	Best Buy	See Receipt Attached	4,937.02
10/18/2011	Best Buy	See Receipt Attached	187.45
10/21/2011	Best Buy	See Receipt Attached	369.96
10/20/2011	Best Buy/Guitar Center	See Receipt Attached	138.48
10/26/2011	Best Buy	See Receipt Attached	(105.44)
		Sub-Total	5,527.47
10/20/2011	Best Buy	Projection Screen	89.99
10/05/2011	Best Buy	Handheld Wireless Microphone	20.00
11/07/2011	John Binford	Tablet PC Testing, Drop Box	206.25
11/11/2011	John Binford	Set Up Tablets, wireless router	168.75
11/04/2011	Best Buy	Cisco Business 100 Switch& Wireless	210.98
11/05/2011	Best Buy	Credit for Projector Screen	(63.59)
11/12/2011	Google Unidocs	Download Program for Tablet	2.99
11/21/2011	Best Buy	Protector Covers for Tablets	279.93
	Total for Audio Visual Equipment & Installation		6,442.77

Audio/Visual Equipment Inventory					
Date Purchased	Purchased From	Description	Quantity	Serial #	Amount
09/26/2011	Best Buy	Nady 15 input mini mixer with USB	1		142.67
09/26/2011	Best Buy	Cables to Go TruLink Wireless	1		158.82
09/26/2011	Best Buy	Cable to Go Pro Audio	2		25.72
09/26/2011	Best Buy	Projection Screen- 71 Inches	1		63.59
09/26/2011	Best Buy	ASUS Eee Pad Transformer TF101	7		2,710.54
		Tom Leventz		B60KAS008786	
		Doug Hunt		B60KAS008878	
		James Wade		B60KAS008783	
		Randy Whiteman		B60KAS008788	
		Bill Vansyckle		B60KAS009090	
		Richard Dormier		B60KAS009038	
		Mike Dickey			
09/26/2011	Best Buy	Optoma XGA DLP Projector	1		524.99
09/26/2011	Best Buy	2 Year Geek Squad Black Tie Protection For Projector	1		149.99
09/26/2011	Best Buy	Tripod Microphone Stands BB11241092	5		63.85
09/26/2011	Best Buy	Commerical Installation	3		239.97
09/26/2011	Best Buy	Adobe Soundbooth	1		26.99
09/26/2011	Best Buy	Nady SPC-15 Microphone	5		187.45
09/26/2011	Best Buy	Cables to Go Pro-Audio 25ft.	3		53.73
09/26/2011	Best Buy	Lenova G560 0679 - Laptop	1	CB09980573	507.53
09/26/2011	Best Buy	ASUS Case for Web Tablet	7		380.45
09/26/2011	Best Buy	Zagg Invisible Shield For Tablets	7		69.16
09/26/2011	Best Buy	Commerical Installation			129.99
09/26/2011	Best Buy	Shur Vocal Microphone	1		59.99
09/26/2011	Best Buy	Ultimate MC-05 Microphone Stand	1		32.04
10/04/2011	Best Buy	Elite Manual Series Projection Screen 99 Inch	1		89.99
10/20/2011	Best Buy	Audio-Technica Freeway Wireless Microphone System	1		20.00
11/05/2011	Best Buy	Cisco Small Business Switch 8 ports	1		90.99
11/05/2011	Best Buy	Netgear Wireless access point	1		119.99
11/12/2011	Google	Download Program for Tablet	1		2.99
11/18/2011	Best Buy	Protection Covers for ASUS Tablets	7		279.93
11/05/2011	Best Buy	Credit for 71" Projections Screen	1		(63.59)
					6,067.77

# CITY OF OVILLA

## Purchase Requisition

Date:	
Name	<i>CITY OF OVILLA</i>
Department:	
Account Number:	
Date Required:	

Description of Item: *Audio - Visual Equipment for*  
*COORLAL ACTIVITIES*

Quantity: \_\_\_\_\_

Explanation: \_\_\_\_\_

Required if expenditure exceed \$500

I. QUOTE #1	
Vendor Name & Number:	<i>B257 Buy</i>
Address:	<i>DANWYS CORP.</i>
Contact Person & Phone	<i>ZACK POWACK</i>
Price:	<i>5,089.96</i>
II. QUOTE #2	
Vendor Name & Number	<i>ITD Home.</i>
Address:	<i>WEB</i>
Contact Person & Phone	<i>NONE</i>
Price:	<i>3,063.5</i>
III. QUOTE #3	
Vendor Name & Number	<i>DELL</i>
Address:	<i>WEB</i>
Contact Person & Phone	<i>NONE</i>

Comments: *1,244.98 + 865.07*  
*Not for Equip. needed*

Name: *[Signature]*

Date: \_\_\_\_\_

CITY OF OVILLA  
Purchase Requisition

EXHIBIT

D

2 pages

Date:	
Name	Bill VANSYCKIE
Department:	
Account Number:	
Date Required:	

Description of Item: Audio - Visual

Quantity: \_\_\_\_\_

Explanation: \_\_\_\_\_

Required if expenditure exceed \$500

I. QUOTE #1	
Vendor Name & Number:	DELL
Address:	WERS
Contact Person & Phone	WA IRENE CORNEL
Price:	6,842. <sup>45</sup> (NOT ALL REQUIRED EQUIPMENT)
II. QUOTE #2	
Vendor Name & Number	
Address:	
Contact Person & Phone	
Price:	
III. QUOTE #3	
Vendor Name & Number	
Address:	
Contact Person & Phone	

Comments: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Audio/Visual Equipment			
Date	Purchased From	Description	Amount
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10/18/2011	Best Buy	See Receipt Attached	187.45
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		Tom Leverentz		B6OKAS008786	
		Doug Hunt		B6OKAS008878	
		James Wade		B6OKAS008783	
		Randy Whiteman		B6OKAS008788	
		Bill Vansyckle		B6OKAS009090	
		Richard Dormier		B6OKAS009038	
		Mike Dickey			
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9/26/2011	Best Buy	2 Year Geek Squad Black Tie Protection For Projector	1		149.99
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9/26/2011	Best Buy	Commerical Installation	3		239.97
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9/26/2011	Best Buy	Cables to Go Pro-Audio 25ft.	3		53.73
9/26/2011	Best Buy	Lenova G560 0679 - Laptop	1	CB09980573	507.53
9/26/2011	Best Buy	ASUS Case for Web Tablet	7		380.45
9/26/2011	Best Buy	Zagg Invisible Shield For Tablets	7		69.16
9/26/2011	Best Buy	Commerical Installation			129.99
9/26/2011	Best Buy	Shur Vocal Microphone	1		59.99
9/26/2011	Best Buy	Ultimate MC-05 Microphone Stand	1		32.04
10/4/2011	Best Buy	Elite Manual Series Projection Screen 99 Inch	1		89.99
10/20/2011	Best Buy	Audio-Technica Freeway Wireless Microphone System	1		20.00
11/5/2011	Best Buy	Cisco Small Business Switch 8 ports	1		90.99
11/5/2011	Best Buy	Netgear Wireless access point	1		119.99
11/12/2011	Google	Download Program for Tablet	1		2.99
11/18/2011	Best Buy	Protection Covers for ASUS Tablets	7		279.93
11/5/2011	Best Buy	Credit for 71" Projections Screen	1		(63.59)
					6,067.77

12:30 PM

12/13/11

Accrual Basis

**City of Ovilla General Fund**  
**Account QuickReport**  
 October 1 through December 13, 2011

Type	Date	Num	Name	Memo	Split	Amount
<b>10 - Administration</b>						
<b>5107400 - Capitalized Assets</b>						
<b>5107470 - Audio &amp; Visual Equipment</b>						
Bill	11/3/2011	8639-...	Citibank	Audio/Visual ...	2310000 - Acc...	5,637.46
Bill	11/7/2011	1547	John Binford	IT Time to Se...	2310000 - Acc...	206.25
Bill	11/11/2011	1550	John Binford	Set up Tablets	2310000 - Acc...	168.75
Bill	12/3/2011	8639-...	Citibank	Audio Visual ...	2310000 - Acc...	430.31
Total 5107470 - Audio & Visual Equipment						6,442.77
Total 5107400 - Capitalized Assets						6,442.77
Total 10 - Administration						6,442.77
<b>TOTAL</b>						<b>6,442.77</b>

## EXHIBIT

C  
4 pagesStatement Date  
11/03/11

XXXX-XXXX-XXXX-XXXX

## INDIVIDUAL CARDHOLDER ACTIVITY

WOODALL, PAM

XXXX-XXXX-XXXX-XXXX

Monthly Limit  
\$7,500Cash Limit\*  
\$00

Sale Date	Post Date	Reference Number	Type of Activity	Amount
10-03	10-05	05410191277174570063908	BEST BUY 00009720 RICHFIELD MN	4,937.02
10-05	10-07	05410191279174570086949	BEST BUY 00009720 RICHFIELD MN	89.99
10-13	10-17	55541861288072000490125	FOUR SEASONS HOTELS HOUSTON TX 000005567 ARRIVAL: 10-10-11	684.45
10-18	10-20	05410191292174570076752	BEST BUY 00009720 RICHFIELD MN	187.45
10-20	10-24	05410191294174570115855	BEST BUY 00009720 RICHFIELD MN	20.00
10-20	10-24	55541861294004015098538	GUITAR CENTER #440 DALLAS TX	138.48
10-21	10-24	05410191295174570129210	BEST BUY 00009720 RICHFIELD MN	369.96
10-26	10-27	05410191299295101206957	BEST BUY MHT 00002568 FARMERS BRANC TX	105.44 CR
10-31	11-01	55436871304733046288578	TEXAS MUNICIPAL CLERKS 940-5653488 TX	250.00
TOTAL PURCHASES/ADVANCES/CREDITS				6,571.91

mayor -

Pam school

Monthly Limit \$10,000			Cash Limit* \$00	XXXX-XXXX-XXXX-XXXX	
Sale Date	Post Date	Reference Number	Type of Activity	Amount	
10-07	10-07	55492861280000306703511	HOTELS.COM US 800-219-4606 WA	235.16	
10-13	10-24	55499671295200883602001	ICSC NEW YORK NY	270.00	
TOTAL PURCHASES/ADVANCES/CREDITS				505.16	

Monthly Limit \$5,000			Cash Limit* \$00	XXXX-XXXX-XXXX-XXXX	
Sale Date	Post Date	Reference Number	Type of Activity	Amount	
10-18	10-20	55541861292010181533868	THE HOME DEPOT 6505 WAXAHACHIE TX	98.50	
10-27	10-31	55541861301010181123530	THE HOME DEPOT 6505 WAXAHACHIE TX	914.77	
11-02	11-03	55547501300253083010212	LONE STAR WESTERN & CA WAXAHACHIE TX	243.24	
TOTAL PURCHASES/ADVANCES/CREDITS				956.51	

\*Cash Advance Limit is a portion of your Total Monthly Limit  
 \*\*Available Cash Line is a portion of your Available Credit Line



21253370 - 020525 - 0003 - 0004 - 2

XXXX-XXXX-XXXX-8639

Statement Date  
12/03/11

## INDIVIDUAL CARDHOLDER ACTIVITY

XXXX-XXXX-XXXX-6907

WOODALL, PAM

Monthly Limit  
\$7,500Cash Limit\*  
\$00

Sale Date	Post Date	Reference Number	Type of Activity	Amount
11-05	11-07	05410191310174570034940	BEST BUY 00009720 RICHFIELD MN	63.59 CR
11-08	11-10	05410191313174570043310	BEST BUY 00009720 RICHFIELD MN	210.98
11-12	11-14	55432861316000912719636	GOOGLE UNIDOC INC GOOGLE.COM/CH CA	2.99
11-21	11-23	05410191326174570048827	BEST BUY 00009720 RICHFIELD MN	279.93
TOTAL PURCHASES/ADVANCES/CREDITS				430.31

XXXX-XXXX-XXXX-6915

WHITEMAN, RANDY

Monthly Limit  
\$10,000Cash Limit\*  
\$00

Sale Date	Post Date	Reference Number	Type of Activity	Amount
11-02	11-04	25247801307000052214419	SCHILS DELICATESSEN I SAN ANTONIO TX	15.73
11-04	11-07	55421351310158141325251	BUSH'S CHICKEN - LAMPAS LAMPAS TX	8.11
11-15	11-16	55480771320206399100788	BONE DADDY'S #310 ARLINGTON TX	29.81
TOTAL PURCHASES/ADVANCES/CREDITS				53.65

XXXX-XXXX-XXXX-6923

PILAND, BRAD

Monthly Limit  
\$5,000Cash Limit\*  
\$00

Sale Date	Post Date	Reference Number	Type of Activity	Amount
11-04	11-07	55541861309010181647605	THE HOME DEPOT 6505 WAXAHACHIE TX	76.01
11-18	11-21	55436871322173229697626	ITT FLYGT CORPORATION 315-5684516 CT	290.00
TOTAL PURCHASES/ADVANCES/CREDITS				366.01

XXXX-XXXX-XXXX-693

HAASE, MARK

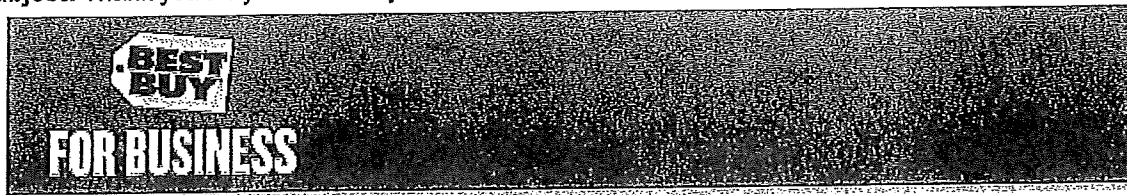
Monthly Limit  
\$3,500Cash Limit\*  
\$00

Sale Date	Post Date	Reference Number	Type of Activity	Amount
11-03	11-04	05416011307141001264015	WAL-MART #0260 WAXAHACHIE TX	97.33
11-03	11-04	05436841308000131081217	TRACTOR-SUPPLY-CO #040 WAXAHACHIE TX	199.94
11-03	11-07	55541861308010192312182	THE HOME DEPOT 6505 WAXAHACHIE TX	46.28
11-28	11-30	55546551333453366700025	J P VALVE & TUBING DESOTO TX	137.06
TOTAL PURCHASES/ADVANCES/CREDITS				480.61

\*Cash Advance Limit is a portion of your Total Monthly Limit  
\*\*Available Cash Line is a portion of your Available Credit Line

**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Friday, November 04, 2011 5:58 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Thank you for your order****Billing Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

We are currently processing your order and will notify you by e-mail when your order ships, is ready for store pickup, or when a home delivery date has been confirmed. Please note that a Best Buy For Business Account Manager may contact you if additional information is needed to complete the order. To check the status of your order, select the "Order Status" button below. For more information, see our [Shipping Policy](#).

Order Number: 225071101

**Order Status**

Qty	Product Description	Price	Total Price
1	Cisco Small Business 100 Series Unmanaged Switch SG 100D-08 - switch - 8 ports - unmanaged - desktop Item BB11475301 Retek SKU 3042934 Return ProcessBy Mail Only. <a href="#">See Policy</a> .	\$90.99	\$90.99

Standard Delivery Ground

1	NETGEAR Wireless-N Access Point WN802Tv2 - wireless access point Item BB10982397 Retek SKU 9490008 Return ProcessIn-store or by mail. <a href="#">See Policy</a> .	\$119.99	\$119.99
---	---	----------	----------

Standard Delivery Ground

**Total: \$210.98**

Tax: \$0.00

ORDER TOTAL \$210.98

At Best Buy For Business, we work hard to earn your business every day:

- More than 100,000 business-class technology products including notebooks, networks, servers and software.
- More brand-name manufacturers: Apple, HP, Lenovo, Microsoft, Toshiba and many more.
- Personalized service: online, in stores, by phone and at your office
- Volume discounts, commercial warranty plans and available financing.

Have you enrolled in the Best Buy Reward Zone program?

As a member, you earn rewards points on most business purchases, redeemable toward products sold at Best Buy and Best Buy For Business. Membership is free, so sign up and start saving! [Learn more](#)

Questions about your order? Don't forget to use our convenient, online order tracking and order history features. Or call us at 1-800-373-3050.

Thank you for choosing Best Buy For Business, Bill Vansyckle. Zachary Pollack

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**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Tuesday, October 04, 2011 2:03 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Order Date:** 10/04/2011



**Thank you for your order**

**Billing Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

We are currently processing your order and will notify you by e-mail when your order ships, is ready for store pickup, or when a home delivery date has been confirmed. Please note that a Best Buy For Business Account Manager may contact you if additional information is needed to complete the order. To check the status of your order, select the "Order Status" button below. For more information, see our [Shipping Policy](#).

**Order Number:** 224926260

[Order Status](#)

Qty	Product Description	Price	Total Price
1	Elite Manual Series M99NWS1 - projection screen - 99 In ( 252 cm ) Item BB10820180 Retek SKU 9613594 Return Process In-store or by mail. <a href="#">See Policy</a> . Standard Delivery Ground	\$89.99	\$89.99
		<b>Total:</b>	<b>\$89.99</b>
		Tax:	\$0.00
		<b>ORDER TOTAL:</b>	<b>\$89.99</b>

**At Best Buy For Business, we work hard to earn your business every day:**

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- Personalized service: online, in stores, by phone and at your office
- Volume discounts, commercial warranty plans and available financing.

**Have you enrolled in the Best Buy Reward Zone program?**

As a member, you earn rewards points on most business purchases, redeemable



**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Thursday, October 20, 2011 1:36 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Order Date:** 10/20/2011

**Thank you for your order**



**Billing Address**  
Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**  
Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

We are currently processing your order and will notify you by e-mail when your order ships, is ready for store pickup, or when a home delivery date has been confirmed. Please note that a Best Buy For Business Account Manager may contact you if additional information is needed to complete the order. To check the status of your order, select the "Order Status" button below. For more information, see our [Shipping Policy](#).

**Order Number:** 224993682

[Order Status](#)

Qty	Product Description	Price	Total Price
1	Audio-Technica Freeway 200 Series Handheld Wireless Microphone System Item BB10975531 Retek SKU 8889651 Return Process In-store or by mail. <a href="#">See Policy</a> .  Store Pickup - FARMERS BRANCH TX, 4255 LYNDON B JOHNSON FWY MIDWAY/LBJ SHOPPING CTR (Store# 256)	\$20.00	\$20.00
		<b>Total:</b>	<b>\$20.00</b>
		Tax:	\$0.00
		<b>ORDER TOTAL:</b>	<b>\$20.00</b>

**At Best Buy For Business, we work hard to earn your business every day:**

- \* More than 100,000 business-class technology products including notebooks, networks, servers and software.
- \* More brand-name manufacturers: Apple, HP, Lenovo, Microsoft, Toshiba and many more.
- \* Personalized service: online, in stores, by phone and at your office
- \* Volume discounts, commercial warranty plans and available financing.

# Pam Higgins

**From:** John Binford [john\_binford@yahoo.com]  
**Sent:** Monday, November 07, 2011 5:39 PM  
**To:** Pam Higgins  
**Subject:** Invoice #1547 from John Binford

Status: Not Paid  
 Date: 11/7/2011  
 Invoice # 1547

John Binford  
 4541 Pecan Creek  
 Midlothian, TX 76065  
 UNITED STATES  
 Phone:

Pam Higgins  
 City of Ovilla  
 105 S. Cockrell Hill  
 Ovilla, TX 76065

Pam Higgins  
 City of Ovilla

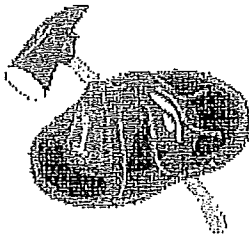
Fax:  
[john\\_binford@yahoo.com](mailto:john_binford@yahoo.com)

John Binford	Net 15	11/22/2011
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Hourly labor	3	\$75.00	\$225.00
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Tablet PC testing, Fire Dept accounting fix, Dropbox,	1	\$0.00	\$0.00	T
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**Subtotal** \$225.00  
**Sales Tax** \$0.00  
**Total** \$225.00  
**Payments** \$0.00  
**Balance Due** \$225.00



Your small business and home  
 computer professional.

Make all checks payable to John Binford  
 Thank you for your business!

## Pam Higgins

**From:** John Binford [john\_binford@yahoo.com]  
**Sent:** Friday, November 11, 2011 4:02 PM  
**To:** Pam Higgins  
**Subject:** Invoice #1550 from John Binford

Status: Not Paid  
Date: 11/11/2011  
Invoice # 1550

John Binford  
4541 Pecan Creek  
Midlothian, TX 76065  
UNITED STATES  
Phone:  
Fax:  
john\_binford@yahoo.com

Pam Higgins  
City of Ovilla  
105 S. Cockrell Hill  
Ovilla, TX 76065

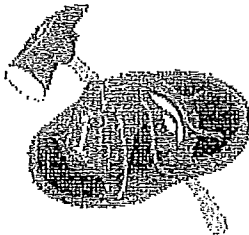
Pam Higgins  
City of Ovilla

John Binford	Net 15	11/26/2011
--------------	--------	------------

Hourly labor	2.5	\$75.00	\$187.50
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set up tablets, wireless router, and clean files on front desk PC	1	\$0.00	\$0.00	T
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<b>Subtotal</b>	\$187.50
<b>Sales Tax</b>	\$0.00
<b>Total</b>	\$187.50
<b>Payments</b>	\$0.00
<b>Balance Due</b>	\$187.50



Your small business and home  
computer professional.

Make all checks payable to John Binford  
**Thank you for your business!**

5108230

## Sharon Jungman

**From:** Pollack, Zachary [Zachary.Pollack@bestbuy.com]  
**Sent:** Monday, December 05, 2011 3:57 PM  
**To:** Sharon Jungman; sharonjungman@yahoo.com  
**Subject:** Re: Invoice City of Ovilla  
**Attachments:** barcode\_224837856.jpeg

**Importance:** High

**Order Date:** 09/26/2011



### BEST BUY INVOICE

**Billing Address**

Pam Woodall  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Order Number:** 224837856

Qty	Product Description	Price	Total Price
1	NADY 15 INPUT MINI MIXER WITHUSB INTERFACE NIC Item BB11284099 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$142.67	\$142.67

**Standard Delivery Ground**

1	Cables to Go TruLink Wireless USB to VGA Kit - wireless video extender Item BB11272109 Retek SKU 2823043 Return Process In-store or by mail. <u>See Policy.</u>	\$158.82	\$158.82
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**Standard Delivery Ground**

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2	Cables To Go Pro-Audio - audio cable - 12 ft <b>Item</b> BB10962547 <b>Retek SKU</b> 9696892 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$12.86	\$25.72
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**Standard Delivery Ground**

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1	Elite Manual Series M71XWS1 - projection screen - 71 in ( 180 cm ) <b>Item</b> BB10879699 <b>Retek SKU</b> 3340563 <b>Return Process</b> In-store or by mail. <u>See Policy.</u>	\$63.59	\$63.59
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**Standard Delivery Ground**

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7	ASUS Eee Pad Transformer TF101 - tablet - Android 3.x (Honeycomb) - 16 GB - 10.1" - espresso <b>Item</b> BB11271140 <b>Retek SKU</b> 2475916 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$387.22	\$2,710.54
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**Standard Delivery Ground**

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1	Optoma XGA DLP Multimedia Projector <b>Item</b> BB11206016 <b>Retek SKU</b> 2126047 <b>Return Process</b> In-store or by mail. <u>See</u>	\$524.99	\$524.99
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Policy.

**Standard Delivery Ground**

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1	2YR PROJO Commercial Geek Squad Black Tie Protection <b>Item</b> BB11191631 <b>Retek SKU</b> 1713508 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$149.99	\$149.99
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**Standard Delivery Ground**

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5	Quik Lok Desktop Tripod Microphone Stand - Black <b>Item</b> BB11241092 <b>Retek SKU</b> 1557203 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$12.77	\$63.85
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**Standard Delivery Ground**

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3	Commercial Component Installation (Add On) <b>Item</b> BB11306211 <b>Retek SKU</b> 2248523 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$79.99	\$239.97
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**Standard Delivery Ground**

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1	Adobe Soundbooth CS4 - ( v. 2 ) - media <b>Item</b> BB11063380 <b>Retek SKU</b> <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$26.99	\$26.99
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**Standard Delivery Ground**

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5	Nady SPC-15 - microphone Item BB11286710 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$37.49	\$187.45
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**Standard Delivery Ground**

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3	Cables To Go Pro-Audio - audio cable - 25 ft Item BB10962624 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$17.91	\$53.73
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**Standard Delivery Ground**

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1	Lenovo G560 0679 - P P6200 2.13 GHz - 15.6" TFT Item BB11184470 Retek SKU 2330039 Return Process By Mail Only. <u>See Policy.</u>	\$507.53	\$507.53
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**Standard Delivery Ground**

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7	ASUS case for web tablet Item BB11218022 Retek SKU 2776445 Return Process By Mail Only. <u>See Policy.</u>	\$54.35	\$380.45
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**Standard Delivery Ground**

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7	ZAGG InvisibleSHIELD for Asus Transformer Tablets <b>Item</b> BB11278032 <b>Retek SKU</b> 2690124 <b>Return Process</b> In-store or by mail. <u>See Policy.</u>	\$9.88	\$69.16
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**Standard Delivery Ground**

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1	Commercial Component Installation <b>Item</b> BB11216078 <b>Retek SKU</b> 2247427 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$129.99	\$129.99
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**Standard Delivery Ground**

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1	Shure Vocal Microphone <b>Item</b> BB11427949 <b>Retek SKU</b> 2882111 <b>Return Process</b> In-store or by mail. <u>See Policy.</u>	\$59.99	\$59.99
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**Standard Delivery Ground**

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1	Ultimate MC-05 Microphone Stand - microphone stand <b>Item</b> BB11255072 <b>Retek SKU</b> <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$32.04	\$32.04
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**Standard Delivery Ground**

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**Total: \$5,527.47**

**Tax: \$0.00**

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**ORDER TOTAL: \$5,527.47**  
**CHARGED TO CREDIT CARD ENDING IN:\*\*\*\*\*6907**

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**Just a reminder...**

It's not too late to purchase a Best Buy Performance Plan to protect your investment.  
Add a plan to see the benefits of extended service and coverage. [Add Performance Plan.](#)

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---

**Questions about your order?** Don't forget to use our convenient, online order tracking and order history features. Or call us at 1-800-373-3050.

Thank you for choosing Best Buy For Business.

Zachary Pollack

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**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Tuesday, October 04, 2011 2:03 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Order Date:** 10/04/2011

**Thank you for your order****Billing Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

We are currently processing your order and will notify you by e-mail when your order ships, is ready for store pickup, or when a home delivery date has been confirmed. Please note that a Best Buy For Business Account Manager may contact you if additional information is needed to complete the order. To check the status of your order, select the "Order Status" button below. For more information, see our [Shipping Policy](#).

**Order Number:** 224926260

[Order Status](#)

Qty	Product Description	Price	Total Price
1	Elite Manual Series M99NWS1 - projection screen - 99 in ( 252 cm ) Item BB10820180 Retek SKU 9613594 Return Process In-store or by mail. <a href="#">See Policy</a> .	\$89.99	\$89.99

**Standard Delivery Ground**

**Total:** \$89.99

**Tax:** \$0.00

**ORDER TOTAL:** \$89.99

**At Best Buy For Business, we work hard to earn your business every day:**

- \* More than 100,000 business-class technology products including notebooks, networks, servers and software.
- \* More brand-name manufacturers: Apple, HP, Lenovo, Microsoft, Toshiba and many more.
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- \* Volume discounts, commercial warranty plans and available financing.

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As a member, you earn rewards points on most business purchases, redeemable

**Bill Vansyckle**

**From:** BBFBCustomerSupport@bestbuy.com  
**Sent:** Thursday, October 20, 2011 1:36 PM  
**To:** Bill Vansyckle  
**Subject:** Thank you for your Best Buy For Business order

**Order Date:** 10/20/2011

**Thank you for your order**

**Billing Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

Dear Bill Vansyckle,

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**Order Number:** 224993682

[Order Status](#)

Qty	Product Description	Price	Total Price
1	Audio-Technica Freeway 200 Series Handheld Wireless Microphone System <b>Item</b> BB10975531 <b>Retek SKU</b> 8889651 <b>Return Process</b> In-store or by mail. <a href="#">See Policy</a> .	\$20.00	\$20.00
<b>Store Pickup</b> - FARMERS BRANCH TX, 4255 LYNDON B JOHNSON FWY MIDWAY/LBJ SHOPPING CTR (Store# 256)			

**Total:** \$20.00

**Tax:** \$0.00

**ORDER TOTAL:** \$20.00

**At Best Buy For Business, we work hard to earn your business every day:**

- \* More than 100,000 business-class technology products including notebooks, networks, servers and software.
- \* More brand-name manufacturers: Apple, HP, Lenovo, Microsoft, Toshiba and many more.
- \* Personalized service: online, in stores, by phone and at your office
- \* Volume discounts, commercial warranty plans and available financing.

## Sharon Jungman

**From:** Pollack, Zachary [Zachary.Pollack@bestbuy.com]  
**Sent:** Monday, December 12, 2011 9:06 PM  
**To:** Sharon Jungman  
**Cc:** sharonjungman@yahoo.com  
**Subject:** Re: \$279.93 Charge  
**Attachments:** barcode\_225135751.jpeg

Order Date: 11/18/2011

### Order Invoice



**Invoice Number:**

**PO Number:**

**Order Number:**

**Order Date:**

**Bill Date:**

225135751-001

N/A

225135751

11/18/2011

11/21/2011

**Sold To**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX  
75154 USA

**Bill To**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX  
75154 USA

**Ship To**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX  
75154 USA

Dear Bill Vansyckle,

If all the products/services from your order appear on the invoice, then this will serve as your final order invoice. If products/services from your order have not been shipped yet, another invoice will be generated at the time they are fulfilled. Your credit card will not be charged the remaining balance until the remaining products/services are shipped.

**Order Number:** 225135751

**Order Status**

Qty	
Product Description	
Mfr. part	
Total Price	
(Charged on Credit Card)	

7

ASUS Eee Pad Transformer TF101 sleeve - protective sleeve for web tablet

**Item** BB11705897

**Retek SKU** 3427174

90-OK06BG00010

**Subtotal of Shipped Item(s):** \$279.93  
\$279.93

Shipping:

\$0.00

Tax:

\$0.00

**TOTAL CHARGES:**

(Total charges reflect the amount that will be charged to your credit card)

**\$279.93**

Last 4 digits of credit card charged:  
6907

**Notes**

The total price may also include other non refundable components such as allowances and fees which are prorated across the order. Hence the total price displayed in the return invoice might differ from the order invoice.

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( Zachary Pollack )

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## Sharon Jungman

**From:** Pollack, Zachary [Zachary.Pollack@bestbuy.com]  
**Sent:** Monday, December 12, 2011 9:06 PM  
**To:** Sharon Jungman  
**Cc:** sharonjungman@yahoo.com  
**Subject:** Re: Credit \$63.59

**Order Date:** 9/26/2011

### Refund Invoice



**Invoice Number:**

**PO Number:**

**Order Number:**

**Order Date:**

**Refund Date:**

224837856-R001

N/A

224837856

9/26/2011

11/5/2011

**Sold To**

Pam Woodall  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX  
75154 USA

**Bill To**

Pam Woodall  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX  
75154 USA

**Ship To**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX  
75154 USA

Dear Bill Vansyckle,

If all the products/services from your order appear on the invoice, then this will serve as your final order invoice. If products/services from your order have not been shipped yet, another invoice will be generated at the time they are fulfilled. Your credit card will not be charged the remaining balance until the remaining products/services are shipped.

**Order Number:** 224837856

**Order Status**

		Qty
Product Description		
Mfr. part		
		Total Price
		(Refunded to Credit Card)
		1
Elite Manual Series M71XWS1 - projection screen - 71 in ( 180 cm )		
<b>Item</b> BB10879699		
<b>Retek SKU</b> 3340563		
M71XWS1		
		\$63.59



**Subtotal of Returned Item(s):**

\$63.59

Shipping Refunded:

\$0.00

Tax Refunded:

\$0.00

**TOTAL REFUNDED:**

(Total refunded reflects the amount that will be refunded to your credit card)

**\$63.59**

Last 4 digits of credit card refunded:

6907

**Notes**

The total price may also include other non refundable components such as allowances and fees which are prorated across the order. Hence the total price displayed in the return invoice might differ from the order invoice.

**Questions about your order?** Don't forget to use our convenient, online order tracking and order history features. Or call us at 1-800-373-3050, Mon-Fri 7:00 a.m to 6:30 p.m CST.

Thank you for choosing Best Buy For Business.

( Zachary Pollack )

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# CITY OF OVILLA

## Purchase Requisition

Date:	
Name:	<i>CITY OF OVILLA</i>
Department:	
Account Number:	
Date Required:	

Description of Item: *AUDIO - VISUAL EQUIPMENT FOR COUNCIL OFFICIALS*

Quantity: \_\_\_\_\_

Explanation: \_\_\_\_\_

Required if expenditure exceed \$500

I. QUOTE #1	
Vendor Name & Number:	<i>B257 Bu4</i>
Address:	<i>DAVIES CORP.</i>
Contact Person & Phone	<i>ZACK POWACK</i>
Price:	<i>5,089.96</i>
II. QUOTE #2	
Vendor Name & Number	<i>ITID Home.</i>
Address:	<i>WEB</i>
Contact Person & Phone	<i>NONE.</i>
Price:	<i>3,063.5</i>
III. QUOTE #3	
Vendor Name & Number	<i>DELL</i>
Address:	<i>WEB</i>
Contact Person & Phone	<i>MOBILE</i>

Comments: *3 1,244.98 \$ 865.07*  
*NOT AN EQUIP. NEEDED*

Name: *[Signature]*

Date: \_\_\_\_\_

# CITY OF OVILLA

## Purchase Requisition

Date:	
Name	<i>Bill VANSYCKIE</i>
Department:	
Account Number:	
Date Required:	

Description of Item: *AUDIO - VISUAL*

Quantity: \_\_\_\_\_

Explanation: \_\_\_\_\_

Required if expenditure exceed \$500

I. QUOTE #1	
Vendor Name & Number:	<i>DELL</i>
Address:	<i>NEBS</i>
Contact Person & Phone	<i>NA IRENE CORNEL</i>
Price:	<i>6,842. <sup>99</sup></i> <span style="float: right;"><i>(NOT ALL REQUIRED EQUIPMENT)</i></span>
II. QUOTE #2	
Vendor Name & Number	
Address:	
Contact Person & Phone	
Price:	
III. QUOTE #3	
Vendor Name & Number	
Address:	
Contact Person & Phone	

Comments: \_\_\_\_\_

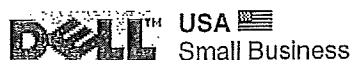
Name : \_\_\_\_\_

Date: \_\_\_\_\_

**Bill Vansyckle**

**From:** Irene\_Cornel@Dell.com  
**Sent:** Saturday, November 19, 2011 3:58 PM  
**To:** Bill Vansyckle  
**Subject:** FW: Your Dell Quote(s): 604308396,604308441,604308866,604309710,604310342  
 Resending all the quotes in one email. ☺

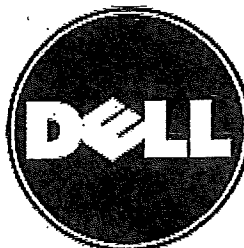
**From:** ServiceSym\_Dev **On Behalf Of** Cornel, Irene  
**Sent:** Sunday, November 20, 2011 5:56 AM  
**To:** mayorvansyckle@cityofovilla.org  
**Subject:** Your Dell Quote(s): 604308396,604308441,604308866,604309710,604310342



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**Thanks again for choosing Dell.**

**Quote Information**

<b>Customer Number:</b>	121662873
<b>Customer Name:</b>	CITY OF OVILLA
<b>Your Sales Professional:</b>	Irene Cornel <a href="mailto:Irene_Cornel@Dell.com">Irene_Cornel@Dell.com</a> (800) 456-3355x 4251128
<b>Quote Number:</b>	604308396 604308441 604308866 604309710 604310342
<b>Quote Date:</b>	11/19/2011
<b>Estimated Delivery Date:</b>	If you place your order today, it is estimated to be delivered on or before <b>12/7/2011</b> .

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**Customer Information**

**Billing Contact:** BILL VANSYCKLE  
**Billing Phone Number:** (972) 617-7262  
**Billing Address:** 105 COCKRELL HILL RD  
 RED OAK, TX 75154-1493  
**Delivery Contact:** BILL VANSYCKLE  
**Delivery Phone Number:** (972) 617-7262  
**Delivery Address:** 105 COCKRELL HILL RD  
 RED OAK, TX 75154-1493

**Quote Details**

**Quote Number:** 604308396

Item Number	Quantity	Item Description
225-0379	1	Dell Mobile Precision M6600
317-6071	1	Intel Core i5-2520M Dual Core 2.50GHz 3MB, Dell Mobile Precision M4600/M6600
317-3636	1	8.0GB, DDR3-1333 SDRAM, 2 DIMM for Mobile Precision
331-1249	1	Internal Backlit English Keyboard, Dell Mobile Precision
331-2809	1	Tech Setup Guide, English, Dell Mobile Precision
331-2169	1	Documentation (English/French), Dell Latitude E-Family/Mobile Precision
320-1922	1	AMD FirePro M8900 Mobility Pro Graphics with 2GB GDDR5, Dell Mobile Precision M6600
342-2361	1	250GB Hard Drive, 7200RPM, Dell Mobile Precision
331-1279	1	No Fingerprint Reader and No Contactless Smartcard Reader, Dell Mobile Precision M6600
320-1924	1	17.3 HD+(1600x900) AG LED-backlit with Premium Panel Guard, Dell Mobile Precision M6600
318-0364	1	Full HD+ LCD Cover, Dell Mobile Precision M6600
421-8099	1	Genuine Windows 7 Professional, 64-bit, No Media, Mobile Precision, English
330-6322	1	Genuine Windows 7 Label, Latitude, Vostro and Mobile Precision Notebooks
430-3979	1	Dell Wireless 375 Bluetooth Module, ROW, Dell Latitude E/Mobile Precision
330-4127	1	210W/240W switchable Slim 3-Pin, AC Adapter Dell Precision M6400
330-1838	1	US - 6-FT, 3-Pin Flat Power Cord for Mobile Precision
421-4370	1	Cyberlink Power2Go DVD 9.5, No Media, Dell OptiPlex, Latitude and Precision Workstation
421-4539	1	Roxio Creator Starter, No Media, Dell OptiPlex, Latitude and Precision Workstation
318-0354	1	8X DVD+-RW Drive, Dell Mobile Precision
318-0351	1	Optical Bezel, Dell Mobile Precision
318-0360	1	Integrated webcam with single digital microphone, HD/Full HD, Dell Mobile Precision M6600

421-1201	1	Dell Webcam Central Software Dell Latitude/Mobile Precision
430-4017	1	Intel Centrino Ultimate-N 6300, Dell Mobile Precision
331-1866	1	Intel vPro Technology Advanced Management Features, Dell Mobile Precision M6600
342-2435	1	All Hard Drives Non-RAID, Dell Mobile Precision
312-1174	1	9-cell (97Wh) Primary Battery, Dell Mobile Precision
410-0332	1	Trend Micro Worry Free Business Services, MUI, 36 Month, Dell Optiplex, Precision and Latitude
331-2973	1	No Energy Star Enabled, Dell Mobile Precision M4600/M6600
421-3872	1	No Productivity Software, Dell OptiPlex, Precision and Latitude
935-4608	1	Dell Limited Hardware Warranty Plus Service Extended Year(s)
929-9397	1	Dell Limited Hardware Warranty Plus Service Initial Year
927-5014	1	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis 4 Year Extended
953-4930	1	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis Initial Year
989-3449	1	Thank you choosing Dell ProSupport. For tech support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or call 1-866-516-3115
980-5654	1	ProSupport : 7x24 Technical Support , 4 Year Extended
984-4800	1	ProSupport : 7x24 Technical Support , Initial
980-5744	1	Accidental Damage Service, 5 Year
988-7689	1	Info, Complete Care
331-1643	1	Resource DVD with Drivers, Dell Mobile Precision M6600
421-5109	1	Cyberlink Power 9.5.1 AND Roxio Creator Starter Media for DVD+/-RW, Dell OptiPlex, Workstation and Latitude
421-5682	1	Media Kit, Win 7 Professional 64bit, MUI, Dell OptiPlex, Precision and Latitude
331-1641	1	Intel Core i5 vPro Processor
*		-DISCOUNT/COUPON APPL

<b>Subtotal:</b>	\$2,834.00
<b>Shipping &amp; Handling:</b>	\$0.00
<b>Tax:</b>	\$233.79
<b><u>Environmental Disposal Fee:</u></b>	\$0.00
<b>Total Price w/Discounts:</b>	<b>\$3,067.79</b>

Quote Number: 604308441

Item Number	Quantity	Item Description	
A3705240	1	Office Professional 2010 (DVD)	\$499.99
<b>Subtotal:</b>			\$499.99
<b>Shipping &amp; Handling:</b>			\$0.00
<b>Tax:</b>			\$41.25
<b><u>Environmental Disposal Fee:</u></b>			\$0.00

**Total Price w/Discounts: \$541.24**

**Quote Number: 604308866**

Item Number	Quantity	Item Description	
A3966196	1	90-inch Ultimate Portable Folding Matte White Projection Screen	\$499.99
<b>Subtotal:</b>			\$499.99
<b>Shipping &amp; Handling:</b>			\$0.00
<b>Tax:</b>			\$41.25
<b><u>Environmental Disposal Fee:</u></b>			\$0.00
<b>Total Price w/Discounts:</b>			<b>\$541.24</b>

**Quote Number: 604309710**

Item Number	Quantity	Item Description	
224-8089	1	Dell 1610HD Projector	
907-0334	1	Projector Advance Exchange Limited Warranty Coverage, 4Yr Extended.	
922-1650	1	Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from original invoice	
908-1548	1	Dell Hardware Limited Warranty, Extended Year(s)	
908-1567	1	Dell Hardware Limited Warranty, Initial Year	
907-0344	1	Accidental Damage Service, 5 Year	
*		-DISCOUNT/COUPON APPL	
330-6581	1	Dell 1510X/1610HD Projector Lamp	\$149.99
A0386678	1	12 ft PureAV Super VGA Home Theater Cable	\$26.99
A0613800	1	PureAV Audio Splitter - 6 ft	\$11.99
A0241818	1	PureAV S-Video Cable - 12ft	\$29.99
947174-4	1	Gold Series USB Type A Male to USB Type B Male Cable- 6 ft	\$9.99
<b>Subtotal:</b>			\$1,555.95
<b>Shipping &amp; Handling:</b>			\$12.00
<b>Tax:</b>			\$129.35
<b><u>Environmental Disposal Fee:</u></b>			\$0.00
<b>Total Price w/Discounts:</b>			<b>\$1,697.30</b>

**Quote Number: 604310342**

Item Number	Quantity	Item Description	
225-2101	7	Dell Latitude ST	
331-4181	7	Intel Atom Processor Z670 (1.50GHz) 512KB, Dell Latitude ST	
469-0955	7	2.0GB, DDR2-800MHZ SDRAM, Integrated, Dell Latitude ST	
469-0956	7	Intel Graphics Media Accelerator 600, Dell Latitude ST	
342-3449	7	32GB Dell Mobility Solid State Drive, Dell Latitude ST	
421-6561	7	Cyberlink Power DVD 9.5, Media, Dell Latitude ST	
421-6559	7	Blio E-Reader Software for downloading and reading electronic books, Dell Latitude ST	
		10.1Inch WXGA (1280x800) Wide Viewing Angle LED with Corning Gorilla Glass, Pen and Touch	

469-0957	7	Input, Latitude ST
421-8052	7	Genuine Windows 7 Professional, 32-bit, with Media, Latitude, English
318-1342	7	No Mobile Broadband, Dell Latitude ST
331-4182	7	30W 3-Pin, AC Adapter, Dell Latitude ST
330-4016	7	US - 3 foot Flat Power Cord, Dell Latitude
421-6557	7	Dual Webcams with Digital Microphone - 1.3MP Front / 5.0MP Rear
430-4386	7	Dell Wireless 1535C 802.11a/b/g/n and Bluetooth 4.0, Dell Latitude ST
312-1283	7	4-Cell (30WH) Primary Lithium Ion Battery for Latitude ST
421-3872	7	No Productivity Software, Dell OptiPlex, Precision and Latitude
934-5057	7	Dell Limited Hardware Warranty Plus Service Initial Year
962-7720	7	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis Initial Year
989-3449	7	Thank you choosing Dell ProSupport. For tech support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or call 1-866-516-3115
988-7289	7	No Warranty beyond 1 year
956-5310	7	ProSupport: 7x24 Technical Support, Initial
900-9987	7	Standard On-Site Installation Declined
962-7780	7	CompleteCare Accidental Damage Protection, 1 Year
988-7689	7	Info, Complete Care
331-4186	7	Resource DVD with Drivers, Dell Latitude ST
*		-DISCOUNT/COUPON APPL
		<b>Subtotal:</b> \$6,321.00
		<b>Shipping &amp; Handling:</b> \$0.00
		<b>Tax:</b> \$521.49
		<b><u>Environmental Disposal Fee:</u></b> \$0.00
		<b>Total Price w/Discounts:</b> \$6,842.49

**Important Things to Know:**

- **Please save this Quote Confirmation.** To ensure that your quote is complete and accurate, please verify the configuration meets your needs.
- Learn more about the Estimated Delivery Date.
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**Bill Vansyckle**

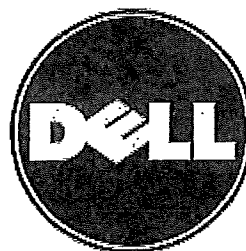
**From:** Dell [jdd\_messaging\_email@dell.com] on behalf of Irene Cornel [Irene\_Cornel@Dell.com]  
**Sent:** Saturday, November 19, 2011 3:55 PM  
**To:** Bill Vansyckle  
**Subject:** Your Dell Quote(s): 604310342



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Thanks again for choosing Dell.

**Quote Information**

<b>Customer Number:</b>	121662873
<b>Customer Name:</b>	CITY OF OVILLA
<b>Your Sales Professional:</b>	Irene Cornel <a href="mailto:Irene_Cornel@Dell.com">Irene_Cornel@Dell.com</a> (800) 456-3355x 4251128
<b>Quote Number:</b>	604310342
<b>Quote Date:</b>	11/19/2011
<b>Estimated Delivery Date:</b>	If you place your order today, it is estimated to be delivered on or before <b>12/13/2011</b> .

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**Customer Information**

<b>Billing Contact:</b>	BILL VANSYCKLE
<b>Billing Phone Number:</b>	(972) 617-7262
<b>Billing Address:</b>	105 COCKRELL HILL RD RED OAK, TX 75154-1493
<b>Delivery Contact:</b>	BILL VANSYCKLE
<b>Delivery Phone Number:</b>	(972) 617-7262
<b>Delivery Address:</b>	105 COCKRELL HILL RD RED OAK, TX 75154-1493

**Quote Details**

11/19/2011

Quote Number: 604310342

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469-0956	7	Intel Graphics Media Accelerator 600, Dell Latitude ST
342-3449	7	32GB Dell Mobility Solid State Drive, Dell Latitude ST
421-6561	7	Cyberlink Power DVD 9.5, Media, Dell Latitude ST
421-6559	7	Blio E-Reader Software for downloading and reading electronic books, Dell Latitude ST
469-0957	7	10.1Inch WXGA (1280x800) Wide Viewing Angle LED with Corning Gorilla Glass, Pen and Touch Input, Latitude ST
421-8052	7	Genuine Windows 7 Professional, 32-bit, with Media, Latitude, English
318-1342	7	No Mobile Broadband, Dell Latitude ST
331-4182	7	30W 3-Pin, AC Adapter, Dell Latitude ST
330-4016	7	US - 3 foot Flat Power Cord, Dell Latitude
421-6557	7	Dual Webcams with Digital Microphone - 1.3MP Front / 5.0MP Rear
430-4386	7	Dell Wireless 1535C 802.11a/b/g/n and Bluetooth 4.0, Dell Latitude ST
312-1283	7	4-Cell (30WH) Primary Lithium Ion Battery for Latitude ST
421-3872	7	No Productivity Software, Dell OptiPlex, Precision and Latitude
934-5057	7	Dell Limited Hardware Warranty Plus Service Initial Year
962-7720	7	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis Initial Year
989-3449	7	Thank you choosing Dell ProSupport. For tech support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or call 1-866-516-3115
988-7289	7	No Warranty beyond 1 year
956-5310	7	ProSupport: 7x24 Technical Support, Initial
900-9987	7	Standard On-Site Installation Declined
962-7780	7	CompleteCare Accidental Damage Protection, 1 Year
988-7689	7	Info, Complete Care
331-4186	7	Resource DVD with Drivers, Dell Latitude ST
*		-DISCOUNT/COUPON APPL

<b>Subtotal:</b>	\$6,321.00
<b>Shipping &amp; Handling:</b>	\$0.00
<b>Tax:</b>	\$521.49
<b><u>Environmental Disposal Fee:</u></b>	\$0.00
<b>Total Price w/Discounts:</b>	<b>\$6,842.49</b>

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## Bill Vansyckle

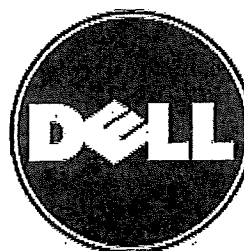
**From:** Dell [idd\_messaging\_email@dell.com] on behalf of Irene Cornel [Irene\_Cornel@Dell.com]  
**Sent:** Saturday, November 19, 2011 3:56 PM  
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Thanks again for choosing Dell.

#### Quote Information

<b>Customer Number:</b>	121662873
<b>Customer Name:</b>	CITY OF OVILLA
<b>Your Sales Professional:</b>	Irene Cornel <a href="mailto:Irene_Cornel@Dell.com">Irene_Cornel@Dell.com</a> (800) 456-3355x 4251128
<b>Quote Number:</b>	604308396 604308441 604308866 604309710 604310342
<b>Quote Date:</b>	11/19/2011
<b>Estimated Delivery Date:</b>	If you place your order today, it is estimated to be delivered on or before <b>12/7/2011</b> .

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#### Customer Information

<b>Billing Contact:</b>	BILL VANSYCKLE
<b>Billing Phone Number:</b>	(972) 617-7262
<b>Billing Address:</b>	105 COCKRELL HILL RD RED OAK, TX 75154-1493
<b>Delivery Contact:</b>	BILL VANSYCKLE
<b>Delivery Phone Number:</b>	(972) 617-7262
<b>Delivery Address:</b>	105 COCKRELL HILL RD

11/19/2011

RED OAK, TX 75154-1493

**Quote Details****Quote Number: 604308396**

<b>Item Number</b>	<b>Quantity</b>	<b>Item Description</b>
225-0379	1	Dell Mobile Precision M6600
317-6071	1	Intel Core i5-2520M Dual Core 2.50GHz 3MB, Dell Mobile Precision M4600/M6600
317-3636	1	8.0GB, DDR3-1333 SDRAM, 2 DIMM for Mobile Precision
331-1249	1	Internal Backlit English Keyboard, Dell Mobile Precision
331-2809	1	Tech Setup Guide, English, Dell Mobile Precision Documentation (English/French), Dell Latitude E-Family/Mobile Precision
331-2169	1	AMD FirePro M8900 Mobility Pro Graphics with 2GB GDDR5, Dell Mobile Precision M6600
320-1922	1	250GB Hard Drive, 7200RPM, Dell Mobile Precision No Fingerprint Reader and No Contactless
342-2361	1	Smartcard Reader, Dell Mobile Precision M6600
331-1279	1	17.3 HD+(1600x900) AG LED-backlit with Prem Panel Guar, Dell Mobile Precision M6600
320-1924	1	Full HD+ LCD Cover, Dell Mobile Precision M6600
318-0364	1	Genuine Windows 7 Professional, 64-bit, No Media, Mobile Precision, English
421-8099	1	Genuine Windows 7 Label, Latitude, Vostro and Mobile Precision Notebooks
330-6322	1	Dell Wireless 375 Bluetooth Module, ROW, Dell Latitude E/Mobile Precision
430-3979	1	210W/240W switchable Slim 3-Pin, AC Adapter Dell Precision M6400
330-4127	1	US - 6-FT, 3-Pin Flat Power Cord for Mobile Precision
330-1838	1	Cyberlink Power DVD 9.5, No Media, Dell OptiPlex, Latitude and Precision Workstation
421-4370	1	Roxio Creator Starter, No Media, Dell OptiPlex, Latitude and Precision Workstation
421-4539	1	8X DVD+-RW Drive, Dell Mobile Precision
318-0354	1	Optical Bezel, Dell Mobile Precision
318-0351	1	Integrated webcam with single digital microphone, HD/Full HD, Dell Mobile Precision M6600
318-0360	1	Dell Webcam Central Software Dell Latitude/Mobile Precision
421-1201	1	Intel Centrino Ultimate-N 6300, Dell Mobile Precision
430-4017	1	Intel vPro Technology Advanced Management Features, Dell Mobile Precision M6600
331-1866	1	All Hard Drives Non-RAID, Dell Mobile Precision
342-2435	1	9-cell (97Wh) Primary Battery, Dell Mobile Precision
312-1174	1	Trend Micro Worry Free Business Services, MUI, 36 Month, Dell Optiplex, Precision and Latitude
410-0332	1	No Energy Star Enabled, Dell Mobile Precision
331-2973	1	M4600/M6600

421-3872	1	No Productivity Software,Dell OptiPlex,Precision and Latitude
935-4608	1	Dell Limited Hardware Warranty Plus Service Extended Year(s)
929-9397	1	Dell Limited Hardware Warranty Plus Service Initial Year
927-5014	1	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis 4 Year Extended
953-4930	1	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis Initial Year
989-3449	1	Thank you choosing Dell ProSupport. For tech support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or call 1-866-516-3115
980-5654	1	ProSupport : 7x24 Technical Support , 4 Year Extended
984-4800	1	ProSupport : 7x24 Technical Support , Initial
980-5744	1	Accidental Damage Service, 5 Year
988-7689	1	Info, Complete Care
331-1643	1	Resource DVD with Drivers, Dell Mobile Precision M6600
421-5109	1	Cyberlink Power 9.5.1 AND Roxio Creator Starter Media for DVD+/-RW,Dell OptiPlex,Workstation and Latitude
421-5682	1	Media Kit,Win 7 Professional 64bit,MUI,Dell OptiPlex, Precision and Latitude
331-1641	1	Intel Core i5 vPro Processor
*		-DISCOUNT/COUPON APPL

<b>Subtotal:</b>	\$2,834.00
<b>Shipping &amp; Handling:</b>	\$0.00
<b>Tax:</b>	\$233.79
<b><u>Environmental Disposal Fee:</u></b>	\$0.00
<b>Total Price w/Discounts:</b>	<b>\$3,067.79</b>

Quote Number: 604308441

Item Number	Quantity	Item Description	
A3705240	1	Office Professional 2010 (DVD)	\$499.99
<b>Subtotal:</b>			\$499.99
<b>Shipping &amp; Handling:</b>			\$0.00
<b>Tax:</b>			\$41.25
<b><u>Environmental Disposal Fee:</u></b>			\$0.00
<b>Total Price w/Discounts:</b>			<b>\$541.24</b>

Quote Number: 604308866

Item Number	Quantity	Item Description	
A3966196	1	90-inch Ultimate Portable Folding Matte White Projection Screen	\$499.99
<b>Subtotal:</b>			\$499.99
<b>Shipping &amp; Handling:</b>			\$0.00
<b>Tax:</b>			\$41.25

<b><u>Environmental Disposal Fee:</u></b>	<b>\$0.00</b>
<b>Total Price w/Discounts:</b>	<b>\$541.24</b>

Quote Number: 604309710

Item Number	Quantity	Item Description	
224-8089	1	Dell 1610HD Projector	
907-0334	1	Projector Advance Exchange Limited Warranty Coverage, 4Yr Extended.	
922-1650	1	Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from original invoice	
908-1548	1	Dell Hardware Limited Warranty, Extended Year(s)	
908-1567	1	Dell Hardware Limited Warranty, Initial Year	
907-0344	1	Accidental Damage Service, 5 Year	
*		-DISCOUNT/COUPON APPL	
330-6581	1	Dell 1510X/1610HD Projector Lamp	\$149.99
A0386678	1	12 ft PureAV Super VGA Home Theater Cable	\$26.99
A0613800	1	PureAV Audio Splitter - 6 ft	\$11.99
A0241818	1	PureAV S-Video Cable - 12ft	\$29.99
947174-4	1	Gold Series USB Type A Male to USB Type B Male Cable- 6 ft	\$9.99
		<b>Subtotal:</b>	<b>\$1,555.95</b>
		<b>Shipping &amp; Handling:</b>	<b>\$12.00</b>
		<b>Tax:</b>	<b>\$129.35</b>
		<b><u>Environmental Disposal Fee:</u></b>	<b>\$0.00</b>
		<b>Total Price w/Discounts:</b>	<b>\$1,697.30</b>

Quote Number: 604310342

Item Number	Quantity	Item Description
225-2101	7	Dell Latitude ST
331-4181	7	Intel Atom Processor Z670 (1.50GHz) 512KB, Dell Latitude ST
469-0955	7	2.0GB, DDR2-800MHZ SDRAM, Integrated, Dell Latitude ST
469-0956	7	Intel Graphics Media Accelerator 600, Dell Latitude ST
342-3449	7	32GB Dell Mobility Solid State Drive, Dell Latitude ST
421-6561	7	Cyberlink Power DVD 9.5, Media, Dell Latitude ST
421-6559	7	Blio E-Reader Software for downloading and reading electronic books, Dell Latitude ST
469-0957	7	10.1Inch WXGA (1280x800) Wide Viewing Angle LED with Corning Gorilla Glass, Pen and Touch Input, Latitude ST
421-8052	7	Genuine Windows 7 Professional, 32-bit, with Media, Latitude, English
318-1342	7	No Mobile Broadband, Dell Latitude ST
331-4182	7	30W 3-Pin, AC Adapter, Dell Latitude ST
330-4016	7	US - 3 foot Flat Power Cord, Dell Latitude
421-6557		Dual Webcams with Digital Microphone - 1.3MP



	7	Front / 5.0MP Rear
430-4386	7	Dell Wireless 1535C 802.11a/b/g/n and Bluetooth
		4.0, Dell Latitude ST
312-1283	7	4-Cell (30WH) Primary Lithium Ion Battery for
		Latitude ST
421-3872	7	No Productivity Software, Dell OptiPlex, Precision
		and Latitude
934-5057	7	Dell Limited Hardware Warranty Plus Service Initial
		Year
962-7720	7	ProSupport: Next Business Day Limited Onsite
		Service After Remote Diagnosis Initial Year
989-3449	7	Thank you choosing Dell ProSupport. For tech
		support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or
		call 1-866-516-3115
988-7289	7	No Warranty beyond 1 year
956-5310	7	ProSupport: 7x24 Technical Support, Initial
900-9987	7	Standard On-Site Installation Declined
962-7780	7	CompleteCare Accidental Damage Protection, 1
		Year
988-7689	7	Info, Complete Care
331-4186	7	Resource DVD with Drivers, Dell Latitude ST
*		-DISCOUNT/COUPON APPL

<b>Subtotal:</b>	\$6,321.00
<b>Shipping &amp; Handling:</b>	\$0.00
<b>Tax:</b>	\$521.49
<b><u>Environmental Disposal Fee:</u></b>	\$0.00
<b>Total Price w/Discounts:</b>	<b>\$6,842.49</b>

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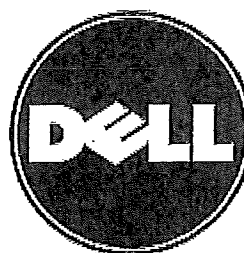
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**Bill Vansyckle**

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**Customer Name:** CITY OF OVILLA  
**Your Sales Professional:** Irene Cornel  
[Irene\\_Cornel@Dell.com](mailto:Irene_Cornel@Dell.com)  
(800) 456-3355x 4251128  
**Quote Number:** 604309710  
**Quote Date:** 11/19/2011  
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**Delivery Contact:** BILL VANSYCKLE  
**Delivery Phone Number:** (972) 617-7262  
**Delivery Address:** 105 COCKRELL HILL RD  
RED OAK, TX 751541493

**Quote Details**

11/19/2011

Quote Number: 604309710

Item Number	Quantity	Item Description	
224-8089	1	Dell 1610HD Projector	
907-0334	1	Projector Advance Exchange Limited Warranty Coverage, 4Yr Extended.	
922-1650	1	Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from original invoice	
908-1548	1	Dell Hardware Limited Warranty, Extended Year(s)	
908-1567	1	Dell Hardware Limited Warranty, Initial Year	
907-0344	1	Accidental Damage Service, 5 Year	
*		-DISCOUNT/COUPON APPL	
330-6581	1	Dell 1510X/1610HD Projector Lamp	\$149.99
A0386678	1	12 ft PureAV Super VGA Home Theater Cable	\$26.99
A0613800	1	PureAV Audio Splitter - 6 ft	\$11.99
A0241818	1	PureAV S-Video Cable - 12ft	\$29.99
947174-4	1	Gold Series USB Type A Male to USB Type B Male Cable- 6 ft	\$9.99

<b>Subtotal:</b>	\$1,555.95
<b>Shipping &amp; Handling:</b>	\$12.00
<b>Tax:</b>	\$129.35
<b><u>Environmental Disposal Fee:</u></b>	\$0.00
<b>Total Price w/Discounts:</b>	<b>\$1,697.30</b>

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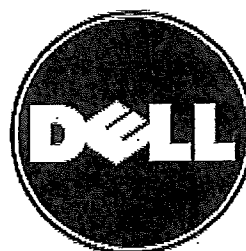
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<b>Your Sales Professional:</b>	Irene Cornel <a href="mailto:Irene_Cornel@Dell.com">Irene_Cornel@Dell.com</a> (800) 456-3355x 4251128
<b>Quote Number:</b>	604308866
<b>Quote Date:</b>	11/19/2011
<b>Estimated Delivery Date:</b>	If you place your order today, it is estimated to be delivered on or before <b>11/23/2011</b> .

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<b>Delivery Contact:</b>	BILL VANSYCKLE
<b>Delivery Phone Number:</b>	(972) 617-7262
<b>Delivery Address:</b>	105 COCKRELL HILL RD RED OAK, TX 75154-1493

#### Quote Details

11/19/2011

Quote Number: 604308866

Item Number	Quantity	Item Description	
A3966196	1	90-inch Ultimate Portable Folding Matte White Projection Screen	\$499.99
<b>Subtotal:</b>			\$499.99
<b>Shipping &amp; Handling:</b>			\$0.00
<b>Tax:</b>			\$41.25
<b><u>Environmental Disposal Fee:</u></b>			\$0.00
<b>Total Price w/Discounts:</b>			<b>\$541.24</b>

**Important Things to Know:**

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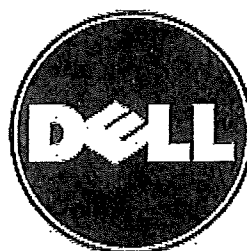
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<b>Your Sales Professional:</b>	Irene Cornel <a href="mailto:Irene_Cornel@Dell.com">Irene_Cornel@Dell.com</a> (800) 456-3355x 4251128
<b>Quote Number:</b>	604308396 604308441
<b>Quote Date:</b>	11/19/2011
<b>Estimated Delivery Date:</b>	If you place your order today, it is estimated to be delivered on or before <b>12/7/2011</b> .

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11/19/2011



## Quote Details

Quote Number: 604308396

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331-2809	1	Tech Setup Guide, English, Dell Mobile Precision Documentation (English/French), Dell Latitude E-Family/Mobile Precision
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318-0351	1	Optical Bezel, Dell Mobile Precision
318-0360	1	Integrated webcam with single digital microphone, HD/Full HD, Dell Mobile Precision M6600
421-1201	1	Dell Webcam Central Software Dell Latitude/Mobile Precision
430-4017	1	Intel Centrino Ultimate-N 6300, Dell Mobile Precision
331-1866	1	Intel vPro Technology Advanced Management Features, Dell Mobile Precision M6600
342-2435	1	All Hard Drives Non-RAID, Dell Mobile Precision
312-1174	1	9-cell (97Wh) Primary Battery, Dell Mobile Precision
410-0332	1	Trend Micro Worry Free Business Services, MUI, 36 Month, Dell OptiPlex, Precision and Latitude
331-2973	1	No Energy Star Enabled, Dell Mobile Precision M4600/M6600
421-3872	1	No Productivity Software, Dell OptiPlex, Precision and Latitude
		Dell Limited Hardware Warranty Plus Service

935-4608	1	Extended Year(s)
929-9397	1	Dell Limited Hardware Warranty Plus Service Initial Year
927-5014	1	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis 4 Year Extended
953-4930	1	ProSupport: Next Business Day Limited Onsite Service After Remote Diagnosis Initial Year
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980-5744	1	Accidental Damage Service, 5 Year
988-7689	1	Info, Complete Care
331-1643	1	Resource DVD with Drivers, Dell Mobile Precision M6600
421-5109	1	Cyberlink Power 9.5.1 AND Roxio Creator Starter Media for DVD+/-RW,Dell OptiPlex,Workstation and Latitude
421-5682	1	Media Kit,Win 7 Professional 64bit,MUI,Dell OptiPlex, Precision and Latitude
331-1641	1	Intel Core i5 vPro Processor
*		-DISCOUNT/COUPON APPL
		<b>Subtotal:</b> \$2,834.00
		<b>Shipping &amp; Handling:</b> \$0.00
		<b>Tax:</b> \$233.79
		<b><u>Environmental Disposal Fee:</u></b> \$0.00
		<b>Total Price w/Discounts:</b> \$3,067.79

Quote Number: 604308441

Item Number	Quantity	Item Description	
A3705240	1	Office Professional 2010 (DVD)	\$499.99
			<b>Subtotal:</b> \$499.99
			<b>Shipping &amp; Handling:</b> \$0.00
			<b>Tax:</b> \$41.25
			<b><u>Environmental Disposal Fee:</u></b> \$0.00
			<b>Total Price w/Discounts:</b> \$541.24

**Important Things to Know:**

- **Please save this Quote Confirmation.** To ensure that your quote is complete and accurate, please verify the configuration meets your needs.
- Learn more about the Estimated Delivery Date.
- The above information on configuration, price, tax, shipping and monthly payment is estimated and subject to verification. Products displayed are available to US customers who take delivery in the 50 United States. In addition, applicable taxes and shipping & handling charges are subject to Dell's terms and conditions of sale located at [www.dell.com/terms](http://www.dell.com/terms) unless you have a separate written agreement. Exceptions to Dell policies are at Dell's sole discretion and additional fees may apply.
- Interested in learning more about the benefits of unlocked phones? Visit the Nokia

Brand Store for more details – [www.dell.com/nokia](http://www.dell.com/nokia)

- Looking for the latest fashions in computer bags? Shop our extensive selection at – [www.dell.com/bagboutique](http://www.dell.com/bagboutique)
- Shop Dell's great assortment of Samsung LED & LCD TVs, Blu-Ray, Home Theater, Cameras and Camcorders at – [www.dell.com/samsung](http://www.dell.com/samsung)
- Visit Dell's exciting new GAME Store featuring the latest game titles, consoles and accessories – [www.dell.com/gamestore](http://www.dell.com/gamestore)



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Dell Small Business collects tax on all orders.

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**Bill Vansyckle**

**From:** Quinn, John [John.Quinn@bestbuy.com]  
**Sent:** Monday, September 05, 2011 10:01 AM  
**To:** Bill Vansyckle  
**Subject:** Your Best Buy For Business Quote - [224793560]

Good morning Mayor,  
 Following is pricing run-down for the upgrades we discussed last Wednesday -- including seven tablets, accessories. I'm waiting for install quote from my sales engineer for getting the mic system in, projector-computer link and training of staff. I should have that on Tuesday (tomorrow) when everyone's back at work. Thank you.

John Quinn, BBFB Acct Mgr  
[John.quinn@bestbuy.com](mailto:John.quinn@bestbuy.com)  
 817-525-5946

**Quotation Number:** 224793560

Best Buy For Business  
 7601 Penn Avenue South  
 Richfield, MN 55422-3645

**To:** Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

**Info:**  
 Requested Date: 09/05/11  
 Expiration Date: 09/19/11  
 Customer Number: 1337875  
 Customer PO#: N/A  
 Payment Type: TBD

**From:**  
[John.Quinn@bestbuy.com](mailto:John.Quinn@bestbuy.com)  
 Business Professional  
 Best Buy For Business  
 Phone: 8175255946  
 Fax: (952) 430-0833  
 Cell: 8175255946

Dear Bill Vansyckle,

Thank you for requesting the following quote from Best Buy For Business.

**Sold To:**  
 Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

**Bill To:**  
 Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

**Ship To:**  
 Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

QTY	DESCRIPTION	ITEM#/MFR#	PRICE
1	<u>NADY 15 INPUT MINI MIXER WITHUSB</u> <u>INTERFACE NIC</u>  Availability: In Stock Catalog: Business	BB11284099 149670 MM-15USB	\$148.89
5	<u>Nady SPC-15 - microphone</u>  Availability: In Stock Catalog: Business	BB11286710 149670 SPC-15 NADY	\$37.49
1	<u>Cables to Go TruLink Wireless USB to</u> <u>VGA Kit - wireless video extender</u>	BB11272109 10760 29356	\$158.82

10/4/2011

Availability: In Stock  
Catalog: Business

3	<u>Cables To Go Pro-Audio - audio cable - 25 ft</u>	BB10962624 10760 40049	\$18.18	\$54.54
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Availability: In Stock  
Catalog: Business

2	<u>Cables To Go Pro-Audio - audio cable - 12 ft</u>	BB10962547 10760 40054	\$12.86	\$25.72
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Availability: In Stock  
Catalog: Business

1	<u>Elite Manual Series M71XWS1 - projection screen - 71 in ( 180 cm )</u>	BB10879699 63220 M71XWS1	\$64.73	\$64.73
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Availability: In Stock  
Catalog: Business

1	<u>Lenovo G560 0679 - P P6200 2.13 GHz - 15.6" TFT</u>	BB11184470 62810 0679ALU	\$513.99	\$513.99
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Availability: In Stock  
Catalog: Business

1	<u>Pyro Audio Creator - Windows</u>	BB11019177 77640 2226407	\$30.76	\$30.76
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Availability: Usually ships in 1 - 2 weeks  
Catalog: Business

7	<u>ASUS Eee Pad Transformer TF101 - tablet - Android 3.x (Honeycomb) - 16 GB - 10.1" - espresso</u>	BB11271140 20100 TF101-A1	\$387.22	\$2,710.54
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Availability: In Stock  
Catalog: Business

7	<u>ASUS case for web tablet</u>	BB11218022 20100 90-OK02SP20000Q	\$54.35	\$380.45
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Availability: In Stock  
Catalog: Business

7	<u>Trend Micro Mobile Essentials</u>	BB11306279 14700 MOBE7967	\$9.99	\$69.93
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Availability: Usually ships in 3 - 5 days  
Catalog: Business

7	<u>ZAGG InvisibleSHIELD for Asus Transformer Tablets</u>	BB11278032 63810 ASUSTRANS	\$9.88	\$69.16
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Availability: Usually ships in 3 - 5 days  
Catalog: Business

1	<u>Optoma XGA DLP Multimedia Projector</u>	BB11206016 13480 PRO260X	\$524.99	\$524.99
	Availability: Usually ships in 3 - 5 days Catalog: Business			
1	<u>2YR PROJO Commercial Geek Squad Black Tie Protection</u>	BB11191631 6490073 1713508	\$149.99	\$149.99
	Availability: Usually ships in 3 - 5 days Catalog: Business			

**Notes:**

Product Total:	\$5,089.96
Est. Tax:	\$0.00
Quote Total:	\$5,089.96

If you have questions or require additional information, please contact me. If you would like to place this order online simply use this link: <http://www.bestbuybusiness.com/bbfb/en/US/direct/bestbuy?cmd=QuoteDisplay&ShoppingCartKey=224793560>

Best Buy For Business is pleased to provide the quote you requested. We realize you have numerous options for procuring IT Products and appreciate that you contacted us. We will honor the prices on this quote through the expiration date identified above.

Given the rapid change in technology and product availability, Best Buy For Business cannot guarantee all the items on this quote will be available for purchase in the future. In that case, we will work together to make changes or modifications to your quote or order.

Thank you for partnering with Best Buy For Business on this opportunity.

At your service,

John Quinn  
Account Manager  
817-525-5946 direct  
952-430-0833 fax  
John.Quinn@bestbuy.com



Best Buy for Business now has two online options to help fill your business needs:  
[www.BBFB.com/solutions](http://www.BBFB.com/solutions)    [www.BBFB.com/truesolutions](http://www.BBFB.com/truesolutions)

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<http://www.bestbuybusiness.com/bbfb/en/US/adirect/bestbuy?cmd=BBFBCreditInfo>

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<http://www.bestbuybusiness.com/bbfb/en/US/adirect/bestbuy?cmd=BBFBReturns>

Best Buy for Business  
609 Enterprise Drive Ste 300  
Flower Mound, TX 75028

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## Audio Visual Equipment for Conference Room

### Quote #1

#### **ITD Home**

Includes the following:

Samsung 50" Ultra Thin 1080p Plasma TV

Russound X75- Sound Amplifier

Proficient C645 - 4 Speakers with 1" pivoting Dome Tweeters

Sony BDP-S360 Blu-ray Player with 1080P Output

This package also includes the TV Mount, Cabel Installation & Programming

This Package Price W/O Wireless Mouse & Keyboard

\$2,968.00

Wireless Keyboard & Mouse

\$95.00

ITD Home Package with Mouse & Keyboard plus Installation - total price

\$3,063.00

### Quote #2

#### **ITD Home**

Includes the following:

Samsung 58" Ultra Thin 1080p Plasma TV

Russound X75- Sound Amplifier

Proficient C645 - 4 Speakers with 1" pivoting Dome Tweeters

Sony BDP-S360 Blu-ray Player with 1080P Output

This package also includes the TV Mount, Cabel Installation & Programming

This Package Price W/O Wireless Mouse & Keyboard

\$3,668.00

Wireless Keyboard & Mouse

\$95.00

ITD Home Package with Wireless Keyboard & Mouse and Installation - total price

\$3,763.00

### Quote #3

#### **Dell**

Dell S500 Projector Wireless

Dell Wall Mount Bracket

60" Whiteboard Screen

with Cables

Installation not included

\$1,149.98

Wireless Keyboard & Mouse

\$95.00

Dell Wall Mounted Projector, Whiteboard & Wireless Keyboard Player

\$1,244.98

& Mouse total Price without installation, Speakers, Amplifier or Blu-ray

### Quote #4

#### **Dell**

Ceiling Mount Dell Projector

60" Projector Screen

with Hardware

\$770.07

Wireless Keyboard & Mouse

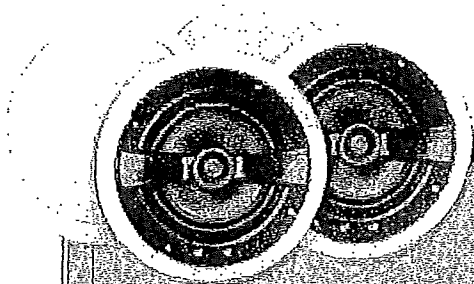
\$95.00

Total for a ceiling mounted Dell Projector, 60" Projector Screen amplifier or Blu-ray Player  
and Wireless Keyboard & Mouse, without installation, speakers,

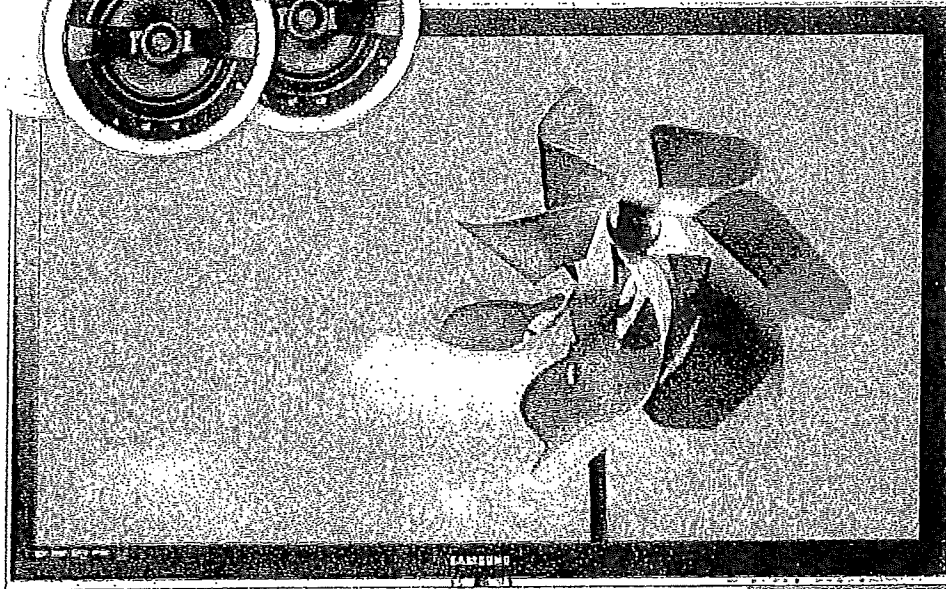
\$865.07

Quote #1

## Complete Conference Room Package



C645: In-ceiling speaker pair



Sony Blu-ray Player

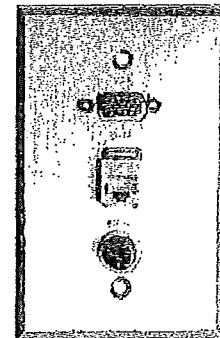


Russound X75 Amplifier

### Conference Room Package Includes:

1	<b>Samsung PN50C550</b> 50inch 1080p High Definition Plasma TV
1	<b>Russound X75:</b> 75 Watt 2-Channel Dual Source Power Amplifier with Auto-Source Switching.
4	<b>Proficient C645:</b> 6 1/2" 150 Watt In-Ceiling Speaker Pair with Kevlar Woofer and 1" Pivoting Aluminum Dome Tweeters
1	<b>Sony BDP-S360</b> Blu-ray Player with 1080p Output
1	<b>Omni</b> Extra Large Flat Panel TV Mount
2	9' HDMI Cables Installed from TV Location to Rack (Blu-Ray) and from TV to Terminated Plate at Computer Location.
1	Pre-wire and trim out 3 port Multi-Media Plate Consisting of Internet, Video and Audio. (For Computer Viewing).

Complete Cabling, Installation, and Programming Included



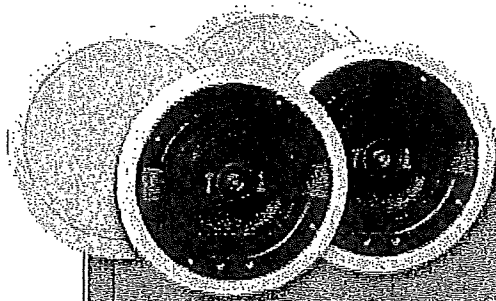
Used to Hear and View Image from Computer to 58" TV and Ceiling Speakers

Complete Conference Room Package = \$2968.00

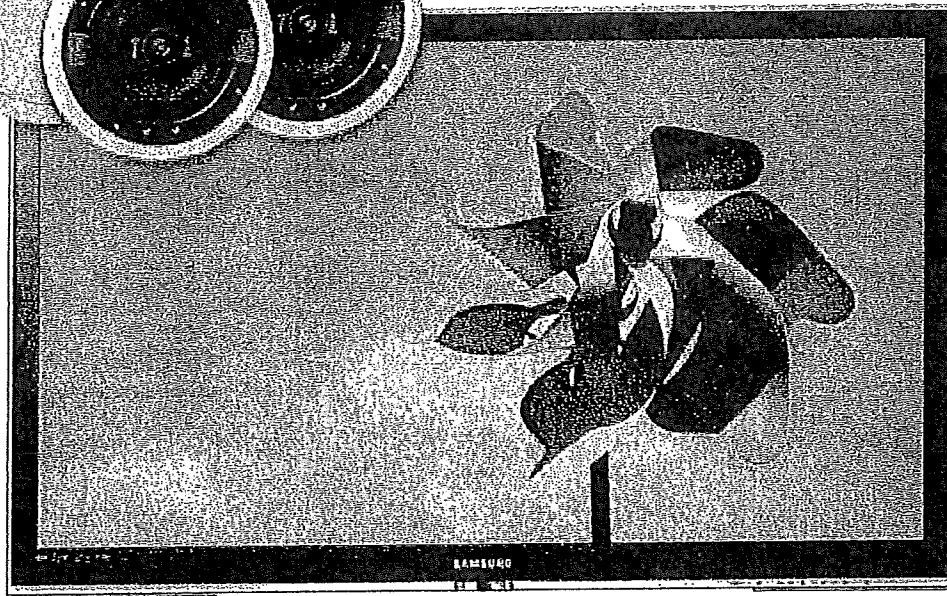


Quote #2

## Complete Conference Room Package



C645: In-ceiling speaker pair

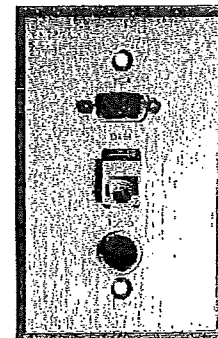


Sony Blu-ray Player



Russound X75 Amplifier

Conference Room Package Includes:	
1	<b>Samsung PN58C550</b> 58inch "Ultra-thin"1080p High Definition Plasma TV
1	<b>Russound X75:</b> 75 Watt 2-Channel Dual Source Power Amplifier with Auto-Source Switching.
4	<b>Proficient C645:</b> 6 1/2" 150 Watt In-Ceiling Speaker Pair with Kevlar Woofer and 1" Pivoting Aluminum Dome Tweeters
1	<b>Sony BDP-S360</b> Blu-ray Player with 1080p Output
1	<b>Omni</b> Extra Large Flat Panel TV Mount
2	9' HDMI Cables Installed from TV Location to Rack (Blu-Ray) and from TV to Terminated Plate at Computer Location.
1	Pre-wire and trim out 3 port Multi-Media Plate Consisting of Internet, Video and Audio. (For Computer Viewing).
Complete Cabling, Installation, and Programming Included	



Used to Hear and View Image from Computer to 58" TV and Ceiling Speakers

Complete Conference Room Package = \$3668.00

## Sharon Jungman

---

**From:** mark@itdhome.com  
**Sent:** Tuesday, February 22, 2011 4:28 PM  
**To:** Sharon Jungman  
**Cc:** Travis Vandygriff  
**Subject:** Proposal from ITD Home  
**Attachments:** Ovilla Conference Room Pkg.pdf

Sharon,

It was a pleasure meeting you last week and hope we can help you in completing your City Conference Room.

I have attached a 1 page pdf file which contains an audio/video proposal based on our walk thru with you last week. It includes the following:

- Samsung 58" "ultra thin" 1080p Plasma TV.
- Extra Large Flat Mount and hardware for Hanging TV.
- 4 Proficient 6 1/2" Flush Ceiling Speakers.
- Russound 75 watt Amplifier.
- Sony 1080p Blu-ray Player.
- 3 port Multi-media plate (used to display Computer Image and Sound to TV and Ceiling Speakers).
- All Cabling, Installation and Programming Included.
- Russound IR Control Kit (used to control Equipment in Closet)

If you have any questions, please let me know. Otherwise, I'll touch base with you in a couple of days.

Best regards,

Mark Vandygriff  
ITD Home  
(214) 686-7213  
[mark@itdhome.com](mailto:mark@itdhome.com)

**DELL**

Quote #3

**QUOTATION**

QUOTE #: 575961969

Customer #: 17131346

Contract #: 48ABO

Customer Agreement #: DIR-SDD-890-TX

Quote Date: 2/25/11

Date: 2/25/11 4:05:25 PM

Customer Name: CITY OF OVILLA

TOTAL QUOTE AMOUNT:	\$2,691.38		
Product Subtotal:	\$2,691.38		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Ground	Total Number of System Groups:	1

GROUP: 1	QUANTITY: 1	SYSTEM PRICE: \$1,541.40	GROUP TOTAL: \$1,541.40
Base Unit:	Dell S500wi Projector (225-0526)		
Service:	Projector Advance Exchange Limited Warranty Coverage, 1 Year Extended (929-6731)		
Service:	Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from original invoice (938-7240)		
Service:	Dell Limited Hardware Warranty, Extended Year(s) (932-9008)		
Service:	Dell Limited Hardware Warranty, Initial Year (927-2107)		

SOFTWARE & ACCESSORIES			
Product	Quantity	Unit Price	Total
Dell S500w/wi Projector Wallmount Bracket, Customer Install (331-1312)	1	\$173.99	\$173.99
Dell S500w Projector Wireless USB Dongle, Customer Install (331-2359)	1	\$60.89	\$60.89
1.5FT RAPIDRUN HD15+3.5+3RCA FLYING LEAD (A2312776)	1	\$33.43	\$33.43
50FT CBL UXGA RUNNER-RAPIDRUN PLENUM TYPE A (A0811609)	1	\$167.19	\$167.19
CABLES TO GO RAPIDRUN AL WPLATE HD15+3.5+3RCA+KS (A3167924)	1	\$50.15	\$50.15
SINGLE GANG XTRA DEEP JUNCTION BOX (A1656694)	1	\$19.35	\$19.35
DELL IC ONLY 6FT&nbsp;HD15 M/M UXGA CABLE (A1765537)	1	\$9.67	\$9.67
CABLES TO GO 6FT 3.5MM STEREO AUDIO CABLE M/M (A3584017)	1	\$7.03	\$7.03
6FT CABLE AUDIO VIDEO RCA-3 RCA M/M VELOCITY (A2782519)	1	\$13.19	\$13.19
PXE-DCM+ Pixie Display Control Module (A2025512)	1	\$237.59	\$237.59
PIXIE ONLY BASIC INSTALLATION KIT (A1366209)	1	\$36.95	\$36.95
60" WhiteBoard Screen (A3962354)	1	\$340.55	\$340.55
Number of S & A Items: 12		S&A Total Amount: \$1,149.98	

SALES REP:	Carlos Vasquez	PHONE:	1866-302-7449
------------	----------------	--------	---------------

Email Address:	carlos_vasquez_g@dell.com	Phone Ext:	7250150
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Please review this quote carefully. If complete and accurate, you may place your order online at [www.dell.com/qto](http://www.dell.com/qto) (use quote number above). POs and payments should be made to *Dell Marketing L.P.*

If you do not have a separate agreement with Dell that applies to your order, please refer to [www.dell.com/terms](http://www.dell.com/terms) as follows:

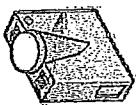
If purchasing for your internal use, your order will be subject to *Dell's Terms and Conditions of Sale-Direct* including Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total). If purchasing for resale, your order will be subject to *Dell's Terms and Condition of Sale for Persons or Entities Purchasing to Resell*, and other terms of Dell's PartnerDirect program at [www.dell.com/partner](http://www.dell.com/partner). If your order includes services, visit [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts) for service descriptions and terms.

Quote information is valid for U.S. customers and U.S. addresses only, and is subject to change. Sales tax on products shipped is based on "Ship To" address, and for downloads is based on "Bill To" address. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, with seller listed as *Dell Marketing L.P.*, to Dell's Tax Department at 800-433-9023. Please include your Customer Number.

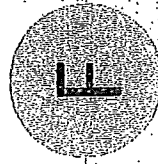
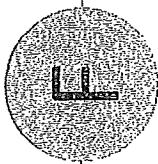
For certain products shipped to end-users in California, a State Environmental Fee will be applied. For Asset Recovery/Recycling Services, visit [www.dell.com/assetrecovery](http://www.dell.com/assetrecovery).

60 inch SCREEN

Dell ultra Short throw Projector  
Pictured to the right



Simple Wall Control



Dell S500WI Projector S500WI Projector Mount 931-1312 Wireless Module 331-2359 1.5FT RAPIDRUN HD15+3.5+3 RCA FLYING LEAD A2312776 RapidRun PC/Video UXGA Runner Cable - 50' frA0811609 Single Gang wallplate VGA 3.5mm; Composite AV Keystone A3167924 SINGLE GANG EXTRA DEEP JUNCTION BX-WHITE A1656694 6ft VGA M/M VGA cable A1765537 6ft 3.5mm cable A3584017 6ft CABLE AUDIO VIDEO RCA-3 RCA M/M A2782519 PXE-DCM-Pixie Display Control Module A2025512 PIXIE ONLY BASIC INSTALLATION KIT A1366209 Elite Screens, Inc 60" WhiteBoard Screen A3962354



S500 Short throw projector  
S500 Screen  
60" Single Gang wallplate  
1.5ft RapidRun  
1.5ft Wireless Module

projector 1699-  
cable 1699

\$144 for Bulbs

**DELL****QUOTATION**

QUOTE #: 573709885

Customer #: 17131346

Contract #: 48ABO

Customer Agreement #: DIR-SDD-890-TX

Quote Date: 2/7/11

Date: 2/7/11 1:32:24 PM

Customer Name: CITY OF OVILLA

TOTAL QUOTE AMOUNT:	\$770.07		
Product Subtotal:	\$770.07		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Next Day	Total Number of System Groups:	0

SOFTWARE & ACCESSORIES			
Product	Quantity	Unit Price	Total
Type 11 Contract-Projector Advance Exchange 1Yr Limited Warranty Coverage. (904-1471)	1	\$0.00	\$0.00
Type 11 Contract-Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from origina (905-1530)	1	\$0.00	\$0.00
Dell Hardware Limited Warranty, Extended Year(s) (905-2188)	1	\$10.00	\$10.00
Dell Hardware Limited Warranty, Initial Year (905-0137)	1	\$26.00	\$26.00
Dell 1410X Projector (224-7172)	1	\$540.48	\$540.48
Da-Lite 60-inch x 80-inch Projector Screen (A1998823)	1	\$193.59	\$193.59
Number of S & A Items: 6		S&A Total Amount: \$770.07	

COMMENTS
REP ID 151522

SALES REP:	Patricia Mendez	PHONE:	800-727-1100
Email Address:	Patricia_Mendez@Dell.com	Phone Ext:	7418723

Please review this quote carefully. If complete and accurate, you may place your order online at

[www.dell.com/qto](http://www.dell.com/qto) (use quote number above). POs and payments should be made to *Dell Marketing L.P.*

If you do not have a separate agreement with Dell that applies to your order, please refer to [www.dell.com/terms](http://www.dell.com/terms) as follows:

If purchasing for your internal use, your order will be subject to *Dell's Terms and Conditions of Sale-Direct* including Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total). If purchasing for resale, your order will be subject to *Dell's Terms and Condition of Sale for Persons or Entities Purchasing to Resell*, and other terms of Dell's PartnerDirect program at [www.dell.com/partner](http://www.dell.com/partner). If your order includes services, visit [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts) for service descriptions and terms.

Quote information is valid for U.S. customers and U.S. addresses only, and is subject to change. Sales tax on products shipped is based on "Ship To" address, and for downloads is based on "Bill To" address. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, with seller listed as *Dell Marketing L.P.*, to Dell's Tax Department at 800-433-9023. Please include your Customer Number.

For certain products shipped to end-users in California, a [State Environmental Fee](#) will be applied. For Asset Recovery/Recycling Services, visit [www.dell.com/assetrecovery](http://www.dell.com/assetrecovery).



## **Purchase Order Requirements / Return Policy \*\*\* HELP US, HELP YOU \*\*\***

To help get your orders entered quickly, please provide us with the following information:

\*To Get Your Order Fast...go online to [www.dell.com](http://www.dell.com)\*

### **Purchase Order Requirements**

- 1 **Purchase Order Number**
- 1 **Customer Number**
- 1 **Dell Quotation Number**
- 1 **"Bill-To" Address, Contact Name & Phone Number**
- 1 **"Ship-To" Address, Contact Name & Phone Number**
- 1 **Description, Quantity & Price of Equipment**
- 1 **Contract Vehicle Used for Purchase**

Your purchase is subject to Dell's "U.S. Terms and Conditions of Sale - Direct" at [www.dell.com/terms](http://www.dell.com/terms), unless you have a separate purchase agreement with Dell that governs this purchase.
- 1 **Purchasing Department Contact Name & Phone Number**

- ☐ **Signature** Make sure an employee authorized to bind your company or entity signs the P.O.
- ☐ **Payment Terms: Net 30 Days** Dell's 30 day terms of payment are contingent upon credit approval.
- ☐ **Ship Method & Pricing**
- ☐ **Tax Status**

Indicate whether the order is taxable or non-taxable.

- Dell collects sales/use tax on all orders unless a valid tax exemption certificate is on file in Dell's Tax Dept. (ph: 1-800-433-9019; fax: 1-800-433-9023).
- Tax is charged based on shipping location; therefore, companies with multiple locations must have a tax exemption certificate on file for each state to which tax exempt purchases are shipped.
- If tax exempt, the "bill-to" company name on the purchase order must match the company name on the tax exemption certificate.

### **Dell's U.S. Return Policy**

Dell's U.S. return policy can be found at [www.dell.com/policy/legal/warranty.htm](http://www.dell.com/policy/legal/warranty.htm) . Contractual provisions mutually agreed to by Customer and Dell related to returns will take precedence over the on-line policy.

**Important Note: Purchase orders not meeting these requirements may result in delayed order processing.**

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Dell M109S On-the-Go Projector		Dell 1210S Value Series Projector		Dell 1410X Value Series Projector		Dell M210X Projector		Dell Systems Management Dell S300 Short Throw Projector		Dell M410HD Projector	
Customer Rating ★★★★★ 5.7 out of 5		Customer Rating ★★★★★ 4.7 out of 5		Customer Rating ★★★★★ 4.2 out of 5		Customer Rating ★★★★★ 4.6 out of 5		Customer Rating ★★★★★ 4.0 out of 5		Customer Rating ★★★★★ 5.0 out of 5	
Market Value <sup>1</sup> Instant Savings \$399.00 \$80.00		Market Value <sup>1</sup> Instant Savings \$449.00 \$50.00		Market Value <sup>1</sup> Instant Savings \$599.00 \$0.00		Market Value <sup>1</sup> Instant Savings \$899.00 \$130.00		Market Value <sup>1</sup> Instant Savings \$899.00 \$130.00		Market Value <sup>1</sup> Instant Savings \$899.00 \$130.00	
Dell Price \$319.00		Dell Price \$399.00		Dell Price \$599.00		Dell Price \$749.00		Dell Price \$769.00		Dell Price \$779.00	
Features BrilliantColor		Features Lock Slot / Password Protection Option / Quick Shutdown (Designed to Shutdown in 10 Seconds)		Features Kensington Lock Slot / Password Protection Option / Quick Shutdown (Designed to Shutdown in 10 Seconds)		Features Integrated Zoom Lens / Automatic Vertical Keystone Correction / 1W Mono Speaker		Features Short Throw Projection / 3D-CAPABLE / Conference Control		Features Kensington Lock Slot / Password Protection Option / Quick Shutdown (Designed to Shutdown in 10 Seconds)	
Height 3.7 cm											
Resolution SVGA (858 x 600)											
Depth 10.5 cm											
Width 9.2 cm											
Security Features Password protection											
Weight 363 g											
Compliant Standards CE, UL, VCCI, C-Tick, cUL, ICES-003, NEMKO, NOM, SABS, CCC, PSB, MIC, EK, FCC						Compliant Standards ROHS Compliant					
Device Type DLP projector		Device Type Projector		Device Type Projector		Device Type Projector		Device Type Projector		Device Type Projector	
Dimensions (WxDxH) 9.2 cm x 10.5 cm x 3.7 cm		Dimensions (WxDxH) / Weight 11.26" x 3.54" x 7.56" / 5.3 lbs		Dimensions (WxDxH) / Weight 11.26" x 3.54" x 7.56" / 5.3 lbs		Dimensions (WxDxH) / Weight 8.07" x 6.10" x 2.99" / 2.6 lbs		Dimensions (WxDxH) / Weight 12" x 9.7" x 3.9" / 6.8 lbs		Dimensions (WxDxH) / Weight 8.07" x 6.10" x 2.99" / 2.6 lbs	
Interfaces 1 x composite video input - RCA   1 x VGA - 15 pin HD D-Sub (HD-15)											
Analog Video Format NTSC, SECAM, PAL, PAL-N, PAL-M, NTSC 4.43		Analog Video Signal Composite Video / S-Video / Component Video		Analog Video Signal Composite Video / S-Video / Component Video		Analog Video Format S-Video / Composite Video / Component Video		Analog Video Signal Composite Video / S-Video		Analog Video Signal Composite Video / S-Video / Component Video	
Cable(s) Included 30-pin multi-input cable / Power Cord		Cable(s) Included VGA / Power Cord		Cable(s) Included VGA / Power Cord		Cable(s) Included VGA / Power Cord		Cable(s) Included VGA / Power Cord		Cable(s) Included VGA / Power Cord	
Browser On Sale		Browser On Sale						Browser On Sale		Browser On Sale	
Sound Emission (Economic Mode) 32 dB											
Keystone Correction Direction Vertical											
Native Aspect Ratio 4:3											



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## Da-Lite 60-inch x 80-inch Projector Screen



Da-Lite Model B is perfect for classroom and meeting room facilities. Easy pull-down system locks at intervals to fit a variety of projection formats. Nylon bearings provide smooth quiet operation for the life of ... Full Description

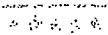
Dell Price

**\$219.99**



Usually Ships: 6+ Weeks

Manufacturer Part#: 77324 | Dell Part#: A1998823



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### Overview

Da-Lite Model B is perfect for classroom and meeting room facilities. Easy pull-down system locks at intervals to fit a variety of projection formats. Nylon bearings provide smooth quiet operation for the life of the screen. Case design allows for hanging from a ceiling or flush mounting to a wall. High Power is a technological breakthrough, which combines the reflectivity of a glass-beaded surface with the ability to clean the surface when required. Its smooth surface offers the highest gain of all types of screen surfaces with moderate viewing angle. Screen surface can be cleaned with mild soap and water. Flame retardant and mildew resistant.

Manufacturer Part#: 77324  
Dell Part#: A1998823

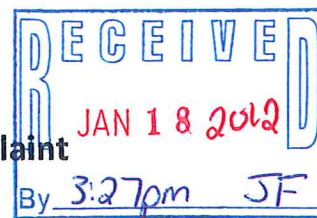
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snNP08

**Response of Bill Vansyckle to Ethics Complaint**  
**Filed December 12, 2011**



Alleged violations of the Ovilla Code of Ethics and  
Alleged Abuse of Power

Purchase of Audio Visual and Computer Equipment

Mr. Lynch's numerous and unfounded allegations regarding the purchase of City audio-visual equipment are untrue, purposely misleading and inaccurate. Rather than attempt to make Mr. Lynch's version of events fit the facts, it is more accurate to provide a true and correct record of events and thereby demonstrate that the alleged violations did not occur.

In May 2011 several members of the City Staff and City Council began to informally discuss ways in which the City could use technology to achieve several common goals. These goals and work that was being done to achieve them were discussed at City Council meetings and in City Hall on an open and regular basis. Specifically, the goals included:

1. Enhance communications within the City staff and City Council and citizens;
2. Save money on the City's copying and printing costs;
3. Continue the City's efforts to "go green" and diminish our environmental impact;
4. Respond to the request of citizens for more access to City government information;
5. Improve the quality of recording of City meetings;
6. Improve the ability for Council members to illustrate information during Council discussions;
7. Procure for the City a PowerPoint capable projector and screen; (In the past the City had borrowed the screen and projector that are the personal property of Fire Chief Donnie Pickard on those occasions when advance notice of need was known.).

Earlier work in this area had brought about 1) development of one additional Council book that is placed in City Chambers for public access and information and 2) ability to email, prior to Council meetings, the full agenda and all supporting information (the Council book) to all citizens expressing an interest.

As a small city on a tight budget, Ovilla does not have the money to hire a computer consultant to research and specify what they felt that Ovilla needed. If we had done so, the cost of the consultant would in all likelihood have exceeded the cost of the equipment purchased for the project. City Accountant Sharon Jungman and I worked together to research what was needed

to achieve our goals. Because the City has a small staff, a small budget and no dedicated, full time computer specialist it was necessary for us to gather information regarding what was required to reach the City's goals. Ms. Jungman searched the internet for equipment quotes and pricing and discovered that apparently no vendor could provide all equipment that was needed. I also did extensive research online and talked with staff and officials at the City of Ferris where a similar upgrade had recently taken place. All discussions regarding this project were held openly in City Hall and other members of the staff, including City Administrator Randy Whiteman (to whom Ms. Jungman reports) were aware of the efforts and discussions. Absolutely no efforts were made at any time to be secretive or to disguise the project or its goals. At no point during these months did Mr. Whiteman offer to participate or attempt to be involved in this work although he was aware of it and I presented updates regarding the progress of the project at City Council meetings. As City Administrator it is his responsibility to immediately bring to the attention of the Mayor and Council when he believes that City policy or procedure are being broken or not properly followed. The Mayor and Council do their best to comply with City internal guidelines but are not aware of all aspects of them.

It became clear through this research process that it would be important to make this purchase as one, coordinated package with consistent warranties and the guarantee that the various components would work together properly to achieve the City's goals. Once it was determined what components and equipment were required for the project, Ms. Jungman and I researched pricing for the items on several electronics goods websites and received quotations from them. Included in this process were Dell Computers where I communicated with Irene Cornell and was quoted prices of \$6,082.49, \$1,244.98 and \$865.07 for a total of \$8,192.54. I also received an online bid from ITD Home for \$3,063 but the bid was incomplete, did not include all required equipment and warranties or installation. I met with Zack Pollack from Best Buy who was able to provide a quote for \$5,089.96 that included the needed equipment, common warranties and installation. Again, Mr. Whiteman was aware of these activities but at no time did Mr. Whiteman indicate that processes and procedures required for the City were not being followed, that additional steps or procedures were required or that he was in any way uncomfortable with what was happening. It was only after the fact that Mr. Whiteman came to me and requested that I complete the Purchase Requisition forms (Mr. Lynch Exhibit D). I asked Mr. Whiteman why these were needed and he replied to the effect that it was just for the paper trail and a formality. I immediately complied with Mr. Whiteman's request to the best of my ability and followed up by asking if more detail was needed. Mr. Whiteman again replied that no, what I had provided was sufficient.

The City had previously budgeted \$5000.00 for Audio Visual Equipment in anticipation of this project. It is important to note that this equipment is expected to save the City a several more thousand dollars annually in printing, copying, mailing and delivery costs. I presented the

proposed equipment list and costs along with the Best Buy bid of approximately \$5090.00 (Exhibit 2) to the City Council in the meeting of September 12, 2011. Discussion among Council included the goals of the project, process of defining the equipment, selecting the vendor, potential savings and cost. The Council was given the competitive pricing information (other bid information) prior to approval of the purchase. The Council unanimously approved \$5500.00 for purchase of the equipment. (See Exhibit 1 Minutes of Council Meeting.) Each member of the Council and Mr. Whiteman had a copy of the proposed purchase as part of their Council package received several days before the meeting. If Mr. Whiteman had felt that anything was amiss in terms of his role, the bid and requisition and purchase process or requirements, he had every opportunity to discuss this with the Mayor and Council members prior to the meeting or to bring up the matter in the Council meeting himself. In fact, in his role as City Administrator it is incumbent upon him to do so if he is uncomfortable with events as they are transpiring. At no time during this process did Mr. Whiteman request a role or participation of any kind in the process although he has done so on other issues in the past.

Within a few days following approval by the Council, I requested Pam Higgins, City Secretary, to call Best Buy and, using the City's credit card, purchase the items that had been approved by the Council. The Council had not specified in their approval who should do the actual completion of the project or place the order. Ms. Higgins did as requested ordering the items over the phone and did not express concern regarding the process or procedures involved. It should be noted here, that I did NOT make the purchases personally, that I did NOT take delivery of or go to pick up the equipment that was purchased. All buying was done by City staff and equipment was delivered directly to City Hall. If City staff (including Whiteman, Jungman and Higgins) had been uncomfortable with the process or procedures that were being followed, they were free to say so to me or to Mr. Whiteman or to other Council members at any time and to stop the process until errors were resolved. This did not occur. Because I did not personally participate in the purchasing, delivery or installation process I was not at any time in possession of physical receipts or receiving paperwork for the items. I assumed that City staff, under the direction of Mr. Whiteman, followed typical receiving verification procedures and provided the necessary documentation to the City Accountant as it was received. Any email receipts or confirmations that I received were immediately forwarded to Ms. Jungman and I did not retain them. Following receipt of the order, the equipment was delivered and Best Buy/Geek Squad employees installed it at City Hall. At a later date, Ms. Jungman indicated that she still needed receipts for some of the items. I contacted Best Buy and requested the needed receipts (Exhibit 4). Ms. Jungman received the missing receipts and when I asked her later if anything else was needed, she assured me that all was OK and that she was satisfied.

As installation proceeded a few small problems arose. It was determined that the microphones that had been specified were not adequate to meet the City's needs. Because this error was made by Best Buy an even exchange for the correct microphones was arranged. It was then determined that the screen that had been ordered would not be large enough to meet the needs of the audience. This error came about as a result of a misunderstanding regarding the diagonal dimension of the screen versus the horizontal and vertical dimensions. Because this error was on the part of City staff, it was necessary to pay \$89.99 more for a larger screen but we received a credit of \$63.59 for the returned screen. The return of an unneeded microphone stand (no longer needed as a result of changing microphones) for a credit of \$105.44 is included on Ms Jungman's chart of Audio/Visual Equipment (Exhibit 5) but is not included on her Audio/Visual Equipment Inventory (Exhibit 6).

It should be noted that all equipment ordered for this project does have a warranty. Following completion of final installation the only problems encountered by staff or Council have been related to knowledge of the equipment and its software – normal learning curve issues encountered with new technological equipment – and are not related to incorrect or missing equipment.

I did not order the services of John Binford, the City's computer consultant on this project. Apparently, it became evident after installation was completed that the City's wireless router, located in the Fire Department, was not powerful enough to meet the needs of the Council and this new equipment. Mr. Binford, who is used on an as needed basis, was called to troubleshoot and resolve this problem and to set up the computer tablets of each Council member. It was then determined that it would also be necessary for the City to purchase additional software to allow the tablets to interface with the City's system. The Council approved the purchase of this and other additional items at a later meeting and the purchases carried out by City staff.

In summary for this section, Mr. Lynch's charges are untrue and unfounded.

- All purchases of computer equipment for this project were approved by the City Council.
- I did not use the City credit card to make these purchases.
- I did not take personal delivery of the goods purchased as part of this project.
- The City Accountant was involved in this project since its inception and did not voice disapproval regarding the purchasing procedures being followed at any time until asked to respond to Mr. Lynch's complaint.
- The City Administrator, City Accountant and City Secretary were aware of this project since its inception and did not voice disapproval regarding the procedures being followed. Mr. Whiteman did not make any attempt to perform his own responsibilities as outlined in his job description. In the absence of action or performance of duty on his

part, I worked with the City Accountant and City Secretary to achieve an important City project. I believe that Council should question the effectiveness of Mr. Whiteman's leadership style when neither he, nor his staff, perform their responsibilities in assuring that City officials comply with the technical aspects of City procedures.

- The completion of this project provides the City with enhanced communications capabilities, will save significant money in several budget areas, will improve the City's environmental impact and responds to the requests of Mr. Lynch and other citizens for more information regarding our City governance process.
- Finally, I must state that I believe that Mr. Lynch is indeed disingenuous, if not dishonest in his statements made in this complaint. Following the completion of this computer project Mr. Lynch personally congratulated me and complimented the project and all that it would accomplish for the City. He clearly approved of the outcome of the process that he is now criticizing. During this and several other conversations and emails, Mr. Lynch also did not raise any concerns regarding the process or the project.

#### Renovation of City Council Chambers

Many of Mr. Lynch's statements regarding the renovation of the City Council chambers are accurate since they are drawn from the answers to a PIA that he made. However, he has used the information provided him in the PIA to raise an issue which has long since been resolved by an earlier Council. And that earlier Council did not have all the same members as the current Council.

To respond briefly to this charge: In June 2009 it was obvious that the City Council chambers were sorely in need of updating and renovation. Previous City governments had allowed both the interior and exterior of several City buildings to fall into disrepair and in several instances action was needed to maintain their physical integrity and avoid further damage.

While the interior of the Council Chambers did not present a physical hazard to residents, this heavily used building did not present a good image of the City to either the citizens or visitors from elsewhere. It would be worth noting that the City Council Chambers is not only used for Council meetings. It is also used for:

- Training of City Staff,
- Meetings of the Planning and Zoning Board,
- Meetings of the Board of Adjustment,
- Meetings of the Economic Development Corporation,
- Voting in City and school board elections,

- Meetings of the Ovilla Service League,
- Meetings of the Ovilla Garden Club,
- Meetings of the Blue Star Mothers,
- Sessions of City Court
- Meetings with vendors
- Meetings with potential businesses and investors in Ovilla
- Meetings of other City committees and boards

These meetings bring many, many individuals into our City and into our City Chambers who would otherwise not have an opportunity to interface with Ovilla or its government. In June 2009, the view that they would have seen of Ovilla, as they sat on metal folding chairs while looking at cinder block walls and damaged paneling, was not a positive or up to date image and did not portray our City well.

Knowing that road repair was a budget priority, I resolved to gather donations to finance the renovation of the Council chambers and sincerely believed this could be accomplished. The project was announced and many donations totaling over \$10,000 were received. In addition to the cash donations that are shown on Mr. Lynch's Exhibit F, the City received a very large in-kind donation of labor and materials from Jim Johnson Construction. Mr. Johnson donated design, materials and labor of highly skilled artisans who participated in the construction of the largest home in Ovilla.

The resulting City Council chamber is a credit to our city. The improvements made can easily be valued at \$35,000 to \$40,000 but thanks to the donations received only cost \$6,300. The renovations improved a 40 year old building to modern standards and were done in such a manner as to allow the easy installation of the audio, visual and technology products that have been added since that time. While I sincerely wish that donations could have been received for all of the costs of this project, that was not the case for many reasons.

What Mr. Lynch fails to note in his allegations is that all City budgets and budget amendments are approved by the City Council. When it was necessary to move money from the contingency/general fund to cover the undonated renovation costs, the City Council approved those changes and in so doing approved the payment of the remaining \$6,300 renovation cost.

One final note, although Mr. Lynch is now critical of this project, he apparently approved of the Council Chamber renovation on July 24, 2009 when he made a \$100 donation to help pay for it.



### Alleged Fixing of City of Ovilla Code Citations

Mr. Lynch's allegations regarding the fixing of City tickets are false, misleading and inaccurate. Not only has he relied on untrustworthy information in making his statements, he has not verified them to determine their accuracy. This lack of attention to easily checked detail, leads one to question Mr. Lynch's motives in making these charges.

Let me first make it absolutely clear that Rodney Ramsey and I are not now, and never have been close or personal friends. We do not and did not socialize either alone or with our families. Prior to Mr. Ramsey accepting work as the Ovilla City Prosecutor I from time to time did a very small amount of process serving work for Mr. Ramsey's law firm. He was by no means a major client and revenue from work for him was only a few hundred dollars per year at most with some years having no business at all. When Mr. Ramsey was hired by Ovilla, I immediately told him that I would not be able to conduct any business with him as it would be a conflict of interest with his job for the City. During the time that Mr. Ramsey served as Ovilla's City Prosecutor, I seldom spoke with him and often our conversations were initiated by Mr. Ramsey. Any conversations we had were centered on issues of concern for the City of Ovilla.

I can categorically and without exception state that I have never asked Rodney Ramsey or any other City Prosecutor to "fix" any citations given by the City of Ovilla either by code enforcement or traffic enforcement.

When I received Mr. Lynch's allegations I asked Mr. Ramsey to provide me with a statement regarding the allegations. His statement is included as Exhibit 7. Mr. Ramsey's statement includes explanation of the alleged incident of August 29, 2009. Not only do I deny making any attempt to "fix" a ticket but Mr. Ramsey denies that I tried to do so.

Regarding the alleged incident of August 27, 2009 and Mr. Steve Keasler, let me clarify that Mr. Keasler is not my neighbor. In fact, Mr. Keasler lives at 319 Covington Lane in the Ovilla Parc area of the city. As Mr. Lynch undoubtedly knows, I live on Suburban Lane in a completely different area of town.

Upon receiving Mr. Lynch's allegations, I asked Mr. Keasler for a statement in response to them. He submitted the included statement and supporting documentation that are included as Exhibits 8A, 8B, 8C and 8D. As explained in Mr. Keasler's statement he had received a citation from Mr. Dooley in February 2008 when he had erected a fence on his property similar to that of his adjoining neighbors. He was unaware that a fence permit was required or that AT THAT TIME all fences over 6 feet tall required permission from the Board of Adjustment. I visited Mr. Keasler and explained the BOA process and what he would need to do to get permission for his 7 foot high fence and stop receiving numerous citations. Mr. Keasler elected to remove his

fence and pay his citations. Both he and his fence contractor each paid a citation and the City Judge – not the City Prosecutor – dismissed the remaining citations. Although the city regulations eventually changed so that Mr. Keasler would no longer need to go through the BOA process to erect his fence, he chose to remain without a fence. In mid-2011 Glacier Homes purchased the property directly behind Mr. Keasler's home. Since he still had the unused fence panels from years earlier, Mrs. Keasler offered them to the construction crew of Glacier Homes who eventually used them to erect a fence between the two properties. Shortly thereafter, Mr. Keasler received a citation to appear in City Court regarding the fence. Mr. Keasler contacted Mr. Dooly and explained the situation. Mr. Dooly did not believe him and an angry confrontation ensued. Eventually, Mr. Keasler was successful in taking to City Court the evidence that Mr. Dooly had refused to consider. Mr. Keasler established that the fence in question was not his. As a result, the City Judge dismissed the ticket. It was not dismissed due to action on my part, it was dismissed because, as evidenced by Exhibit 8-B the fence did not belong to and had not been erected by the Keaslers.

It is interesting to note that following this incident Glacier Homes applied for a permit for the fence in question and that the permit was approved by Mr. Dooly without a problem. (Exhibit 8-C and 8-D.)

Mr. Lynch is incorrect in assuming that the only reason that a ticket could be dismissed in City Court would be due to "fixing" on my part. There are a myriad of reasons that a ticket might be dismissed as Mr. Ramsey tried to explain to both Mr. Dooly and Mr. Whiteman on a number of occasions. Mr. Whiteman and Mr. Dooly are incorrect in assuming that because they have what they consider to be the necessary documents that they are properly prepared to present a case in City Court that will stand the test of the scrutiny of the law. In fact, Mr. Ramsey was quite concerned (as evidenced in his statement in Exhibit 7) that Mr. Dooly did not understand the criteria necessary to establish a successful burden of proof or the skills to present same. Mr. Ramsey was so concerned about the City's ability to operate effectively that he contacted me in June 2011 and offered to provide free training for Mr. Dooly to enhance his understanding of the law and city codes and improve his job performance and success rate. (Exhibit 9)

#### Allegations of Filing a False Police Report

Mr. Lynch's understanding of the law is again flawed and he is using this as an excuse to make yet another misguided and untrue allegation against me. A short summary will hopefully clarify this situation.

Ralph Hall and David Griffin have been long time and deep seated political opponents of mine. They have attacked me verbally in public meetings and in public blogs and correspondence. On May 15, 2011, after my allies and I had just won reelection again candidates supported by Mr. Hall and Mr. Griffin, Mr. Griffin posted an especially troubling quotation on a local political blog. (Exhibit 10). I interpreted this posting to be a threat against me and an allegation that I was a thief and a murderer.

When Tom Leverentz told me on September 12 that Mr. Hall and Mr. Griffin had held a clandestine meeting with him the day before and demanded that I remove an agenda item from the Council agenda or possible harm would come to me and my family and the City of Ovilla. Mr. Leverentz would not give me details regarding the nature of such threatened action and I immediately became concerned for the health and safety of my family. As a result of the information that Mr. Leverentz gave me, I decided to remove the agenda item from the Council agenda.

After thinking about the incident for several days, I sincerely believed that these individuals and their cohorts who are my political opposition could and might actually take action to harm me and my family if I did not resign as mayor. I was much more concerned about my family since I have several small grandchildren who live in the area and often visit at my home. It is with this thought in mind and this mind-set that I decided to file a report with the City of Ovilla Police Department. I do not believe that it is right when individuals try to influence the actions of an elected official through threats. Police Chief Moon conducted an investigation of the incident and discovered that the information that I had been provided by Mr. Leverentz was a somewhat more dramatic version of events than his statement to the police. Mr. Hall and Mr. Griffin, of course, downplayed any semblance of threat in their statements but related essentially the same story regarding the incident. Following his investigation (details are included in Mr. Lynch's complaint) Chief Moon referred the matter to the District Attorney's office who determined that the incident did not rise to the level of criminal activity.

What needs to be understood by Mr. Lynch and his cohorts is that just because the police and district attorney did not find that this incident rose to the level of criminal activity does not automatically make my report to the police false. What I reported to the police was absolutely true as I knew and believed the facts at the time as reported to me by Doug Hunt and Tom Leverentz. Furthermore, a police report is only a false police report when the reporter knows that the information that he/she is giving the police is untrue. That was not the case in this matter. I believed then and still believe that Mr. Hall, Mr. Griffin, Mr. Lynch and their cohorts are intent upon doing harm to me and to my reputation and by association my family.

I have no control over the newspaper articles cited in Mr. Lynch's complaint. Items involved in this incident were released for public access on October 19 shortly after the decision was made

on October 17 that no criminal prosecution would take place. Joey Dauben is well known in the area for his inflammatory rhetoric especially regarding politics. I did not place or write the article mentioned by Mr. Lynch and have no control over what is written or not written in the Ellis County Press.

The article in the Waxahachie Daily Light on October 24 was written by Rita Cook. The article features a significant amount of direct quotations from both Mr. Hall and Mr. Griffin and quotes from the police reports of all the parties involved. The only direct quotations from me were the result of Ms. Cook's phone call to me and simply indicate that I did not object to the information being made public. Once again I can say that I did not place or write the article in the Waxahachie Daily Light and that I do not have control of the press.

#### Alleged Articles of Excellence Violation

Mr. Lynch makes broad brush and sweeping defamatory statements regarding me and my behavior but he does not provide any proof, evidence or supporting documentation besides my signed pledge that I have read and understand the City of Ovilla Ethics Code. Several of his allegations of supposed misbehavior have been addressed by the Council in earlier complaints from my political opponents. While I regret not providing a more thorough answer to some of those earlier complaints, it is my understanding that these issues, once dealt with, cannot be raised again unless new and different allegations with supporting documentation are received.

Thank you for your consideration of this response.

**CITY OF OVILLA MINUTES**  
**Monday, 12 September 2011**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

Mayor Vansyckle called the Regular Council Meeting of the Ovilla City Council to order at 7:00 P.M. The following City Council Members were present:

Tom Leverentz	Mayor Pro-Tem, Place 1
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

Absent: Michael Dickey Council Member, Place 2

Noted members were present, thus constituting a quorum.

City Administrator Randy Whiteman and various department-head staff members were also present.

Place 4 Hunt gave the Invocation.

Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

Mayor Vansyckle read aloud a Resolution in remembrance of 911.

Mayor Vansyckle announced the removal of Item 14 from the agenda.

**CITIZENS COMMENTS / CITIZENS FORUM:**

1. Mr. Phil Lynch gave a report on the serious physical condition of Place 2 Mike Dickey resulting from his motorcycle accident.
2. Mr. Dale Helm gave disparaging comments regarding the use of city funds for the Council Chamber room renovation, noting Mayor Vansyckle assured residents that all renovations would be paid from donations only.
3. Mr. Morris Gresham – Acknowledged himself as the Mayor's most outspoken critic. Mr. Gresham offered his strong support of City Administrator, Randy Whiteman and added that the Mayor and Council should set ordinance and/or policy and not interfere into the day-to-day business of the city hall staff.

**DEPARTMENTAL REPORTS:**

- Police Department Police Chief M. Moon
  - Monthly Report
- Fire Department Fire Chief D. Pickard
  - Monthly Report – Burn ban has been extended an additional 90-days.
  - ESD#2 (Emergency Services District) Update-still working on options agreeable to Ovilla and the ESD.
- Public Works Director B. Piland
  - Monthly Report-gave an update on the PW building.
- ♦ Finance Department Accountant S. Jungman
  - Municipal Court Report, Y-T-D increase was over \$7,000
- ♦ Administration City Administrator R. Whiteman

- Reported on the new climate controlled/holding room for animal control. Ovilla does not have a licensed animal shelter but needs a holding area before transferring strays or lost pets to Waxahachie.

#### CONSENT ITEMS:

- ♦ Monthly Financial Transactions
- ♦ Declare Brush Truck 751 as surplus – moved to Regular Agenda as Item 10.

Mayor Pro-Tem Leverentz made a motion that Council approves the consent item as presented. Place 4 Hunt seconded the motion.

*Mayor Vansyckle asked for a record vote by announcement of Aye or Nay.*

*All present Council announced AYE. No oppositions, no abstentions.*

*Place 2 Dickey was noted absent.*

*VOTE: The motion carried unanimously: 4-0.*

#### PUBLIC HEARING & CONSIDERATION:

ITEM 1. Public Hearing and Discussion of an ordinance to adopt and approve the Proposed Budget for the Fiscal Year 2011-2012.

Mayor Vansyckle opened the Public Hearing at 8:02 P.M.

There were no questions or comments from the public.

Mayor Vansyckle closed the Public Hearing at 8:04 P.M.

#### INDIVIDUAL CONSIDERATION:

ITEM 2. Discussion/Action – Consider Adoption of Ordinance 2011-019 Adopting and Approving the Proposed Budget for the Fiscal Year 2011-2012.

City Accountant, Sharon Jungman gave a complete budget presentation with graphs, explaining each graph and identifying all funds. Ms Jungman shared Ovilla's tax rate history. The proposed budget for the Fiscal Year October 01, 2011 – September 30, 2012, was based on the proposed tax rate of 0.6638 per \$100 of valuation – as proposed and directed by Council. There were no proposed revenue increases.

Mayor Pro-Tem Leverentz made a motion that Council adopts Ordinance 2011-019, setting the budget and making appropriations for the support of the City Government of the City of Ovilla for the Fiscal Year 2011-2012 as presented.

Place 4 Hunt seconded the motion.

*Mayor Vansyckle asked for a record vote by individual announcement of Aye or Nay.*

*Mayor Pro-Tem Leverentz AYE*

*Place 4 Hunt AYE*

*Place 5 Dormier AYE*

*Place 3 Wade NAY*

*Place 2 Dickey Absent.*

*Three Council members announced AYE. One opposition, one absent, no abstentions.*

*VOTE: The motion carried unanimously: 3-1.*

**ITEM 3. Discussion/Action – Consider Adoption of Ordinance 2011-020 Approving the Tax Rate for the Fiscal year 2011-2012.**

The Law requires that the governing body adopt the tax rate as an official action and set it out in a written ordinance or resolution. At the August 01, 2011 Special Council Meeting and Budget workshop, Council took a record vote for the proposed rollback rate for Fiscal Year 2011-2012. City Administrator clearly explained that this year's proposed tax rate is the rollback rate, which was less than the effective rate.

The ordinance presented adopted the tax rate for FY 2011-2012:

M&O	0.4934 cents per \$100.00 of valuation
Debt Service	0.1704 cents per \$100.00 of valuation
<b>Total</b>	<b>0.6638 cents per \$100.00 of valuation</b>

Place 4 Hunt made a motion that Council approves the property taxes for the FY2011-2012 by the adoption of a tax rate of 0.4934 cents per \$100 of valuation for maintenance and operations, and 0.1704 cents per \$100 of valuation for debt service, for a total tax rate of 0.6638 cents per valuation by the approval and adoption of Ordinance 2011-020.

Mayor Pro-Tem Leverentz seconded the motion.

*Mayor Vansyckle asked for a record vote by individual announcement of Aye or Nay.*

**Mayor Pro-Tem Leverentz**                      **AYE**

**Place 3 Wade**                                      **AYE**

**Place 4 Hunt**    **AYE**

**Place 5 Dormier**                                      **AYE**

**Place 2 Dickey**                                      **Absent**

*All present Council announced AYE. No oppositions, one absent, no abstentions.*

**VOTE: The motion carried unanimously: 4-0.**

**ITEM 4. Discussion/Action – Consider Resolution of candidate nominations for the Ellis Appraisal District Board of Directors for the Years 2012-2013.**

Mayor Pro-Tem Leverentz made a motion that Council nominate by Resolution 2011-019 that Mr. Phillip Lynch receive all Ovilla votes for the Ellis Appraisal District Board of Directors for the Years 2012-2013.

Place 5 Dormier seconded the motion.

*Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.*

*All present Council Members announced AYE.*

*Place 2 Dickey was noted absent.*

*No oppositions, No abstentions.*

**VOTE: The motion carried 4-0.**

**ITEM 5. Discussion/Action – Consider and approve FY2011-2012 City Calendar and approve scheduled meetings of the Ovilla City Council.**

City Administrator, Randy White stated that an approved visual and documented city calendar and holiday schedule offers positive and accountable planning.



Mayor Pro-Tem Leverentz made a motion that Council approves the FY2011-2012 City Calendar and scheduled meeting dates and alternate Council meeting dates as proposed.

Place 4 Hunt seconded the motion.

*Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.*

*All present Council Members announced AYE.*

*Place 2 Dickey was noted absent.*

*No oppositions, No abstentions.*

**VOTE: The motion carried 4-0.**

**ITEM 6. Discussion/Action – Consider and approve the purchase of technical equipment for the Council Chamber Room.**

Mayor Vansyckle stated the need for better audio-visual equipment as well as computer equipment to aid in better and faster communications. Mayor met with Best Buy representatives for a complete system including installation. Council previously approved a \$5,000 cap for this equipment. This proposal was \$5,500 – including installation. An equipment policy regarding liability and/or responsibility of the Council and staff would be prepared prior to the distribution of any equipment.

Place 4 Hunt made a motion that Council approves and proceeds with the acquisition and of the listed technical equipment and the plan of implementation for use in the Council Chamber room and of the Council Members. (City Secretary confirmed that this purchase would be in the FY2011-2012)

Mayor Pro-Tem Leverentz seconded the motion.

*Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.*

*All present Council Members announced AYE.*

*Place 2 Dickey was noted absent.*

*No oppositions, No abstentions.*

**VOTE: The motion carried 4-0.**

**ITEM 7. Discussion/Action – Consider awarding a Meritorious Exception as allowed under Chapter 3, Section 3.06.012 of the Ovilla Code of Ordinances to allow Ms Diana Phillips to place a new cover on an old portable sign in front of her business located at 3322 Ovilla Road.**

Applicant, Ms Diana Phillips was present and made correction that the address was 3323 Ovilla Road – not 3322. (Correction was noted.) Ms Phillips continued with her appeal to the Council, explaining the cost associated with city code requirements was not affordable as her tutoring school was unpaid except for one teacher. This exception would allow her to cover the old sign and present a very nice sign.

Mayor Pro-Tem Leverentz made a motion that Council approves a Meritorious Exception as presented to Ms Diana Phillips at her business of One-On-One Tutoring located at 3323 Ovilla Road.

Place 4 Hunt seconded the motion.

*Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.*

*All present Council Members announced AYE.*

*Place 2 Dickey was noted absent.*

*No oppositions, No abstentions.*

**VOTE: The motion carried 4-0.**

*Bill Vansyckle, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Michael Dickey, Place Two*

*Doug Hunt, Place Four  
James Wade, Place Three  
Richard Dormier, Place Five*



**ITEM 8. Discussion/Action** – Consider approval to Ellis County Precinct #4 for a two-course chip & seal on Malloy Lane as listed on the CIP.

Mayor Pro-Tem Leverentz explained that as previously discussed during the August 22 Council Meeting, Malloy was on the CIP list to hopefully be renovated before Fiscal Year end (09/30/2011). Ellis County was available and ready to do this now. The engineering costs were inclusive through Ellis County. The work was guaranteed for 3-years.

Mayor Pro-Tem Leverentz made a motion that Council approves the chip/seal labor and materials for the renovation of Malloy Lane as proposed and quoted at \$41,500 from Ellis County.

Place 4 Hunt seconded the motion.

*Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.*

*All present Council Members announced AYE.*

*Place 2 Dickey was noted absent.*

*No oppositions, No abstentions.*

**VOTE: The motion carried 4-0.**

**ITEM 9. Discussion/Action** – Consider an Ordinance of the City of Ovilla, amending the Fiscal Year 2010-2011 General Fund Budget and Annual Program of Services to allow for an Adjustment of \$41,500 to Account for the Use of Undesignated Reserve Funds to Increase the Street Line Item Infrastructure for the Renovation of Malloy Lane.

Mayor Pro-Tem Leverentz added a comment that in addition to this \$41,500 budget amendment, he would like staff to prepare payment to Ellis County for the \$100,000 currently owed and be paid from undesignated reserve funds. He asked that this request be placed on the next Council agenda for consideration and action.

Place 4 Hunt made a motion that Council approves the proposed Ordinance amending the FY 2010-2011 General Fund Budget and annual program of services to allow for an adjustment of \$41,500 to account for the use of undesignated reserve funds to increase the street line-item infrastructure for the renovation of Malloy Lane.

Place 5 Dormier seconded the motion.

*Mayor Vansyckle asked for a record vote by the individual raising of hands for Aye or Nay.*

*Mayor Pro-Tem Leverentz AYE*

*Place 3 Wade AYE*

*Place 4 Hunt AYE*

*Place 5 Dormier AYE*

*All present Council Members announced AYE.*

*Place 2 Dickey was noted absent.*

*No oppositions, No abstentions.*

**VOTE: The motion carried 4-0.**

**ITEM 10. Discussion/Action** – Consider the declaration of Brush Truck 751 as surplus property and authorize city staff to proceed with the legal requirements for the sale of such.

Fire Chief Donnie Pickard explained that Ovilla received a grant for a new truck, looking at completion sometime in late September. Upon sale of the truck, Chief Pickard requested using those funds to offset the 10% matching funds portion that the grant requires.

Place 5 Dormier made a motion that Council declares Brush Truck 751 as surplus property and authorizes the city staff to sale in accordance with state law.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.

All present Council Members announced AYE.

Place 2 Dickey was noted absent.

No oppositions, No abstentions.

**VOTE: The motion carried 4-0.**

**ITEM 11. Discussion Only – Review and discuss a proposed ordinance presented by Place 3 Wade regarding Open Government & Transparency.**

Place 3 Wade made submission to Mayor Vansyckle, an ordinance in hopes to improve the current practices and establish regulations for the publications and dissemination of all ordinances, rules, agenda items, discussions, finances and any supporting documents in a timelier manner. Place 3 Wade asked for a 7-day advance notice to Council and the public of every agenda with an earlier cut-off for submissions. Current policies would require amendment to accommodate these changes. Last minute add-ons to the agenda were constant undertakings. Seven-day advanced preparation for publication was unrealistic. Once the new technical equipment was in place this proposed time frame could be revisited. Mayor Pro-Tem Leverentz stated that striving for agenda posting on Wednesday, before the Monday-week Council meeting would be sufficient. City Attorney, Tim Sralla was available & shared in the discussion.

**THERE WAS NO ACTION ON THIS ITEM. DISCUSSION ONLY.**

**Mayor Vansyckle moved the order of Individual Consideration to address Item 13.**

**ITEM 13. Discussion/Action – Consider the authority of the City Administrator to terminate the employment of Rodney Ramsey as City Prosecutor, pursuant to Section 9.03.034 of the City Code, and approving and ratifying such action.**

Mayor Pro-Tem Leverentz made a motion that Council approves the authority of the City Administrator's termination of Rodney Ramsey pursuant to Section 9.03.034 of the City Code, and approving and ratifying such action.

Place 4 Hunt seconded the motion.

Mayor Vansyckle asked for a record vote by the announcement of Aye or Nay.

All present Council Members announced AYE.

Place 2 Dickey was noted absent.

No oppositions, No abstentions.

**VOTE: The motion carried 4-0.**

**Mayor Vansyckle returned to the regular order of the agenda.**



**ITEM 12. Discussion Only** – Review and discuss upcoming Heritage Day and Council progress reports regarding their assignments to aid in the success of Heritage Day.

As coordinator, Place 4 Hunt shared all updates and progress regarding Heritage Day festivities:

1. A list of sponsors
2. Purchased booths
3. New flyers and mail outs were shown.
4. New vehicles will participate in the car show along with antiques this year.
5. Parade begins at 9:00 A.M.
6. Petting zoo, clowns
7. Lots of food and fun

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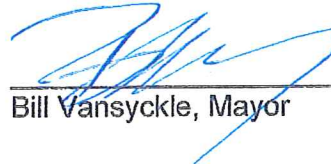
### Council's Request for Consideration of Future Agenda Items

<b>Place 5, Dormier:</b>	Staff to prepare ordinance to adopt Impact Fees
<b>Place 4, Hunt:</b>	None
<b>Place 3, Wade:</b>	None
<b>Mayor:</b>	Blood drive coming to Ovilla September 22, from 3:00 P.M. – 7:00 P.M., to help Mike Dickey and Morgan Crow. National Night Out is October 04 behind City Hall, 6:30 P.M.
<b>Place 2, Dickey:</b>	Absent
<b>Mayor Pro-Tem Leverentz:</b>	Staff to prepare necessary documents for \$100,000 debt payment to Ellis County for past road renovations.

### **Adjournment**

Place 3 Wade made a motion to adjourn the meeting of September 12, 2011 at 9:33 P.M.  
Place 5 Dormier seconded the motion.

**VOTE: The motion carried unanimously.**

  
\_\_\_\_\_  
Bill Vansyckle, Mayor

ATTEST:

  
\_\_\_\_\_  
Pam Woodall Higgins, City Secretary

*Approved: October 24, 2011*

Bill Vansyckle, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Michael Dickey, Place Two

Doug Hunt, Place Four  
James Wade, Place Three  
Richard Dormier, Place Five

**Bill Vansyckle**

**From:** Quinn, John [John.Quinn@bestbuy.com]  
**Sent:** Monday, September 05, 2011 10:01 AM  
**To:** Bill Vansyckle  
**Subject:** Your Best Buy For Business Quote - [224793560]

Good morning Mayor,  
 Following is pricing run-down for the upgrades we discussed last Wednesday -- including seven tablets, accessories. I'm waiting for install quote from my sales engineer for getting the mic system in, projector-computer link and training of staff. I should have that on Tuesday (tomorrow) when everyone's back at work. Thank you.

John Quinn, BBFB Acct Mgr  
[John.quinn@bestbuy.com](mailto:John.quinn@bestbuy.com)  
 817-525-5946

**Quotation Number:** 224793560

Best Buy For Business  
 7601 Penn Avenue South  
 Richfield, MN 55422-3645

**To:** Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

**Info:**  
 Requested Date: 09/05/11  
 Expiration Date: 09/19/11  
 Customer Number: 1337875  
 Customer PO#: N/A  
 Payment Type: TBD

**From:**  
[John.Quinn@bestbuy.com](mailto:John.Quinn@bestbuy.com)  
 Business Professional  
 Best Buy For Business  
 Phone: 8175255946  
 Fax: (952) 430-0833  
 Cell: 8175255946

Dear Bill Vansyckle,

Thank you for requesting the following quote from Best Buy For Business.

**Sold To:**  
 Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

**Bill To:**  
 Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

**Ship To:**  
 Bill Vansyckle  
 City of Ovilla  
 105 COCKRELL HILL RD  
 OVILLA, TX 75154

QTY	DESCRIPTION	ITEM#/MFR#	PRICE
1	<u>NADY 15 INPUT MINI MIXER WITHUSB INTERFACE NIC</u> Availability: In Stock Catalog: Business	BB11284099 149670 MM-15USB	\$148.89
5	<u>Nady SPC-15 - microphone</u> Availability: In Stock Catalog: Business	BB11286710 149670 SPC-15 NADY	\$37.49
1	<u>Cables to Go TruLink Wireless USB to VGA Kit - wireless video extender</u>	BB11272109 10760 29356	\$158.82

10/4/2011

Availability: In Stock  
Catalog: Business

3	<u>Cables To Go Pro-Audio - audio cable - 25 ft</u>	BB10962624 10760 40049	\$18.18	\$54.54
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Availability: In Stock  
Catalog: Business

2	<u>Cables To Go Pro-Audio - audio cable - 12 ft</u>	BB10962547 10760 40054	\$12.86	\$25.72
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Availability: In Stock  
Catalog: Business

1	<u>Elite Manual Series M71XWS1 - projection screen - 71 in ( 180 cm )</u>	BB10879699 63220 M71XWS1	\$64.73	\$64.73
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Availability: In Stock  
Catalog: Business

1	<u>Lenovo G560 0679 - P P6200 2.13 GHz - 15.6" TFT</u>	BB11184470 62810 0679ALU	\$513.99	\$513.99
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Availability: In Stock  
Catalog: Business

1	<u>Pyro Audio Creator - Windows</u>	BB11019177 77640 2226407	\$30.76	\$30.76
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Availability: Usually ships in 1 - 2 weeks  
Catalog: Business

7	<u>ASUS Eee Pad Transformer TF101 - tablet - Android 3.x (Honeycomb) - 16 GB - 10.1" - espresso</u>	BB11271140 20100 TF101-A1	\$387.22	\$2,710.54
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Availability: In Stock  
Catalog: Business

7	<u>ASUS case for web tablet</u>	BB11218022 20100 90-OK02SP20000Q	\$54.35	\$380.45
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Availability: In Stock  
Catalog: Business

7	<u>Trend Micro Mobile Essentials</u>	BB11306279 14700 MOBE7967	\$9.99	\$69.93
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Availability: Usually ships in 3 - 5 days  
Catalog: Business

7	<u>ZAGG InvisibleSHIELD for Asus Transformer Tablets</u>	BB11278032 63810 ASUSTRANS	\$9.88	\$69.16
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Availability: Usually ships in 3 - 5 days  
Catalog: Business

1	<u>Optoma XGA DLP Multimedia Projector</u>	BB11206016 13480 PRO260X	\$524.99	\$524.99
	Availability: Usually ships in 3 - 5 days Catalog: Business			
1	<u>2YR PROJO Commercial Geek Squad Black Tie Protection</u>	BB11191631 6490073 1713508	\$149.99	\$149.99
	Availability: Usually ships in 3 - 5 days Catalog: Business			

**Notes:**

Product Total:	\$5,089.96
Est. Tax:	\$0.00
Quote Total:	\$5,089.96
=====	

If you have questions or require additional information, please contact me. If you would like to place this order online simply use this link: <http://www.bestbuybusiness.com/bbfb/en/US/direct/bestbuy?cmd=QuoteDisplay&ShoppingCartKey=224793560>

Best Buy For Business is pleased to provide the quote you requested. We realize you have numerous options for procuring IT Products and appreciate that you contacted us. We will honor the prices on this quote through the expiration date identified above.

Given the rapid change in technology and product availability, Best Buy For Business cannot guarantee all the items on this quote will be available for purchase in the future. In that case, we will work together to make changes or modifications to your quote or order.

Thank you for partnering with Best Buy For Business on this opportunity.

At your service,

John Quinn  
Account Manager  
817-525-5946 direct  
952-430-0833 fax  
John.Quinn@bestbuy.com



Best Buy for Business now has two online options to help fill your business needs:  
[www.BBFB.com/solutions](http://www.BBFB.com/solutions)      [www.BBFB.com/truesolutions](http://www.BBFB.com/truesolutions)

Best Buy for Business Offers Net 30 Terms for Purchasing Convenience:  
<http://www.bestbuybusiness.com/bbfb/en/US/adirect/bestbuy?cmd=BBFBCreditInfo>

Best Buy for Business Return Policy - Please Review it Prior to Your Next Order:  
<http://www.bestbuybusiness.com/bbfb/en/US/adirect/bestbuy?cmd=BBFBReturns>

Best Buy for Business  
609 Enterprise Drive Ste 300  
Flower Mound, TX 75028

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# EXHIBIT 3

## Audio Visual Equipment for Conference Room

### Quote #1

#### ITD Home

Includes the following:

Samsung 50" Ultra Thin 1080p Plasma TV

Russound X75- Sound Amplifier

Proficient C645 - 4 Speakers with 1" pivoting Dome Tweeters

Sony BDP-S360 Blu-ray Player with 1080P Output

This package also includes the TV Mount, Cabel Installation & Programming

This Package Price W/O Wireless Mouse & Keyboard

Wireless Keyboard & Mouse

ITD Home Package with Mouse & Keyboard plus Installation - total price

\$2,968.00

\$95.00

\$3,063.00

### Quote #2

#### ITD Home

Includes the following:

Samsung 58" Ultra Thin 1080p Plasma TV

Russound X75- Sound Amplifier

Proficient C645 - 4 Speakers with 1" pivoting Dome Tweeters

Sony BDP-S360 Blu-ray Player with 1080P Output

This package also includes the TV Mount, Cabel Installation & Programming

This Package Price W/O Wireless Mouse & Keyboard

Wireless Keyboard & Mouse

ITD Home Package with Wireless Keyboard & Mouse and Installation - total price

\$3,668.00

\$95.00

\$3,763.00

### Quote #3

#### Dell

Dell S500 Projector Wireless

Dell Wall Mount Bracket

60" Whiteboard Screen

with Cables

Installation not included

Wireless Keyboard & Mouse

Dell Wall Mounted Projector, Whiteboard & Wireless Keyboard Player

& Mouse total Price without installation, Speakers, Amplifier or Blu-ray

\$1,149.98

\$95.00

\$1,244.98

### Quote #4

#### Dell

Ceiling Mount Dell Projector

60" Projector Screen

with Hardware

Wireless Keyboard & Mouse

Total for a ceiling mounted Dell Projector, 60" Projector Screen amplifier or Blu-ray Player  
and Wireless Keyboard & Mouse, without installation, speakers,

\$770.07

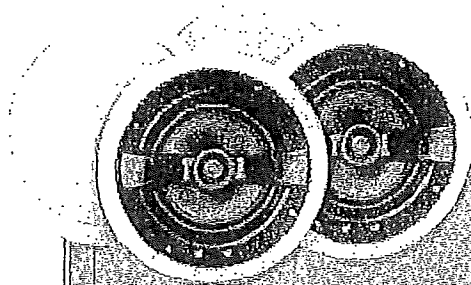
\$95.00

\$865.07

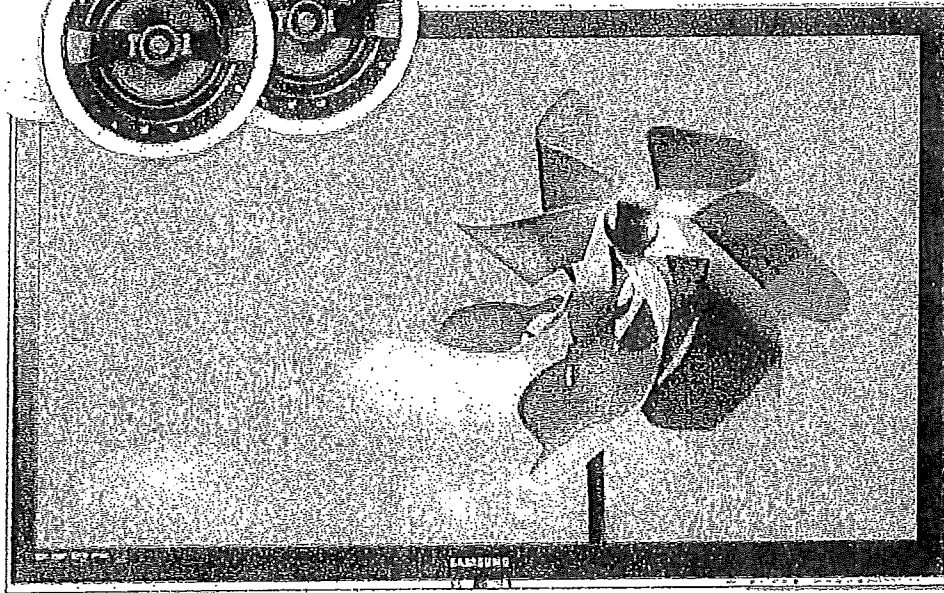


Quote #1

## Complete Conference Room Package



C645: In-ceiling speaker pair

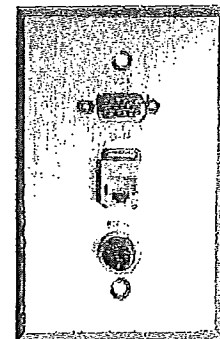


Sony Blu-ray Player



Russound X75 Amplifier

Conference Room Package Includes:	
1	Samsung PN50C550 50inch 1080p High Definition Plasma TV
1	Russound X75: 75 Watt 2-Channel Dual Source Power Amplifier with Auto-Source Switching.
4	Proficient C645: 6 1/2" 150 Watt In-Ceiling Speaker Pair with Kevlar Woofer and 1" Pivoting Aluminum Dome Tweeters
1	Sony BDP-S360 Blu-ray Player with 1080p Output
1	Omni Extra Large Flat Panel TV Mount
2	9' HDMI Cables Installed from TV Location to Rack (Blu-Ray) and from TV to Terminated Plate at Computer Location.
1	Pre-wire and trim out 3 port Multi-Media Plate Consisting of Internet, Video and Audio. (For Computer Viewing).
Complete Cabling, Installation, and Programming Included	



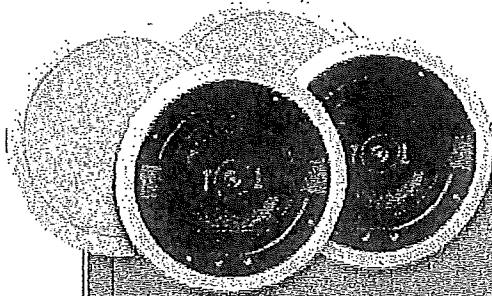
Used to Hear and View Image from Computer to 58" TV and Ceiling Speakers

Complete Conference Room Package = \$2968.00

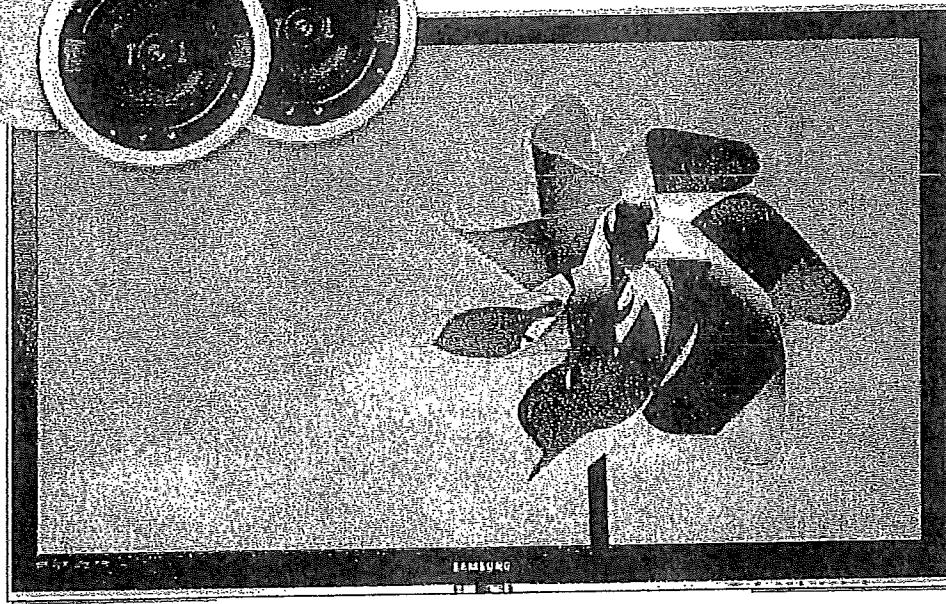


Quote #2

## Complete Conference Room Package



C645: In-ceiling speaker pair



Sony Blu-ray Player

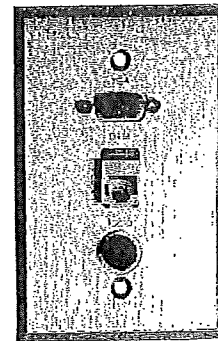


Russound X75 Amplifier

### Conference Room Package Includes:

1	<b>Samsung PN58C550</b> 58inch "Ultra-thin" 1080p High Definition Plasma TV
1	<b>Russound X75:</b> 75 Watt 2-Channel Dual Source Power Amplifier with Auto-Source Switching.
4	<b>Proficient C645:</b> 6 1/2" 150 Watt In-Ceiling Speaker Pair with Kevlar Woofer and 1" Pivoting Aluminum Dome Tweeters
1	<b>Sony BDP-S360</b> Blu-ray Player with 1080p Output
1	<b>Omni</b> Extra Large Flat Panel TV Mount
2	9' HDMI Cables Installed from TV Location to Rack (Blu-Ray) and from TV to Terminated Plate at Computer Location.
1	Pre-wire and trim out 3 port Multi-Media Plate Consisting of Internet, Video and Audio. (For Computer Viewing).

Complete Cabling, Installation, and Programming Included



Used to Hear and View Image from Computer to 58" TV and Ceiling Speakers

Complete Conference Room Package = \$3668.00

## Sharon Jungman

---

**From:** mark@itdhome.com  
**Sent:** Tuesday, February 22, 2011 4:28 PM  
**To:** Sharon Jungman  
**Cc:** Travis Vandygriff  
**Subject:** Proposal from ITD Home  
**Attachments:** Ovilla Conference Room Pkg.pdf

Sharon,

It was a pleasure meeting you last week and hope we can help you in completing your City Conference Room.

I have attached a 1 page pdf file which contains an audio/video proposal based on our walk thru with you last week. It includes the following:

- Samsung 58" "ultra thin" 1080p Plasma TV.
- Extra Large Flat Mount and hardware for Hanging TV.
- 4 Proficient 6 1/2" Flush Ceiling Speakers.
- Russound 75 watt Amplifier.
- Sony 1080p Blu-ray Player.
- 3 port Multi-media plate (used to display Computer Image and Sound to TV and Ceiling Speakers).
- All Cabling, Installation and Programming Included.
- Russound IR Control Kit (used to control Equipment in Closet)

If you have any questions, please let me know. Otherwise, I'll touch base with you in a couple of days.

Best regards,

Mark Vandygriff  
ITD Home  
(214) 686-7213  
[mark@itdhome.com](mailto:mark@itdhome.com)

**DELL**

Quote #3

**QUOTATION**

QUOTE #: 575961969

Customer #: 17131346

Contract #: 48ABO

Customer Agreement #: DIR-SDD-890-TX

Quote Date: 2/25/11

Customer Name: CITY OF OVILLA

Date: 2/25/11 4:05:25 PM

TOTAL QUOTE AMOUNT:	\$2,691.38		
Product Subtotal:	\$2,691.38		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Ground	Total Number of System Groups:	1

GROUP: 1	QUANTITY: 1	SYSTEM PRICE: \$1,541.40	GROUP TOTAL: \$1,541.40
Base Unit:	Dell S500wi Projector (225-0526)		
Service:	Projector Advance Exchange Limited Warranty Coverage, 1 Year Extended (929-6731)		
Service:	Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from original invoice (938-7240)		
Service:	Dell Limited Hardware Warranty, Extended Year(s) (932-9008)		
Service:	Dell Limited Hardware Warranty, Initial Year (927-2107)		

SOFTWARE & ACCESSORIES			
Product	Quantity	Unit Price	Total
Dell S500w/wi Projector Wallmount Bracket, Customer Install (331-1312)	1	\$173.99	\$173.99
Dell S500w Projector Wireless USB Dongle, Customer Install (331-2359)	1	\$60.89	\$60.89
1.5FT RAPIDRUN HD15+3.5+3RCA FLYING LEAD (A2312776)	1	\$33.43	\$33.43
50FT CBL UXGA RUNNER-RAPIDRUN PLENUM TYPE A (A0811609)	1	\$167.19	\$167.19
CABLES TO GO RAPIDRUN AL WPLATE HD15+3.5+3RCA+KS (A3167924)	1	\$50.15	\$50.15
SINGLE GANG XTRA DEEP JUNCTION BOX (A1656694)	1	\$19.35	\$19.35
DELL IC ONLY 6FT&nbsp;HD15 M/M UXGA CABLE (A1765537)	1	\$9.67	\$9.67
CABLES TO GO 6FT 3.5MM STEREO AUDIO CABLE M/M (A3584017)	1	\$7.03	\$7.03
6FT CABLE AUDIO VIDEO RCA-3 RCA M/M VELOCITY (A2782519)	1	\$13.19	\$13.19
PXE-DCM+ Pixie Display Control Module (A2025512)	1	\$237.59	\$237.59
PIXIE ONLY BASIC INSTALLATION KIT (A1366209)	1	\$36.95	\$36.95
60" WhiteBoard Screen (A3962354)	1	\$340.55	\$340.55
Number of S & A Items: 12		S&A Total Amount: \$1,149.98	

SALES REP:	Carlos Vasquez	PHONE:	1866-302-7449
------------	----------------	--------	---------------

Email Address: carlos\_vasquez\_g@dell.com

Phone Ext: 7250150

Please review this quote carefully. If complete and accurate, you may place your order online at [www.dell.com/qto](http://www.dell.com/qto) (use quote number above). POs and payments should be made to *Dell Marketing L.P.*

If you do not have a separate agreement with Dell that applies to your order, please refer to [www.dell.com/terms](http://www.dell.com/terms) as follows:

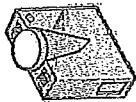
If purchasing for your internal use, your order will be subject to *Dell's Terms and Conditions of Sale-Direct* including Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total). If purchasing for resale, your order will be subject to *Dell's Terms and Condition of Sale for Persons or Entities Purchasing to Resell*, and other terms of Dell's PartnerDirect program at [www.dell.com/partner](http://www.dell.com/partner). If your order includes services, visit [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts) for service descriptions and terms.

Quote information is valid for U.S. customers and U.S. addresses only, and is subject to change. Sales tax on products shipped is based on "Ship To" address, and for downloads is based on "Bill To" address. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, with seller listed as *Dell Marketing L.P.*, to Dell's Tax Department at 800-433-9023. Please include your Customer Number.

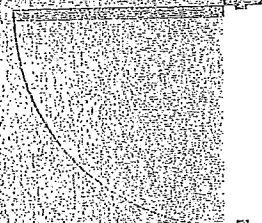
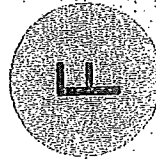
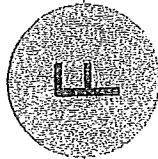
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60 inch SCREEN

Dell ultra Short-throw Projector  
Pictured to the right



Simple Wall Control



Dell S500Wi Projector S500Wi Projector Mount 331-1312 Wireless Module 331-2359 1.5FT RAPIDRUN HD15+3 5+3RCA FLYING LEAD A2312776 RapidRun PC/Video UXGA Runner Cable - 50 ft A0811609 Single Gang wallplate VGA 3.5mm Composite AV Keystone A3167924 SINGLE GANG EXTRA DEEP JUNCTION BX-WHITE A1656694 6ft VGA M/M VGA cable A1765537 6ft 3.5mm cable A3584017 6ft CABLE AUDIO VIDEO RCA 3 RCA M/M A2782519 PXE-DCM+ Pixie Display Control Module A2025512 PIXIE ONLY BASIC INSTALLATION KIT A1366209 Elite Screens, Inc 60" White Board Screen A3962354



S500 Short-throw projector  
Board Screen  
Board cable  
1/2 hr people  
Accessories

Projector 16991-  
Cable

\$149 for Bulbs

**DELL****QUOTATION**

QUOTE #: 573709885

Customer #: 17131346

Contract #: 48ABO

Customer Agreement #: DIR-SDD-890-TX

Quote Date: 2/7/11

Date: 2/7/11 1:32:24 PM

Customer Name: CITY OF OVILLA

TOTAL QUOTE AMOUNT:	\$770.07		
Product Subtotal:	\$770.07		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Next Day	Total Number of System Groups:	0

SOFTWARE & ACCESSORIES			
Product	Quantity	Unit Price	Total
Type 11 Contract-Projector Advance Exchange 1Yr Limited Warranty Coverage. (904-1471)	1	\$0.00	\$0.00
Type 11 Contract-Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from origina (905-1530)	1	\$0.00	\$0.00
Dell Hardware Limited Warranty, Extended Year(s) (905-2188)	1	\$10.00	\$10.00
Dell Hardware Limited Warranty, Initial Year (905-0137)	1	\$26.00	\$26.00
Dell 1410X Projector (224-7172)	1	\$540.48	\$540.48
Da-Lite 60-inch x 80-inch Projector Screen (A1998823)	1	\$193.59	\$193.59
Number of S & A Items: 6		S&A Total Amount: \$770.07	

COMMENTS
REP ID 151522

SALES REP:	Patricia Mendez	PHONE:	800-727-1100
Email Address:	Patricia_Mendez@Dell.com	Phone Ext:	7418723

Please review this quote carefully. If complete and accurate, you may place your order online at

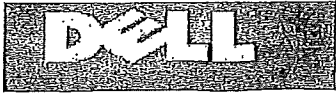
[www.dell.com/qto](http://www.dell.com/qto) (use quote number above). POs and payments should be made to *Dell Marketing L.P.*

If you do not have a separate agreement with Dell that applies to your order, please refer to [www.dell.com/terms](http://www.dell.com/terms) as follows:

If purchasing for your internal use, your order will be subject to *Dell's Terms and Conditions of Sale-Direct* including Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total). If purchasing for resale, your order will be subject to *Dell's Terms and Condition of Sale for Persons or Entities Purchasing to Resell*, and other terms of Dell's PartnerDirect program at [www.dell.com/partner](http://www.dell.com/partner). If your order includes services, visit [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts) for service descriptions and terms.

Quote information is valid for U.S. customers and U.S. addresses only, and is subject to change. Sales tax on products shipped is based on "Ship To" address, and for downloads is based on "Bill To" address. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, with seller listed as *Dell Marketing L.P.*, to Dell's Tax Department at 800-433-9023. Please include your Customer Number.

For certain products shipped to end-users in California, a [State Environmental Fee](#) will be applied. For Asset Recovery/Recycling Services, visit [www.dell.com/assetrecovery](http://www.dell.com/assetrecovery).



## **Purchase Order Requirements / Return Policy**

**\*\*\* HELP US, HELP YOU \*\*\***

To help get your orders entered quickly, please provide us with the following information:

\*To Get Your Order Fast...go online to [www.dell.com](http://www.dell.com)\*

### **Purchase Order Requirements**

- 1 **Purchase Order Number**
- 1 **Customer Number**
- 1 **Dell Quotation Number**
- 1 **"Bill-To" Address, Contact Name & Phone Number**
- 1 **"Ship-To" Address, Contact Name & Phone Number**
- 1 **Description, Quantity & Price of Equipment**
- 1 **Contract Vehicle Used for Purchase**
  - ✓ Your purchase is subject to Dell's "U.S. Terms and Conditions of Sale – Direct" at [www.dell.com/terms](http://www.dell.com/terms), unless you have a separate purchase agreement with Dell that governs this purchase.
- 1 **Purchasing Department Contact Name & Phone Number**

- ☐ **Signature** Make sure an employee authorized to bind your company or entity signs the P.O.
- ☐ **Payment Terms: Net 30 Days** Dell's 30 day terms of payment are contingent upon credit approval.
- ☐ **Ship Method & Pricing**
- ☐ **Tax Status**

Indicate whether the order is taxable or non-taxable.

- Dell collects sales/use tax on all orders unless a valid tax exemption certificate is on file in Dell's Tax Dept. (ph: 1-800-433-9019; fax: 1-800-433-9023).
- Tax is charged based on shipping location; therefore, companies with multiple locations must have a tax exemption certificate on file for each state to which tax exempt purchases are shipped.
- If tax exempt, the "bill-to" company name on the purchase order must match the company name on the tax exemption certificate.

### **Dell's U.S. Return Policy**

Dell's U.S. return policy can be found at [www.dell.com/policy/legal/warranty.htm](http://www.dell.com/policy/legal/warranty.htm) . Contractual provisions mutually agreed to by Customer and Dell related to returns will take precedence over the on-line policy.

**Important Note: Purchase orders not meeting these requirements may result in delayed order processing.**

Purchase order management helps us maintain our commitment to excellence by allowing us to process orders accurately and efficiently. If you have any questions, please contact your Dell Sales representative for assistance.

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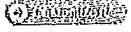
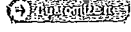
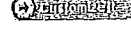

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
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Please scroll to the right and down for more systems					
Go back	Remove	Remove	Remove	Remove	Remove
Dell	Dell	Dell	Dell	Dell Systems Management	Dell
Dell M109S On-the-Go Projector	Dell 1210S Value Series Projector	Dell 1410X Value Series Projector	Dell M210X Projector	Dell S300 Short Throw Projector	Dell M410HD Projector
					
Customer Rating ★★★★☆ 3.7 out of 5	Customer Rating ★★★★☆ 4.7 out of 5	Customer Rating ★★★★☆ 4.2 out of 5	Customer Rating ★★★★☆ 4.0 out of 5	Customer Rating ★★★★☆ 4.0 out of 5	Customer Rating ★★★★☆ 5.0 out of 5
Market Value¹ \$399.00 Instant Savings \$80.00	Market Value¹ \$449.00 Instant Savings \$50.00	Market Value¹ \$599.00 Instant Savings \$50.00	Market Value¹ \$749.00 Instant Savings \$50.00	Market Value¹ \$899.00 Instant Savings \$130.00	Market Value¹ \$999.00 Instant Savings \$130.00
Dell Price \$319.00	Dell Price \$399.00	Dell Price \$599.00	Dell Price \$749.00	Dell Price \$769.00	Dell Price \$799.00
					
More Details	More Details	More Details	More Details	More Details	More Details
Features BrilliantColor	Features Lock Slot / Password Protection Option / Quick Shutdown (Designed to Shutdown in 10 Seconds)	Features Kensington Lock Slot / Password Protection Option / Quick Shutdown (Designed to Shutdown in 10 Seconds)	Features Integrated Zoom Lens / Automatic Vertical Keystone Correction / 1W Mono Speaker	Features Short Throw Projection / 3D- CAPABLE / Conference Control	Features Kensington Lock Slot / Passw Protection Option / Quick Shi (Designed to Shutdown in 10 Seconds)
Height 3.7 cm					
Resolution SVGA (855 x 600)					
Depth 10.5 cm					
Width 9.2 cm					
Security Features Password protection					
Weight 363 g					
Compliant Standards CE, UL, VCCI, C-Tick, eUL, ICES- 003, NENKO, NOM, SABS, CCC, PSB, MIC, EK, FCC			Compliant Standards ROHS Compliant		
Device Type DLP projector	Device Type Projector	Device Type Projector	Device Type Projector	Device Type Projector	Device Type Projector
Dimensions (WxDxH) 9.2 cm x 10.5 cm x 3.7 cm	Dimensions (WxDxH) / Weight 11.26" x 3.54" x 7.56" / 5.3 lbs	Dimensions (WxDxH) / Weight 11.26" x 3.54" x 7.56" / 5.3 lbs	Dimensions (WxDxH) / Weight 8.07" x 6.10" x 2.99" / 2.6 lbs	Dimensions (WxDxH) / Weight 12" x 9.7" x 3.9" / 6.8 lbs	Dimensions (WxDxH) / Weight 8.07" x 6.10" x 2.99" / 2.6 lbs
Dimensions (WxDxH) / Weight 3.64" x 4.12" x 1.46" / 0.80 lbs					
Interfaces 1 x composite video input - RCA   1 x VGA - 15 pin HD D-Sub (HD-15)			Analog Video Format S-Video / Composite Video / Component Video		
Analog Video Format NTSC, SECAM, PAL, PAL-N, PAL- M, NTSC 4.43	Analog Video Signal Composite Video / S-Video / Component Video	Analog Video Signal Composite Video / S-Video / Component Video		Analog Video Signal Composite Video / S-Video	Analog Video Signal Composite Video / S-Video / Component Video
Analog Video Signal Composite Video / Component Video			Cable(s) Included VGA / Power Cord	Cable(s) Included VGA / Power Cord	Cable(s) Included VGA / Power Cord
Cable(s) Included 30-pin multi-input cable / Power Cord	Cable(s) Included VGA / Power Cord	Cable(s) Included VGA / Power Cord			
Browser On Sale	Browser On Sale			Browser On Sale	Browser On Sale
Sound Emission (Economic Mode) 32 dB					
Keystone Correction Direction Vertical					
Native Aspect Ratio 4:3					


Windows® . Life without Walls™ . Dell recommends Windows 7.


 Chat


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## Da-Lite 60-inch x 80-inch Projector Screen



Da-Lite Model B is perfect for classroom and meeting room facilities. Easy pull-down system locks at intervals to fit a variety of projection formats. Nylon bearings provide smooth quiet operation for the life of ... Full Description

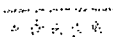
Dell Price




**\$219.99**



Usually Ships: 6+ Weeks

Manufacturer Part# : 77324 | Dell Part# : A1998823



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### Overview

Da-Lite Model B is perfect for classroom and meeting room facilities. Easy pull-down system locks at intervals to fit a variety of projection formats. Nylon bearings provide smooth quiet operation for the life of the screen. Case design allows for hanging from a ceiling or flush mounting to a wall. High Power is a technological breakthrough, which combines the reflectivity of a glass-beaded surface with the ability to clean the surface when required. Its smooth surface offers the highest gain of all types of screen surfaces with moderate viewing angle. Screen surface can be cleaned with mild soap and water. Flame retardant and mildew resistant.

Manufacturer Part# : 77324  
Dell Part# : A1998823

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snNP08

EXHIBIT 4

**Sharon Jungman**

**From:** Pollack, Zachary [Zachary.Pollack@bestbuy.com]  
**Sent:** Monday, December 05, 2011 3:57 PM  
**To:** Sharon Jungman; sharonjungman@yahoo.com  
**Subject:** Re: Invoice City of Ovilla  
**Attachments:** barcode\_224837856.jpeg  
**Importance:** High

**Order Date:** 09/26/2011



**BEST BUY INVOICE**

**Billing Address**

Pam Woodall  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Shipping Address**

Bill Vansyckle  
City of Ovilla  
105 COCKRELL HILL RD  
OVILLA, TX 75154

**Order Number:** 224837856

Qty	Product Description	Price	Total Price
1	NADY 15 INPUT MINI MIXER WITHUSB INTERFACE NIC Item BB11284099 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$142.67	\$142.67

**Standard Delivery Ground**

1	Cables to Go TruLink Wireless USB to VGA Kit - wireless video extender Item BB11272109 Retek SKU 2823043 Return Process In-store or by mail. <u>See Policy.</u>	\$158.82	\$158.82
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**Standard Delivery Ground**

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2	Cables To Go Pro-Audio - audio cable - 12 ft <b>Item</b> BB10962547 <b>Retek SKU</b> 9696892 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$12.86	\$25.72
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**Standard Delivery Ground**

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1	Elite Manual Series M71XWS1 - projection screen - 71 in ( 180 cm ) <b>Item</b> BB10879699 <b>Retek SKU</b> 3340563 <b>Return Process</b> In-store or by mail. <u>See Policy.</u>	\$63.59	\$63.59
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**Standard Delivery Ground**

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7	ASUS Eee Pad Transformer TF101 - tablet - Android 3.x (Honeycomb) - 16 GB - 10.1" - espresso <b>Item</b> BB11271140 <b>Retek SKU</b> 2475916 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$387.22	\$2,710.54
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**Standard Delivery Ground**

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1	Optoma XGA DLP Multimedia Projector <b>Item</b> BB11206016 <b>Retek SKU</b> 2126047 <b>Return Process</b> In-store or by mail. <u>See</u>	\$524.99	\$524.99
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Policy.

**Standard Delivery Ground**

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1	2YR PROJ Commercial Geek Squad Black Tie Protection Item BB11191631 Retek SKU 1713508 Return Process By Mail Only. <u>See Policy.</u>	\$149.99	\$149.99
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**Standard Delivery Ground**

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5	Quik Lok Desktop Tripod Microphone Stand - Black Item BB11241092 Retek SKU 1557203 Return Process By Mail Only. <u>See Policy.</u>	\$12.77	\$63.85
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**Standard Delivery Ground**

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3	Commercial Component Installation (Add On) Item BB11306211 Retek SKU 2248523 Return Process By Mail Only. <u>See Policy.</u>	\$79.99	\$239.97
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**Standard Delivery Ground**

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1	Adobe Soundbooth CS4 - ( v. 2 ) - media Item BB11063380 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$26.99	\$26.99
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**Standard Delivery Ground**

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5	Nady SPC-15 - microphone Item BB11286710 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$37.49	\$187.45
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**Standard Delivery Ground**

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3	Cables To Go Pro-Audio - audio cable - 25 ft Item BB10962624 Retek SKU Return Process By Mail Only. <u>See Policy.</u>	\$17.91	\$53.73
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**Standard Delivery Ground**

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1	Lenovo G560 0679 - P P6200 2.13 GHz - 15.6" TFT Item BB11184470 Retek SKU 2330039 Return Process By Mail Only. <u>See Policy.</u>	\$507.53	\$507.53
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**Standard Delivery Ground**

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7	ASUS case for web tablet Item BB11218022 Retek SKU 2776445 Return Process By Mail Only. <u>See Policy.</u>	\$54.35	\$380.45
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**Standard Delivery Ground**

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7	ZAGG InvisibleSHIELD for Asus Transformer Tablets <b>Item</b> BB11278032 <b>Retek SKU</b> 2690124 <b>Return Process</b> In-store or by mail. <u>See Policy.</u>	\$9.88	\$69.16
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**Standard Delivery Ground**

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1	Commercial Component Installation <b>Item</b> BB11216078 <b>Retek SKU</b> 2247427 <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$129.99	\$129.99
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**Standard Delivery Ground**

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1	Shure Vocal Microphone <b>Item</b> BB11427949 <b>Retek SKU</b> 2882111 <b>Return Process</b> In-store or by mail. <u>See Policy.</u>	\$59.99	\$59.99
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**Standard Delivery Ground**

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1	Ultimate MC-05 Microphone Stand - microphone stand <b>Item</b> BB11255072 <b>Retek SKU</b> <b>Return Process</b> By Mail Only. <u>See Policy.</u>	\$32.04	\$32.04
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**Standard Delivery Ground**

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**Total: \$5,527.47**

**Tax: \$0.00**

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**ORDER TOTAL: \$5,527.47**  
**CHARGED TO CREDIT CARD ENDING IN:\*\*\*\*\*6907**

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**Questions about your order?** Don't forget to use our convenient, online order tracking and order history features. Or call us at 1-800-373-3050.

Thank you for choosing Best Buy For Business.

Zachary Pollack

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Audio/Visual Equipment			
Date	Purchased From	Description	Amount
09/27/2011	Best Buy	See Receipt Attached	4,937.02
10/18/2011	Best Buy	See Receipt Attached	187.45
10/21/2011	Best Buy	See Receipt Attached	369.96
10/20/2011	Best Buy/Guitar Center	See Receipt Attached	138.48
10/26/2011	Best Buy	See Receipt Attached	(105.44)
		Sub-Total	5,527.47
10/20/2011	Best Buy	Projection Screen	89.99
10/05/2011	Best Buy	Handheld Wireless Microphone	20.00
11/07/2011	John Binford	Tablet PC Testing, Drop Box	206.25
11/11/2011	John Binford	Set Up Tablets, wireless router	168.75
11/04/2011	Best Buy	Cisco Business 100 Switch& Wireless	210.98
11/05/2011	Best Buy	Credit for Projector Screen	(63.59)
11/12/2011	Google Unidocs	Download Program for Tablet	2.99
11/21/2011	Best Buy	Protector Covers for Tablets	279.93
	Total for Audio Visual Equipment & Installation		6,442.77

EXHIBIT 5

EXHIBIT 6

Audio/Visual Equipment Inventory					
Date Purchased	Purchased From	Description	Quantity	Serial #	Amount
09/26/2011	Best Buy	Nady 15 input mini mixer with USB	1		142.67
09/26/2011	Best Buy	Cables to Go TruLink Wireless	1		158.82
09/26/2011	Best Buy	Cable to Go Pro Audio	2		25.72
09/26/2011	Best Buy	Projection Screen- 71 Inches	1		63.59
09/26/2011	Best Buy	ASUS Eee Pad Transformer TF101	7		2,710.54
		Tom Leverentz		B60KAS008786	
		Doug Hunt		B6OKAS008878	
		James Wade		B6OKAS008783	
		Randy Whiteman		B6OKAS008788	
		Bill Vansyckle		B6OKAS009090	
		Richard Dormier		B6OKAS009038	
		Mike Dickey			
09/26/2011	Best Buy	Optoma XGA DLP Projector	1		524.99
09/26/2011	Best Buy	2 Year Geek Squad Black Tie Protection For Projector	1		149.99
09/26/2011	Best Buy	Tripod Microphone Stands BB11241092	5		63.85
09/26/2011	Best Buy	Commerical Installation	3		239.97
09/26/2011	Best Buy	Adobe Soundbooth	1		26.99
09/26/2011	Best Buy	Nady SPC-15 Microphone	5		187.45
09/26/2011	Best Buy	Cables to Go Pro-Audio 25ft.	3		53.73
09/26/2011	Best Buy	Lenova G560 0679 - Laptop	1	CB09980573	507.53
09/26/2011	Best Buy	ASUS Case for Web Tablet	7		380.45
09/26/2011	Best Buy	Zagg Invisible Shield For Tablets	7		69.16
09/26/2011	Best Buy	Commerical Installation			129.99
09/26/2011	Best Buy	Shur Vocal Microphone	1		59.99
09/26/2011	Best Buy	Ultimate MC-05 Microphone Stand	1		32.04
10/04/2011	Best Buy	Elite Manual Series Projection Screen 99 Inch	1		89.99
10/20/2011	Best Buy	Audio-Technica Freeway Wireless Microphone System	1		20.00
11/05/2011	Best Buy	Cisco Small Business Switch 8 ports	1		90.99
11/05/2011	Best Buy	Netgear Wireless access point	1		119.99
11/12/2011	Google	Download Program for Tablet	1		2.99
11/18/2011	Best Buy	Protection Covers for ASUS Tablets	7		279.93
11/05/2011	Best Buy	Credit for 71" Projections Screen	1		(63.59)
					6,067.77

# EXHIBIT 7

Dear Mayor,

My reply is as follows.

First, I do not believe that Mr. Lynch has any information whatsoever regarding any such allegation. Any information he may have is completely unreliable. He has never spoken to me.

Secondly his allegation is blatantly false a libel per se defamation of my character and professional standing as a magistrate, attorney and an officer of the court. Mr. Lynch is a liar. I will deal with Mr. Lynch in the courtroom.

Finally, the only conversation I recall you and I having was related to the same citation that caused the City Manager to take me to lunch and tell me he wanted 100% convictions on all citations, with no dismissals. That case involved an elderly couple who had resided in Ovilla for decades who had evidently forgotten to register their dog one year. You called me and said the lady had contacted you and asked about the ticket. You asked me to review the citation and discuss the case with her when she came to court. You have never asked me to "fix" a ticket. You have never interfered with my duties as prosecutor. In fact I have advised you, as well as Randy Whiteman, that neither of you had the authority to request any action on any citation, just to make sure it never happened.

I discussed the case with the elderly lady when she came to court and discovered two things. She stated they had previously received notice from the city about the need to renew the tags. She also stated that they had gone down and paid the fee when they received the citation. I felt it in the interest of justice not to punish an elderly couple for failing to renew their tags, and believed their quick payment of the fees exhibited a desire to comply. I dismissed the case. Mr. Dooley complained at the time about the dismissal. Mr. Dooley has also submitted complete falsehoods in his statements to the City Council.

I contacted you as a result of this citation and inquired whether we could come up with a warning citation program on ordinances instead of immediately citing the citizens. I suggested that if the city were to make the citation where it had a three to five day period for compliance it could be a warning, unless they did not comply, at which time it would be a citation.

I did not feel that compliance should be subrogated to strict enforcement. City ordinances are established to allow the City to enforce compliance and should not be used as a revenue stream.

This opinion is not shared by Mr. Dooley or Mr. Whiteman. If anyone on the council has a true interest in what is really happening, ask them to simply go back and see how many citations were written during my term as prosecutor; then see how many went to court; and finally see how many were dismissed. The simple truth here...thousands were written...tens of hundreds went to court...and I believe I may have dismissed 3/4 tickets during my term.

Look at the facts and determine why I was dismissed. It obviously wasn't for the allegations made by Mr. Whiteman. The Judge denied those falsehoods. I would welcome the opportunity to speak with the council on this matter. I think they deserve the truth. They need to see the other side which involves arbitrary enforcement; defective pleadings and filings; weak cases with poor supporting testimony; and an underlying racial bigotry against African American citizens of Ovilla by Mr. Dooley.

I have never violated my oath as an attorney, nor any responsibility to client, other attorney, or court. I have never fixed a citation, for you or anyone else, and you have never asked me to. The only conversations you and I have ever had have been few in number and always about what is best for the Citizens of Ovilla. I am sorry you are being put through all this. Hopefully this will quell the blatantly false allegations and expose the true reasons for the attacks by this disenfranchised minority hell bent on harming your City.

I will address Mr. Lynch's allegations in the proper form and jurisdiction. Let me know if you choose to enjoin the suit.

Gandhi said, "Almost anything you do will be insignificant, but it is very important that you do it." R.P.R.

January 16, 2012

EXHIBIT 8-A

To Whom It May Concern:

This letter is in reference to the events that occurred at our home, 319 Covington Lane from approximately 2008 to present.

I purchased the home from Creative Homes around February 2008. At that time, we negotiated a fence into the price of the home for the property. A company recommended by Creative Homes installed a fence on the property. Our neighbors had an 8-foot fence already installed on their property with fence panels facing inward. I requested a 7-foot fence be installed on my property with the fence panels facing inward. This request was out of code and we were cited on a weekly basis. One of the options we were given was to take down the fence; we chose that option so that we would no longer receive citations. Both the fence company and myself paid one citation a piece (the judge waived several citations I had received independently). Ovilla Mayor Bill Vansyckle graciously came to look at my property to help me understand why my neighbor could have an 8-foot fence but when our fence was put up on our property, we were cited for it being 7-foot. The request was taken to the City Council in an effort to make the neighborhood more uniform in correlation with the changing of the code. Over a period of time, the code was changed.

Glacier Homes purchased the lot directly behind my property. They began construction shortly after the purchase of this property. My wife had a conversation with the owner of Glacier Homes and let them know they were welcome to use the fence panels in our backyard, because we would not be using them. When Glacier Homes got to that part of the construction, they used our fence panels to put up the fence located between our properties. Shortly after that, I received a summons to court because I was the last one requesting a permit for the fence on that property. I contacted Mike Dooly with the city to explain the situation and he told me that I was a manipulator and that I was lying about the outcome of the fence. He told me that I would have to handle this issue with the judge. The day I was to appear in court, I brought the attached letter from Glacier Homes stating that I did not put the fence and when speaking with the judge, I told him they had cited the incorrect person as I was not the person who put up the fence, nor the person who requested the latest permit for the fence. The judge then called Mike Dooly over and asked Mike if I broke the law and Mike at that point told him that it was not my issue and I had not broken the law.

Throughout this experience, Mike has not been what I would consider professional and I feel like he has a personal issue with either my property or me. His lack of professionalism is a reflection on the City of Ovilla and for a community that prides itself on its past and is enthusiastic for the future, Mike Dooly is not a city leader that portrays these values.

Sincerely,



Steve Keasler

EXHIBIT 8B

Glacier Homes

Phone: 972 523-6911

E-mail: mikem@glacierhomes.net

September 29, 2011

To whom it may concern,

Glacier Homes installed the wood fence between the Keasler property located at 319 Covington and our property located at 218 Williamsburg in September 2011.

Sincerley,

Mike McKinney  
Sales Manager  
Glacier Homes





CITY OF OVILLA  
105 S. Cockrell Hill Rd  
Ovilla, TX 75154  
972-617-7262

RECEIPT

Received From Glacier Homes

Address 218 Williamsburg

Dollars \$ 56.00

For permit #4006

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		<input checked="" type="checkbox"/>
AMT. PAID	<u>50.00</u>		CHECK		
BALANCE DUE			MONEY ORDER <input type="checkbox"/>		
			CREDIT CARD <input type="checkbox"/>		

By JP

EXHIBIT 8C

# BUILDING PERMIT

## CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.

PERMIT NO.

4006

Location 218 Williamsburg

Description Fence

Owner Glacier Homes

Date 10-11-11

This Permit To Be Posted In Conspicuous Place On Site

Building Inspector

Mike Dew

## Residential Building Permit Application

<b>Building Permit Number:</b> 4006		<b>Valuation:</b> \$1,200.00	
		<b>Valuation w/land:</b>	
<b>Project Address:</b> 218 WILLIAMSBURG			
<b>Lot:</b>	<b>Block:</b>	<b>Subdivision:</b>	
<b>Project Description:</b>			
NEW SFR	<input type="checkbox"/>	SFR REMODEL/ADDITION	<input type="checkbox"/>
RE-INSPECTION/ADDITIONAL INSP	<input type="checkbox"/>	FLATWORK	<input type="checkbox"/>
SWIMMING POOL	<input type="checkbox"/>	ACCESSORY BUILDING	<input type="checkbox"/>
		<b>SPECIFY OTHER:</b>	
		SPRINKLER	<input type="checkbox"/>
		FENCE	<input type="checkbox"/>
<b>Description of Work:</b> 6 ft Cedar Fence			
<b>Area Square Feet:</b>		<b>Covered</b>	
<b>Living:</b>	<b>Garage:</b>	<b>Porch:</b>	<b>Total:</b>
			<b>Number of stories:</b>

<b>Owner Information:</b>			
<b>Name:</b> GLACIER HOMES		<b>Contact Person:</b>	
<b>Address:</b> SAME			
<b>Phone Number:</b>		<b>Fax Number:</b>	<b>Mobile Number:</b>

<b>General Contractor</b>	<b>Contact Person</b>	<b>Phone Number</b>	<b>Contractor License Number</b>
Condor Fencing	Shawn Partain	214-402-3013	
<b>Mechanical Contractor</b>	<b>Contact Person</b>	<b>Phone Number</b>	<b>Contractor License Number</b>
<b>Electrical Contractor</b>	<b>Contact Person</b>	<b>Phone Number</b>	<b>Contractor License Number</b>
<b>Plumber/Irrigator</b>	<b>Contact Person</b>	<b>Phone Number</b>	<b>Contractor License Number</b>

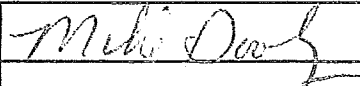

A permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. Separate permits may be required for electrical, plumbing, and heating/air condition. All permits require final inspection.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**Signature of Applicant:** 

**Date:** Sep 20, 11

## OFFICE USE ONLY: -

<b>Approved by:</b> 	<b>Date approved:</b> 9-20-11
<b>Approved by Fire:</b> 	<b>Date approved:</b>

Plan Review Fee: \_\_\_\_\_  
 Building Permit Fee: 50.00  
 Park Impact Fee: \_\_\_\_\_  
 Capital Recovery Fee: \_\_\_\_\_  
 Fire Meter: \_\_\_\_\_  
 Water Meter Cost: \_\_\_\_\_  
 Water Impact: \_\_\_\_\_  
 Sewer Connection Fee: \_\_\_\_\_  
 Sewer Impact: \_\_\_\_\_  
 Fire Fee: \_\_\_\_\_

Receipt # 1833  
 Receipt # \_\_\_\_\_

*fence already constructed in Dool*

**Total Fees:** 50.00  
**Issued Date:** 10-11-11  
**Issued By:** JF

**BV Project #** \_\_\_\_\_

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# EXHIBIT 9

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Page 1 of 1

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## Bill Vansyckle

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**From:** Bill Vansyckle [mayorvansyckle@cityofovilla.org]

**Sent:** Friday, June 03, 2011 4:30 PM

**To:** 'Randy Whiteman'

**Subject:** RE: Ernest Walker's Citation

Randy,  
The only question that Ramsey had was the city understanding of "Burden of Proof". No specific case was spoken about. I asked if he could give a class to Mike Dooley to bring him up to date on his responsibility in providing the right materials and/or statements to reach the "Burden of Proof" threshold on any case. This class should be for Mike only since that is his responsibility.

Please have Mike get with Rodney and they can arrange a time that would work for them.

Thanks,

Bill

**Bill Vansyckle**  
**Mayor, City of Ovilla**  
**105 S. Cockrell Hill Rd.**  
**Ovilla, Tx 75154**  
**972-617-7262**

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# EXHIBIT 10

Subject: Remembering

From: OvillaCitizensforthetruth Ovilla (ovillacitizensforthetruth@gmail.com)

To: ovillacitizensforthetruth@gmail.com;

Date: Sunday, May 15, 2011 8:55 AM

“Remember that all through history the way of truth and love has always won. There have been tyrants and murderers and for a time they seem invincible but in the end, they always fall -- think of it, ALWAYS.”

-Ghandi

Posted by David Griffin



## AGENDA ITEM REPORT

Item(s): **8** (City Secretary use only)

**Meeting Date:** January 23, 2012

**Department:** Admin

☐ Discussion ☒ Action

**Budgeted Expense:** ☐ YES ☐ NO ☒ N/A

**Submitted By:** Staff

### Attachments:

1. Filed complaint by Mr. Phil Lynch
2. Supplemental submitted by Mr. Lynch during the January 09, 2012 Council meeting
3. Mayor Vansyckle's response to the complaint

### Agenda Item / Topic:

- ITEM 8.**      **Discussion/Action** – City Council will hear a complaint filed by Mr. Phil Lynch on December 21, 2012, against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.
- Requested by Council

### Discussion / Justification:

Complaint was filed on December 21, 2011 in the city secretary's office of city hall. Mr. Lynch was given 5 days to consolidate any supplements to his original complaint during the January 09 Council meeting. Mr. Lynch waived his time and immediately submitted additional documents to accompany his December 21 Complaint.

According to the Council Rules of Procedure on Hearing of Complaints, Mayor Vansyckle was allowed five business days to submit his response to the allegation.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL\_\_\_\_\_."**

HAND DELIVERED  
**received**  
12-31-2011  
1:33PM PLW

To: The City Of Ovilla

Re: Violation of Ovilla City Ordinance 2010-007, the Code of Ethics and violation of the Texas Public Information Act

Subject: Mayor Bill Vansyckle

Date: December 21, 2011

I, Phil Lynch, a citizen of Ovilla, charge Bill Vansyckle of violating the 1) Ovilla City Ordinance 2010-007 Section 8 and the 2) Ovilla Code of Ethics and the 3) Public Information Act by setting up and using an unapproved and therefore an unauthorized name on an e-mail address [ovillamayor11@gmail.com](mailto:ovillamayor11@gmail.com), and by creating stationery containing his personal photograph which is an unauthorized use as described in detail in the ordinance.

Whereas, Chapter 7 "Administration" of the Code of Ordinances, City of Ovilla, Texas, that is the Ordinance of "Offenses and Nuisances" was amended by adding Section 8, and passed on April 26, 2010: and

Whereas, Section § 8 "Unauthorized use of City Name, Seal, Logo, Slogan and other Insignia" provides in part:

It is an offense to use an official City or City department name, seal, logo, slogan, or insignia or a facsimile in any written or spoken form, without first obtaining express written authorization from the city council under the circumstance of (3) to signify sponsorship by, affiliation with or approval by the City or a City department shall be a violation.

Whereas, Section 4 of the Ordinance in part provides that *any person* who violates *any provision* of the ordinance *shall be fined* not more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

It is my understanding that a violation of the Ordinance is a city court matter. It is also my understanding that the same investigation can deal with the ethics charge and the totality of the information discovered shall be turned over to the City Council for the handling of the ethics charge. It is additionally my understanding that a violation of the PIA shall be turned over to the Attorney General for an investigation.

In the investigation, a close inspection of each and every e-mail and communication on the letterhead is critical and must be made in order to

validate the accused hasn't violated his oath of office and any additional ordinances or state laws. In addition, these e-mails are potentially violations from previous PIA requests and must be obtained. Without valid proof from the accused, the full weight of the ordinance penalty should be considered for each offense and the matter should be turned over to the District Attorney and Attorney General to obtain each and every e-mail.

Mr. Vansyckle knew, or should have known, that such an effort to conceal his communications from citizens is potentially at odds with State Law since he attended the Attorney General required course on the Public Information Act on May 29, 2008.

It is my opinion that the accused set up these forms of communication to offer cover for himself when citizens request to examine copies of the Mayor's e-mails under the Public Information Act. Failure of Mr. Vansyckle to make copies of 100% of e-mails in [ovillamayor11@gmail.com](mailto:ovillamayor11@gmail.com) and 100% of the pictured letterhead communications to the City Council and their investigator in my view is potentially an additional serious violation of law.

It is also my understanding that according to the ordinance language, each day Bill Vansyckle was in violation shall constitute a separate offense.

A handwritten signature in black ink, appearing to read "P. Lynch". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Phil Lynch



## **Amended December 21, 2011 Complaint with Articles of Complaint**

In accordance with the written instructions received from City Secretary Pam Higgins on Thursday, January 5, 2012, I am providing additional supportive information to this complaint in the form of Articles I, II, III, IV and V with Exhibits A-O and two newspaper articles.

It is my understanding that I may extend for the purpose of amending this complaint for 5 days beginning with the Monday, January 9, 2012 Council Meeting. As I have failed to receive the Public Information Act response for copies of 100% of Bill Vansyckle's e-mails and texts made to and by him on [ovillamayor.11@gmail.com](mailto:ovillamayor.11@gmail.com), and his Ovilla Mayor pictured-personal e-mail stationery, I am submitting the Supplemental Articles of the December 21, 2011 Complaint. It is my understanding that a violation of the Public Information Act is a serious violation of State Law designed to protect the public from elected officials operating out of the public's right to know. I therefore render these Articles of Complaint this evening.

**Notification to Council Members:** While I personally appreciate each Council Member's relationship with Bill Vansyckle, these complaints directed at our Mayor are not about who is right, they are explicitly about what is right. I am not requesting a mandatory 4-0 vote to censure on a Code violation. I am humbly requesting that you step up to a city protection mode and hold Mr. Vansyckle accountable on each and every charge which is based on the preponderance of information provided and judged by you. Thank You.

**Establishing a Numerical Identifier to the Code of Ethics:** In my opinion, the Code of Ethics needs to reflect numerically each subject. For ease of identifying potential Code references in the following charges, I have numbered **Exhibit B** for your benefit.

To: The City Of Ovilla

Re: Articles I-V, Violations of the Ovilla Code of Ethics.

Subject: Bill Vansyckle, Mayor, Ovilla, Texas

Date: December 21, 2011, Amended January 9, 2012

**Witnesses for Article I:** Mayor Bill Vansyckle, Mayor Pro Tem Tom Leverentz, Councilman Place 3 James Wade, Councilman Place 4 Doug Hunt, Councilman

Place 5 Richard Dormier, City Administrator Randy Whiteman, City Secretary Pam Higgins, City Financial Secretary Sharon Jungman.

**Article I:**

I, Phil Lynch, a citizen of Ovilla, charge Bill Vansyckle of violating the **1)** Ovilla City Ordinance 2010-007 Section 8 and the **2)** Ovilla Code of Ethics and the **3)** Public Information Act by setting up and using an unapproved and therefore an unauthorized name on e-mail address ovillamayor.11@gmail.com, and by creating stationery containing his personal photograph which is an unauthorized use as described in detail in the ordinance.

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Whereas, Section 4 of the Ordinance in part provides that **any person** who violates **any provision** of the ordinance **shall be fined** not more than five hundred dollars (\$500.00) for each offense. **Each day** that a violation is permitted to exist shall constitute a separate offense.

It is my understanding that a violation of the Ordinance is a city court matter and should be forwarded there forthwith. It is also my understanding that the same investigation can deal with the ethics charge and the totality of the information discovered shall be turned over to the City Council for the handling of the ethics charge. It is additionally my understanding that a violation of the Public Information Act (PIA) shall be turned over to the Attorney General for an investigation.

In your investigation, a close inspection of each and every e-mail and communication on the letterhead is critical and must be made by the City Information Officer in order to validate the accused hasn't violated his oath of

office and any additional ordinances or state laws by refusing to obey the PIA requests.

In addition, these e-mails potentially constitute violations from previous PIA requests and must be obtained. Without Bill Vansyckle turning over copies of all requested copies, the full weight of the ordinance penalty should be considered for each offense and the matter should be turned over to the District Attorney and Attorney General to obtain each and every e-mail.

Mr. Vansyckle knew, or should have known, that such an effort to conceal his communications from citizens is at odds with State Law since he attended the Attorney General required course on the Texas Public Information Act on May 29, 2008. **(Exhibit A.)**

It is my opinion that the accused set up these forms of communication to offer cover for his actions when citizens request to examine copies of the Mayor's e-mails under the Public Information Act. Failure of Mr. Vansyckle to make copies of 100% of e-mails in [ovillamayor.11@gmail.com](mailto:ovillamayor.11@gmail.com) and 100% of the pictured letterhead communications to the City Council and their investigator in my view is an additional violation of law.

It is also my understanding that according to the ordinance language, each day Bill Vansyckle was in violation shall constitute a separate offense.

Therefore, in viewing the Ovilla Code of Ethics, and for ease of confirming a potential violation, I have numbered the bullets under A. on page 5 of Council Rules R2010.013, with numbers 1 through 11. **(Exhibit B.)**

Government transparency and openness are fundamental to American democracy. In Texas, the Public Information Act, is one of the primary mechanisms by which members of the public hold their local and State government accountable. The Attorney General's desire has been to strengthen the public's trust in its government by helping government officials conduct the public's business responsibly and transparently. The Public Information Act is a tool to foster a government that operates by, for, and in full view of the people.

The local government has rights too. All governmental bodies responding to information requests have the right to:

- Establish reasonable procedures for inspecting or copying information, even by requiring elected officials to obey the rules or be filed on violation of the Act

with the Attorney General. The city of Ovilla has a right to take hold of by all legal means possible the information the public has a right to view.

The preamble of the Public Information Act is codified at Section §552.001 of the Government Code. It declares the basis for the policy of open government expressed in the Public Information Act. It finds that basis in "the American constitutional form of representative government" and "**the principle that government is the servant and not the master of the people.**" It further explains this principle in terms of the need for an informed citizenry: The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. **The people insist on remaining informed so that they may retain control over the instruments they have created.**

**Personal Notes and E-Mail in Personal Accounts:** The question for you in this investigation is not whether the City Council can force Bill Vansyckle to obey the PIA law. Your questions begin with 'what is Bill Vansyckle hiding?' Why does Vansyckle shake his finger in defiance of your wanting him to do the right thing? Thus far, the City Council hasn't even been able to make Vansyckle sign in and out of City Hall. May I suggest to you, as you read for yourself, Vansyckle has no defense.

In **Exhibits C**, Attorney General Open Records Letter Ruling (ORLR) 2003-1890 or **Exhibit D**, ORLR 2003-0951 and **Exhibit E**, ORLR 2005-06735, in part please find the following:

"You claim that correspondence maintained by the mayor on his private business or personal e-mail accounts is not public information subject to the Act. Section 552.002 of the Government Code defines "public information" as: information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it."

*Gov't. Code § 552.002(a). ... "Open Records Letter Nos. 2005-01126 at 3 (2005) stating that information in a public officeholder's personal e-mail account may be subject to the Act where the officeholder uses the personal e-mail account to conduct public business; 2003-1890 (2003) finding that personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts of the mayor and the commissioners [councilmembers] that relate to the transaction of official city*



*business is subject to disclosure under the Act; and 2003-0951 (2003) finding that e-mails relating to district business to be public information."*

Quoting again: "You claim that the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners [councilmembers] are not public information subject to the Act because the city does not have custody of or access to most of this information. Section 552.002 of the Government Code defines "public information" as: information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it."

*"Gov't Code § 552.002(a). Thus, under this provision, information is generally "public information" within the scope of the Act when it relates to the official business of a governmental body or is maintained by a public official or employee in the performance of official duties, even though it may be in the possession of one person."..*

*"We further note that the characterization of information as "public information" under the Act is not dependent on whether the requested records are in the possession of an individual or whether a governmental body has a particular policy or procedure that establishes a governmental body's access to the information. See Open Records Decision No. 635 at 3-4 (1995) (finding that information does not fall outside definition of "public information" in Act merely because individual member of governmental body possesses information rather than governmental body as whole); see also Open Records Decision No. 425 (1985) (concluding, among other things, that information sent to individual school trustees' homes was public information because it related to official business of governmental body)"*

*"Thus, the mere fact that the city does not possess the information at issue does not take the information outside the scope of the Act. See id. Furthermore, the Act's definition of "public information" does not require that an employee or official of a governmental body create the information at the direction of the governmental body. Therefore, to the extent that the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners [councilmembers] relate to the transaction of official city business, we conclude that such information is subject to disclosure under the Act."*

The facts are that Bill Vansyckle, in response to numerous PIA requests, has falsely stated to the Ovilla Information Officer that “he has no e-mails” relating to the requests. Is Mr. Vansyckle above the law, as he continually demonstrates? The most recent example is my PIA request for 100% of the e-mails and texts on [ovillamayor.11@gamil.com](mailto:ovillamayor.11@gamil.com) so we the public can see for ourselves what the head of our local government is writing about Ovilla and the business of Ovilla. Do you really believe that the head of our government, in 2011, 2010 and 2009 has **never written or received an e-mail discussing our city?**

If the excuse from Vansyckle is they’ve been deleted, I have communications to and from the Mayor dating back to 2009. If I went into the computer’s trash bin, I could revisit 100% of all e-mails. Sure it takes a little effort, but what is that effort worth compared to the huge cost to the public of being subject to a Vansyckle Shadow Government?

I understand it is not within your purview as City Council to **make** the Mayor obey the PIA law. That’s not the end-all. It is absolutely within your authority to instruct the City Administrator to file charges with the Attorney General for the Mayor’s non-compliance.

I charge Bill Vansyckle of violating the **1)** Ovilla City Ordinance 2010-007 Section 8 and the **2)** Ovilla Code of Ethics and the **3)** Public Information Act:

1. Violating Code of Ethics # 1.
2. Violating Code of Ethics # 2.
3. Violating Code of Ethics # 3.
4. Violating Code of Ethics # 4.
5. Violating Code of Ethics # 5.
6. Violating Code of Ethics # 9 by repeatedly failing to turn over e-mails and texts for PIA requests to the Ovilla Public Information Officer.

**Supplemental Articles II, III, IV and V of December 21, 2011 Complaint:**

Re: Violation of Ovilla City Ordinance 2010-007, Fixing City Ticket-Citations, Filing a false Police Report, Violation of the elected Official’s Article of Excellence Statement, the Ovilla Code of Ethics and violation of the Texas Public Information Act.

Subject: Mayor Bill Vansyckle

Date: December 21, 2011

**Witnesses for Articles II, III, IV and V:** Mayor Bill Vansyckle, Mayor Pro Tem Tom Leverentz, Councilman Place 3 James Wade, Councilman Place 4 Doug Hunt, Councilman Place 5 Richard Dormier, City Administrator Randy Whiteman, City Secretary Pam Higgins, City Financial Secretary Sharon Jungman, Court Clerk Jessica Foresman, Tammy McCoy, Cindy Taylor, Ovilla Chief of Police Mike Moon, Code Enforcement Officer and Animal Control Officer Mike Dooly, Maintenance Director Mr. Brad Piland, Mr. David Griffin VP, CFO and Owner of RockTech International and Mr. Ralph Hall, CFO of Collin County Community College.

**Article II:** Supplemental to The Original December 21, 2011 Complaint:

In Texas, when considering the language in any statute, law or ordinance, if the document does not define a word for a specific meaning, then the common ordinary use of the word as found in a recognized dictionary shall be the use of the word.

In the complaint submitted to Ovilla on December 21, 2011, the Ovilla City Ordinance 2010-007 is written in attorney-speak language that requires us to consult a dictionary to make sure we do not go astray of the spirit and letter of the ordinance.

First, we should remember the spirit in which the ordinance was created and passed. Secondly, we should remember there is only one mayor of Ovilla. Thirdly, we need to reacquaint ourselves with the statutory limitations for the office of mayor in our type of a city.

The mayor by creating official appearing communication opportunities outside the required official City e-mail and text communication of a Mayor or elected official has, in my view, directly violated both the Letter and the Spirit of Ovilla City Ordinance 2010-007.

Specifically, the Ordinance reads, *"Whereas, Section § 8 "Unauthorized use of City Name, Seal, Logo, Slogan and other Insignia" provides in part:*

*It is an offense to use an official City or City department name, seal, logo, slogan, or insignia or a facsimile in any written or spoken form, without first obtaining express written authorization from the city council under the circumstance of (3) to signify sponsorship by, affiliation with or approval by the City or a City department shall be a violation.*

*Whereas, Section 4 of the Ordinance in part provides that any person who violates any provision of the ordinance shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense”.*

The name of our city is Ovilla. There is however, an “opinion” that because the mayor did not specifically use the term “City of Ovilla Mayor” on his unapproved e-mail address and unapproved letterhead, that the Mayor gets a pass.

Caution, gentlemen, the common everyday use of our City’s name is not to be dismissed with the questionable opinion of a lawyer that is paid by Ovilla, earning considerable income due to continuous requests for opinions by Bill Vansyckle. We are all witness of that lawyer’s flawed memory and recent flawed opinions in matters concerning our mayor.

Please consider the *ordinary meaning* from Webster’s New World Dictionary the following definitions of particular words from the ordinance.

“Name”-a word or phrase by which a person is known. A word or words considered descriptive. (My words here, a name such as mayor, or Ovilla Mayor.)

“Mayor”-chief [elected] officer of a municipality.

“Seal”- to mark with a name as to authenticate or certify-to confirm the truth of.

“Logo”-a distinctive word-trademark (my words here, Ovilla Mayor)

“Slogan”-a catch phrase used in advertising. “Advertising”- to praise publically, usually to promote, to call public attention to things, (my words, i.e. “Ovilla Mayor”). Gentlemen, can there be any doubt that our mayor is the king of political advertising? He appears to be obsessed with getting his picture, name and title everywhere. In the past year, it appears that the Mayor’s picture has been in the Waxahachie Daily Light more than any other mayor in Ellis County except the Mayor of Waxahachie.

1. There can be no doubt that Bill Vansyckle did not obtain permission to use the name, seal, logo or slogan, Ovilla Mayor outside of the city’s official communication e-mail and official stationery.

2. There can be no doubt that Bill Vansyckle's communication on ovillamayor.11@gmail.com and his unauthorized photo-enhanced letterhead is not within an elected official's options for bypassing the official City's communication e-mail address and letterhead.
3. Bill Vansyckle used his elected title to *authentically confirm* (seal) that it was his official communication in the title "ovillamayor".
4. Bill Vansyckle used a *distinctive word*, "mayor", to *lend credibility* to the authenticity of his unauthorized communication.
5. Bill Vansyckle *distinguished himself* by using ovillamayor in his communications while this address was active.

I charge the Mayor with:

1. Violating the Ovilla City Ordinance 2010.007 which should immediately be turned over by the Council to the City Administrator to be turned over to the city prosecutor for cause. If convicted, there is a fine attached.
2. Violating Code of Ethics #4.
3. Violating Code of Ethics #5.
4. Violating Code of Ethics #8.

### **Article III: Fixing City of Ovilla Code Citations:**

Based on information gained through the Texas Public Information Act, I charge Bill Vansyckle with the unlawful exercise of fixing code enforcement citations for certain Ovilla residents.

In 2009, Mayor Bill Vansyckle orchestrated the hiring of his business associate, Rodney Ramsey, as the Ovilla City Prosecutor. Soon thereafter the affidavits from Ovilla's Code Enforcement Officer, Mr. Mike Dooly and City Administrator Randy Whiteman reveal that Bill Vansyckle stepped beyond his authority as Mayor. Vansyckle's actions thus improperly influenced the city court system by preventing the City's ability to fairly, and without prejudice, enforce the Ovilla Code of Ordinances, Texas State Law and the Texas Constitution on all citizens as fairly as possible.

The Council has heard arguments all around this issue, but to date have not considered specifically the charge of "fixing tickets".

1. On or about August 29, Court Clerk Jessica Foresman received a complaint from citizen Lavender about a case in front of hers in court

two days earlier on or about the 27<sup>th</sup>. Lavender stated the person in front of her, Gibbons, had exactly the same offense, which was dismissed while her case was not. When Lavender approached Ramsey to find out why Gibbons was dismissed Ramsey falsely stated to Lavender, "The ACO (Animal Control Officer Mr. Mike Dooly) dismissed it". An Ovilla citizen is now properly complaining to the City Administration about selective code enforcement by Dooly. The City Administrator investigates. The City Administrator finds that it was not Mr. Dooly who caused the selective code enforcement, but Bill Vansyckle through his surrogate Rodney Ramsey. Ramsey, in Mr. Dooly's affidavit from notes compiled in 2009 reveal that Ramsey told Dooly that Ramsey received a phone call from Vansyckle and Vansyckle wanted the Gibbons case #AC-037 dismissed. It was.

2. According to affidavits, on August 27, 2009, Court Clerk Jessica Foresman asked Code Enforcement Officer Mike Dooly if he had heard about her receiving a message from City Prosecutor Ramsey to dismiss the failure to obtain a fence construction permit complaint for a Sear's sub-contractor in connection with the Mayor's neighbor Steve Keasler, **Citation CE-057 & CE-060**. Dooly said no. When interviewing Mr. Dooly regarding this case, Mr. Dooly recalls asking the Sears fence contractor why he didn't get a permit. The contractor stated that he just wanted to finish before he got caught, that it was a game to save money for the homeowner. Bill Vansyckle fixed this ticket for his neighbor with Ramsey without consulting Mr. Dooly the Code Enforcement Officer.
3. According to affidavits, on August 27, 2009, Ramsey came to Dooly with yet another dismissal request. On this case Ramsey stated that he had received an e-mail from the mayor requesting the dismissal of the charge 'failure to register an animal'. Ramsey was quoted in the Officer's notes written in 2009 as saying, **"I know this puts us in a bad spot because he (Bill Vansyckle) hires us and fires us, and now he is making requests like this..."** Mr. Vansyckle, through his emissary, is now delivering veiled threats to intimidate employees to keep quiet and participate in the corrupt ticket fixing scheme.
4. Regarding code enforcement citations **CE-118** and **CE-119**, the free water issue is clearly written in the Ovilla Code of Ordinances, Texas State Law and the Texas Constitution. The Council had an exhaustive

discussion with Bill Vansyckle on this subject. This allegation is not intended for you to revisit the Mayor's eventual agreement that the City's Code Enforcement Officer was in fact correct to cite the citizen with theft of water and tampering with a city water meter. This is yet another instance of the Mayor abusing his authority by improperly interfering with the Administration of our City and that fact is not in dispute.

5. Through the Public Information Act, I have obtained a listing of court citation numbers located in records that City prosecutor Ramsey is known to have dismissed while the Code Enforcement Officer was ready with pictures, documents, written reports and evidence necessary to proceed in City Court. Considering the Mayor's appetite to abuse his power, it is more than worrisome that Ramsey failed to discuss his rationale for selective dismissal of the citations listed. **AC-037**, no animal tags, **AC-049**, dog at large, **AC-057**, nuisance animal, **AC-068**, nuisance animal, **CE-057**, failure to purchase a fence permit. We should be mindful that Permit Codes are set up by ordinance to not only protect the fence purchaser, but to protect neighbors from falling victim to inferior construction materials, inferior construction and staying within the correct property lines plus allowing the city to know who built what for future reference. These permits are also the only method a city has in rendering a fair property value. Without the permit procedure, other citizens could end up paying more taxes than they should because, for example, if a \$15,000-\$20,000 fence was not properly permitted at city hall, the fence value could not be properly added to the city tax roll revealing an accurate current market value. **CE-060**, fence permit ordinance. **CE-037**, theft of water, **CE-038**, zoning, **CE-039**, zoning, **CE-069**, unsafe building, **CE-081**, parking in yard, **CE-087**, parking in yard, **CE-083**, parking in yard, **CE-095**, unsafe building, **CE-096**, sign ordinance, **CE-104**, sign ordinance, **CE-0105**, sign ordinance **CE-0106**, sign ordinance, **CE-0107**, sign ordinance, **CE-116**, sign ordinance.

Using the aforementioned numbering system for the Ovilla Code of Ethics, I charge the Mayor of:

1. Violating Code of Ethics # 1.
2. Violating Code of Ethics # 2.
3. Violating Code of Ethics # 4.
4. Violating Code of Ethics # 5.

5. Violating Code of Ethics # 6.
6. Violating Code of Ethics # 8.
7. Violating Code of Ethics # 9.
8. Violating the Spirit of Code of Ethics # 10.
9. Violating Code of Ethics # 11.

#### **Article IV: Bill Vansyckle Files a False Police Report:**

Through a Public Information Act request, I obtained an Ovilla Police Report **(Exhibit F)** initiated by Bill Vansyckle alleging that Bill Vansyckle, his family and his property were threatened by David Griffin and Ralph Hall both Ovilla citizens. The investigation revealed that Vansyckle never spoke directly with either Griffin or Hall. Instead, the Vansyckle false allegations in his police report **(Exhibit G)** stem from a meeting Griffin and Hall had with Mayor Pro Tem Tom Leverentz **(Exhibit H)**. In that meeting, Griffin **(Exhibit I)**, Hall **(Exhibit J)** and Leverentz, according to the police reports, **(Exhibit K)** had a discussion regarding problems in the city including the reputation of the City of Ovilla.

After the meeting, according to **Exhibit H**, Leverentz shared with Councilman Doug Hunt the substance of the meeting and requested Hunt share that information with Vansyckle. Vansyckle immediately began a slanderous campaign to counter what Griffin and Hall may have uncovered, which included filing a false police report and false allegations in the press.

Among other Vansyckle falsehoods, such as alleging Mr. Leverentz told the Mayor of threats to the Mayor's family if item 14 **(Exhibit L)** was not pulled from a council agenda, Vansyckle was alleging that Griffin and Hall had physically threatened Vansyckle, Vansyckle's family and Vansyckle's property.

In fact, according to Mr. Leverentz's written statement, **(Exhibit H)** Leverentz told the Mayor to pull agenda item 14 **(Exhibit L)** due to Councilmen Dickey not being in attendance and that Mr. Dickey may have additional information the Council would need to consider. The Mayor complied. Mr. Leverentz's statement **(Exhibit H)** to police investigator, Chief Mike Moon, reveals the depth of falsehoods coupled with an arrogance of power contained in Vansyckle's false police report.





Copies of the attached newspaper allegations from Vansyckle to Rita Cook of the *Waxahachie Daily Light*, (**Exhibit M**), and to Joey Dauben's *Ellis County Observer* are quoted below.

## Ovilla Mayor Threatened

October 19, 2011 by admin

Filed under News

OVILLA — Mayor **Bill Vansyckle** was threatened if he did not remove an agenda item that sought to accept the resignation of City Administrator **Randy Whiteman**. Whiteman's job has come under heavy scrutiny lately due to his firing of city prosecutor **Rodney Ramsey** (Ramsey's statements on the firing can be found here: .) But when submitting an agenda item to accept the resignation, Mayor Vansyckle was approached by another city official who advised him — out of fear for his safety — to remove the agenda item. Vansyckle, who sets the council's agenda, removed the item calling for Whiteman's resignation after former city officials — **David Griffin** (Zoning Board of Adjustments) and **Ralph Hall** (former councilman) — reportedly threatened to “go after” Vansyckle's wife and kids. 

After consulting with the Ellis County/District Attorney's office, Vansyckle filed a report with his city's police department alleging threats and intimidation of a public official. The resignation agenda item likely won't re-appear on the agenda, but it would take a super-majority to fire Whiteman (four out of five councilmen — not including the mayor.) Vansyckle's allies — **Doug Hunt, Tom Levenrentz** — have been without a key voice in lawyer **Mike Dickey**, who is currently in his 37th day of treatment in a hospital for respiratory issues. Council members **James Wade** and **Richard Dormier**, both up for re-election in May, are allies with the out-of-power “Old Guard” in Ovilla who made threats against Vansyckle and his family. To date, neither one of them has repudiated the threats. 

We should heavily consider the fact that before the fabricated *Ellis County Observer* hit piece on behalf of Vansyckle was circulated on October 19, 2011, the Texas Rangers (Ranger Bobo of the law enforcement Texas Rangers) had interviewed Mayor Pro Tem Leverentz about Vansyckle's allegations. Police Chief Mike Moon took Vansyckle's complaint and interviewed Leverentz, Griffin and Hall.

So, before the Observer hit piece on the 19<sup>th</sup>, the final word (**Exhibit N**) came from Ellis County District Attorney Patrick Wilson on October 17, 2011, writing “there is no evidence of criminal conduct”. That report was sent to Vansyckle the day it arrived. Each law enforcement organization discovered, contrary to Vansyckle's false police report, several newspaper false allegations, that it was

another in a series of Vansyckle fabrications. If my counting is correct, over the past three years, Vansyckle has now falsely accused five long time upstanding citizens of threatening his person, his family and his property. The story of crying wolf comes to mind.

It is also useful to read the last sentence of Daubin's paper's news article. "To date neither one of them has repudiated the threats." Is it credible to believe anyone other than Vansyckle supplied Dauben's *Observer* with such false information? We should remember that Leverentz had been interviewed by the Texas Rangers. Leverentz, Griffin and Hall had been interviewed by the Ovilla Police Department. Leverentz, Griffin and Hall had not only repudiated 100% of Vansyckle's accusations, each had provided sworn written statements to Chief Mike Moon prior to the *Observer* article.

Bill Vansyckle filed a false police report. Using the aforementioned numbering system in the previous Articles of Complaint for the Ovilla Code of Ethics, I charge the Mayor of:

1. Violating Code of Ethics # 1.
2. Violating Code of Ethics # 4.
3. Violating Code of Ethics # 5.

**Article V: Article of Excellence Violation, Council Member Statement:**

I charge Bill Vansyckle of violating his signed Article of Excellence Statement **(Exhibit O)** which reads: Bill Vansyckle will,

Recognize the worth of individual Members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual Members, City staff and the public are free to express their ideas and work to their full potential;

*(The Mayor's hostility, vulgar language in City Hall, highly inappropriate language to certain female employees, lewd personal suggestions to female employees in their offices and in the voting area, need of anger management, slamming of doors and tactics of employee intimidation are **well documented** and well known at City Hall.)*

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

*(Operating Vansyckle's personal business out of City Hall, abusing his Mayoral authority when interfering with the city's code enforcement activities while fixing citations for neighbors, friends and political supporters and filing a false police report is a violation of a Mayor's Oath of Office)*

Respect the dignity and privacy of individuals and organizations;  
*(Stealing a city employee's Social Security number fails to respect the dignity and privacy of our city employees where the Mayor has lost all moral authority.)*

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;  
*(Intruding into the Ordinances of Ovilla and taking by unauthorized means the statutory City Administrator responsibilities, the unauthorized use of a city credit card, the submitting of fraudulent bids, the failure to submit required original receipts for items purchased, failure to provide the city with a list of items purchased in the audio/ visual debacle are not in keeping with the common good.)*

Avoid and discourage conduct which is divisive or harmful to the best interest of Ovilla; and

*(On Election Day in 2010, Bill Vansyckle's electioneering actions have created divisive and harmful stains on election fair play in Ovilla and his position as Mayor of Ovilla. Vansyckle forced the City Secretary, Ms. Pam Higgins to continually open the City Hall front door and sit with Vansyckle in lobby chairs Vansyckle moved outside while he electioneered with voters for his chosen city council candidates, and did so most of the day. When Higgins resisted, Vansyckle informed her that **she worked for him** and Vansyckle abruptly demanded she desist from objecting. After about five minutes, Higgins would have none of it and went back to work. NOTE: Higgins works for the City, not "the Mayor".)*

Treat all people with whom I come in contact in the way I wish to be treated.

I charge the Bill Vansyckle of violating Ovilla's Model of Excellence Member's Statement. Using the aforementioned numbering system for the Ovilla Code of Ethics, I charge the Mayor of:

1. Violating Code of Ethics # 1.
2. Violating Code of Ethics # 2.
3. Violating Code of Ethics # 4.
4. Violating Code of Ethics # 5.
5. Violating Code of Ethics # 6.
6. Violating Code of Ethics # 8.

9. Violating the Code of Ethics # 11.

Gentlemen, please consider censuring Bill Vansyckle on all counts for the sake of our city and your individual reputations of integrity.

Respectfully,

A handwritten signature in cursive script, appearing to read "P. Lynch". The signature is written in dark ink and is positioned above the printed name "Phil Lynch".

Phil Lynch

# CERTIFICATE of COURSE COMPLETION

## Public Information Act

I, Wm. "Bill" Vansyckle, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 29th day of May, 2008.

ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 08-101774P

Exhibit A  
1 page

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Council, boards and commissions shall **annually** review the Code of Ethics. The Mayor and City Council shall consider recommendations from boards and commissions and updates as necessary.

7. Consultants hired by the City shall be considered staff members for purposes of governance.

### Code of Ethics

Exhibit B  
3 pages

#### A. Code of Ethics

The office of an elected and/or appointed official is one of trust and service to the citizens of Ovilla. This position creates a special responsibility for the Ovilla City Council Member, Mayor and all boards. The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. Any use of the phrase "Members" shall constitute the Mayor, City Council and all board/commission Members. In an effort to further these objectives, certain ethical principles shall govern the conduct of any and all Council Member, Mayor, and/or board /commission Member who shall:

- 1 • Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that every Member may merit the respect and confidence of the citizens of Ovilla;
- 2 • Recognize that the chief function of local government at all times is to serve the best interest of all people. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies or facilities, for private gain or personal purposes;
- 3 • Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- 4 • Not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which compromise their independence of judgment or action or give the appearance of being compromised;
- 5 • Assure their independence and impartiality on behalf of the common good. Members shall not use their official positions to influence government positions, which may give the appearance of conflict of interest. Members shall represent the official policies or positions of the City Council, board or commission to the best of



their ability when designated as delegates for this purpose. When presenting their **individual** opinions and positions, Members shall explicitly state they do not represent their body or the City of Ovilla, nor will they allow the inference that they do;

- 6 • In accordance with the law, Members shall disclose investments, interest in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where an appreciable conflict of interest may exist;
- 7 • Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the Mayor and City Council;
- 8 • Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Ovilla. It is recognized that certain exceptions are made by the State for Executive Sessions; however, any action as a result of that type of meeting will be handled later in Open Session;
- 9 • Respect and adhere to the Council-Administrator structure of Ovilla City government as outlined by the Ovilla City Code of Ordinances. Members therefore shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they direct/interfere with the ability of staff to implement Council policy decisions;
- 10 • Because of the value of the independent advice of boards and commissions to the public decision-making process, refrain from using their position to unduly influence the deliberations or outcomes of board or commission proceedings;
- 11 • Support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with city employees and in no way create the perception of inappropriate direction to staff.

#### **Compliance and Enforcement:**

The Ovilla Code of Ethics expresses the minimum standard of ethical conduct expected for Members of the Mayor, Ovilla City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions are brought to their attention of Members who

appear to be in violation of the Code of Ethics. Therefore, the City Council may impose sanctions on Members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the Code of Ordinances, the City Council also may remove Members of boards and commissions from office.

At such time that the City Council determines that an elected official has violated any provision of this policy, that official shall be subject to disciplinary action as prescribed by State law.

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3 .





Office of *the* ATTORNEY GENERAL  
GREG ABBOTT

Exhibit C  
6 pages

March 19, 2003

Ms. Courtney Alvarez  
City Attorney  
City of Kingsville  
P. O. Box 1458  
Kingsville, Texas 78364

OR2003-1890

Dear Ms. Alvarez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 178130.

The City of Kingsville (the "city") received a request for four categories of information, two of which pertain to: (1) telephone and cellular telephone records for the city's mayor (the "mayor"), four city commissioners (the "commissioners"), the city manager, and the assistant city manager for a specified period of time; and (2) e-mail correspondence regarding business-related affairs pertaining to the same individuals for the same period of time. You state that you have provided the requestor with some responsive information. You indicate that some responsive information does not exist. You claim, however, that portions of the remaining requested information do not constitute "public information" for purposes of the Act. In the alternative, you claim that these portions are excepted from disclosure pursuant to sections 552.101 and 552.109 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted information.

You claim that the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners are not public information subject to the Act because the city does not have custody of or access to most of this information. Section 552.002 of the Government Code defines "public information" as:

information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.002(a). Thus, under this provision, information is generally "public information" within the scope of the Act when it relates to the official business of a governmental body or is maintained by a public official or employee in the performance of official duties, even though it may be in the possession of one person. Further, information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act, if a governmental body owns or has a right of access to the information. *See* Open Records Decision Nos. 462 (1987), 445 (1986); *cf.* Open Records Decision No. 499 (1988). In addition, section 552.001 of the Government Code states it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. *See* Gov't Code § 552.001(a).

We further note that the characterization of information as "public information" under the Act is not

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dependent on whether the requested records are in the possession of an individual or whether a governmental body has a particular policy or procedure that establishes a governmental body's access to the information. *See* Open Records Decision No. 635 at 3-4 (1995) (finding that information does not fall outside definition of "public information" in Act merely because individual member of governmental body possesses information rather than governmental body as whole); *see also* Open Records Decision No. 425 (1985) (concluding, among other things, that information sent to individual school trustees' homes was public information because it related to official business of governmental body) (overruled on other grounds by Open Records Decision No. 439 (1986)). Thus, the mere fact that the city does not possess the information at issue does not take the information outside the scope of the Act. *See id.* Furthermore, the Act's definition of "public information" does not require that an employee or official of a governmental body create the information at the direction of the governmental body. Therefore, to the extent that the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners relate to the transaction of official city business, we conclude that such information is subject to disclosure under the Act. *See* Gov't Code § 552.002(a); *see also* Open Records Decision No. 635 at 7 (1995). To the extent that such information does not relate to the transaction of official city business, we conclude that such information is not subject to disclosure under the Act and need not be released to the requestor.

Next, we address the procedural requirements of section 552.301 of the Government Code. Section 552.301(e) requires in pertinent part that a governmental body that requests an attorney general decision under section 552.301(a) must submit to the attorney general, within a reasonable time, but not later than the fifteenth business day after the date of receiving the request, copies of the written request for information and the specific information requested, or representative samples of it if a voluminous amount of the information was requested, labeled to indicate which exceptions apply to which parts of the copy. *See* Gov't Code § 552.301(e). To date, the city has not submitted to us: 1) a copy of the written request for information or 2) any information relating to the transaction of official city business that is responsive to the requests for: a) personal office and home telephone records of the mayor and the commissioners; b) e-mail correspondence from personal e-mail accounts of the mayor and the commissioners; c) personal cellular telephone records of the commissioners; or d) personal cellular telephone records of the mayor, other than those which were submitted to us for our review. Therefore, we find that the city failed to request a decision from our office in accordance with section 552.301 of the Government Code with respect to this particular information.

Because the city failed to comply with the procedural requirements of section 552.301, all of the information at issue is now presumed public. *See* Gov't Code § 552.302; *see also* *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publ'g Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The city must demonstrate a compelling interest in order to overcome the presumption that the information is now public. *See id.* Normally, a compelling interest is demonstrated when some other source of law makes the requested information confidential or when third party interests are at stake. *See* Open Records Decision No. 150 at 2 (1977). Although the city claims that this information is excepted from disclosure pursuant to section 552.109 of the Government Code, we note that this particular exception is a discretionary exception to disclosure under the Act that does not constitute a compelling interest sufficient to overcome the presumption that the information at issue is now public.

Accordingly, we conclude that the city may not withhold any portion of the information at issue under section 552.109 of the Government Code. Furthermore, because the city did not submit for our review complete copies of all information that is responsive to the request for the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners that relate to the transaction of official city business, we have no basis for concluding that any information, other than that which was submitted to us, is excepted from disclosure under section 552.101 of the Government Code or is otherwise confidential by law.

Accordingly, we conclude that the city must release to the requestor the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners that relate to the transaction of official city business which were not

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submitted to us for our review.

We caution the city, however, that section 552.352 of the Government Code imposes criminal penalties for the release of confidential information. *See* Gov't Code § 552.352. Prior to releasing this particular information, the city should ensure that it does not contain any such confidential information. If the city believes that any portion of such information is indeed confidential and may not lawfully be released, the city must challenge this ruling in court as outlined below. We now address your claim regarding section 552.101 of the Government Code with respect to the personal cellular telephone records of the mayor that you have submitted to us for our review.

You claim that the submitted personal cellular telephone records of the mayor contain information which is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with the common-law right to privacy. Information is protected from disclosure under the common-law right to privacy if it (1) contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *See Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The type of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *See id.* at 683.

You state that the city maintains these records because the mayor was seeking reimbursement from the city for "city-business calls" made on his personal cellular telephone. Thus, you acknowledge that these records contain some information relating to the transaction of official city business. We note that such information does not concern the intimate aspects of an individual's private affairs, but instead directly pertains to the work behavior and job performance of a city employee, namely the mayor. As we have frequently stated, information pertaining to the job performance of public employees and officials cannot be deemed outside the realm of public interest. *See generally* Open Records Decision Nos. 473 (1987) (even highly subjective evaluations of public employees may not ordinarily be withheld as private information), 470 (1987) (public employee's job performance does not generally constitute his private affairs), 455 (1987) (public employee's job performances or abilities generally not protected by privacy), 444 (1986) (public has legitimate interest in knowing reasons for dismissal, demotion, promotion, or resignation of public employees), 423 at 2 (1984) (scope of public employee privacy is narrow). Accordingly, we conclude that the city may not withhold any portion of the submitted personal cellular telephone records that relates to the transaction of official city business by the mayor under section 552.101 of the Government Code in conjunction with the common-law right to privacy.

We note that portions of the submitted information are subject to section 552.117(1) of the Government Code. Section 552.117(1) excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who timely request that this information be kept confidential under section 552.024 of the Government Code. *See* Gov't Code § 552.117(1). However, information that is responsive to a request may not be withheld from disclosure under section 552.117(1) if the official or employee with whom the information is associated did not request confidentiality for the information in accordance with section 552.024, or if the request for confidentiality regarding the information under section 552.024 was not made until after the request for information at issue was received by the governmental body. Whether a particular piece of information is public must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989).

In addition, a current or former official's or employee's personal cellular telephone number may be protected from disclosure under section 552.117(1), since protecting such numbers from disclosure fulfills one of the purposes of section 552.117, which is to protect public officials and employees from being harassed at home. *See* Open Records Decision Nos. 670 at 6 (2001), 506 at 5-6 (1988) (statutory predecessor to section 552.108 protects from disclosure cellular telephone numbers assigned to public and private vehicles used by county officials and employees with specific law enforcement

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responsibilities; predecessor to section 552.117 not applicable to cellular telephone numbers paid for by county and intended for use at work for county business). Accordingly, we conclude that the city must withhold the mayor's personal cellular telephone number that is contained within the submitted information pursuant to section 552.117(1), if he requested confidentiality in accordance with section 552.024 prior to the city's receipt of this request. Otherwise, the city must release this number to the requestor. We have marked a representative sample of this number for your review.

We also note that portions of the submitted information are subject to section 552.136 of the Government Code. Section 552.136 makes certain access device numbers confidential and provides:

(a) In this section, "access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

(1) obtain money, goods, services, or another thing of value; or

(2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

Gov't Code § 552.136. Accordingly, we conclude that the city must withhold the cellular telephone account numbers that are contained within the submitted information pursuant to section 552.136 of the Government Code. We have marked a representative sample of such numbers for your review.

In summary, to the extent that the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners do not relate to the transaction of official city business, such information is not subject to disclosure under the Act and need not be released to the requestor. To the extent that such records exist, the city must release to the requestor the personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts, of the mayor and the commissioners that relate to the transaction of official city business which were not submitted to us for our review. With the exception of the mayor's personal cellular telephone number which must be withheld pursuant to section 552.117(1) of the Government Code, if he made a timely request for confidentiality in accordance with section 552.024 of the Government Code, and the mayor's cellular telephone account number which must be withheld pursuant to section 552.136 of the Government Code, the city must release the submitted information to the requestor to the extent that such information relates to the transaction of official city business.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following

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three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

Ronald J. Bounds  
Assistant Attorney General  
Open Records Division  
RJB/lmt  
Ref: ID# 178130  
Enc. Marked documents

c: Mr. Tony Gonzales, President  
C/O Courtney Alvarez  
City of Kingsville  
P. O. Box 1458  
Kingsville, Texas 78364  
(w/o enclosures)

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## Footnotes

1. We note that it is implicit in several provisions of the Public Information Act (the "Act") that the Act applies only to information already in existence. *See* Gov't Code §§ 552.002, .021, .227, .351. The Act does not require a governmental body to prepare new information in response to a request. *See* Attorney General Opinion H-90 (1973); *see also* Open Records Decision Nos. 87 (1975), 342 at 3 (1982), 416 at 5 (1984), 452 at 2-3 (1986), 555 at 1-2 (1990), 572 at 1 (1990). A governmental body must only make a good faith effort to relate a request to information which it holds. *See* Open Records Decision No. 561 at 8 (1990).

2. Discretionary exceptions are intended to protect only the interests of the governmental body, as distinct from exceptions which are intended to protect information deemed confidential by law or the interests of third parties. *See, e.g.,* Open Records Decision Nos. 630 at 4 (1994) (governmental body may

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waive attorney-client privilege, section 552.107(1)), 551 (1990) (statutory predecessor to section 552.103 serves only to protect governmental body's position in litigation and does not itself make information confidential), 473 (1987) (governmental body may waive section 552.111), 522 at 4 (1989) (discretionary exceptions in general). Discretionary exceptions, therefore, do not constitute "other law" that makes information confidential.

3. Section 552.101 excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *See* Gov't Code § 552.101. Section 552.101 encompasses information that is protected from disclosure under the common-law right to privacy.

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Office of the ATTORNEY GENERAL

GREG ABBOTT

Exhibit D  
6 pages

February 12, 2003

Ms. Shellie Hoffinan Crow  
Walsh, Anderson, Schulze, Brown & Aldridge, P.C.  
P.O. Box 2156  
Austin, Texas 78768

OR2003-0951

Dear Ms. Crow:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act (the "Act"). Your request was assigned ID# 176392.

The Navarro Independent School District (the "district"), which you represent, received a request for all correspondence between school board members that pertained to the grievance filed against the board president. You state that the district's request for a ruling is limited to e-mail correspondence between board members. You state that, to the extent it exists, the remaining responsive information will be released. As for the e-mails at issue, you contend that they are not public information for purposes of the Act. Alternatively, you claim that these e-mails are excepted from disclosure under sections 552.026, 552.101, 552.103, 552.107, 552.109, and 552.114 of the Government Code. We have considered the exceptions you claim and reviewed the submitted e-mails.

We begin by considering your assertion that the records in question are not public information within the scope of the Act. Chapter 552 is only applicable to public information. *See* Gov't Code § 552.021. Section 552.002 of the Government Code defines public information as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it." Gov't Code § 552.002. You state that the submitted records are personal e-mails created by individual board members on their personal computers. You also state that the district has no right of access to a board member's personal e-mails. Moreover, you indicate that there is no law or ordinance requiring that a personal e-mail made on a home computer by a board member must be "collected, assembled, or maintained" by the district or the board. Finally, you assert that the e-mails are not public information because they are not maintained "in the connection with the transaction of official business." Specifically, you contend that unless a record is created while the board is meeting as a quorum, it cannot be considered a record relating to the transaction of the board's official business. Instead, you characterize these documents as personal communications between colleagues, peers, and friends.

We have reviewed the information at issue and conclude that the e-mails are not "personal communications," but rather "public information" subject to the Act. The Act's definition of "public information" is not dependent on considerations such as whether the requested records are in the possession of an individual or whether a governmental body has a particular policy or procedure that establishes a governmental body's access to the information. *See* Open Records Decision No. 635 at 3-4 (1995); *see also* Open Records Decision No. 425 (1985) (concluding, among other things, that information sent to individual school trustees' homes was public information because it related to official business of governmental body) (overruled on other grounds by Open Records Decision No. 439 (1986)).

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Furthermore, the Act's definition of "public information" does not require that an employee or official create the information at the direction of the governmental body. Thus, we do not find that your assertions about the creation or possession of the e-mails resolves the question before us.

You also argue that only those formal documents and statements that the board has adopted as a whole are subject to the Act; however, information is generally subject to the Act when it relates to the official business of a governmental body or is used by a public official or employee in the performance of official duties. *See* ORD 635 at 4. By enacting the Public Information Act, the legislature has clearly stated that citizens are entitled, with few exceptions, to *complete* information about the affairs of their government. *See generally* Gov't Code § 552.001. To conclude that a governmental body could withhold information which clearly relates to official business on the grounds that the information is not an "authorized" or "formally adopted" record, would allow the entity to easily and with impunity circumvent the Act's disclosure requirements. The legislature could not have possibly intended such an outcome. Thus, we decline to limit the Act's applicability to "official records" of a governmental body.

Finally, you argue that the e-mails are simply "personal communications" between friends and colleagues. The records at issue are communications between board members that relate *solely* to district business. Specifically, the e-mails contain detailed references to the policies and procedures of the board and the district; discussions regarding amendments to those policies and procedures; information relating to district employees and the conditions for their continued employment; and other relevant district information. Thus, after review of the submitted information, we conclude that the e-mails are subject to the Act. Accordingly, we will address your claimed exceptions to disclosure.

Initially, you argue that all of the submitted e-mails are excepted from disclosure under section 552.103 of the Government Code. To demonstrate the applicability of section 552.103, the district must show that: 1) litigation is pending or was reasonably anticipated on the date it received the written request, and 2) the information at issue is related to that litigation. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.--Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990). To demonstrate that litigation is reasonably anticipated, the district must furnish concrete evidence that litigation is realistically contemplated and is more than mere conjecture. Open Records Decision No. 518 at 5 (1989). Concrete evidence to support a claim that litigation is reasonably anticipated may include, for example, the governmental body's receipt of a letter containing a specific threat to sue the governmental body from an attorney for a potential opposing party. Open Records Decision No. 555 (1990); *see* Open Records Decision No. 518 at 5 (1989) (litigation must be "realistically contemplated"). On the other hand, this office has determined that if an individual publicly threatens to bring suit against a governmental body, but does not actually take objective steps toward filing suit, litigation is not reasonably anticipated. *See* Open Records Decision No. 331 (1982).

You state that the e-mails relate to grievances filed by several employees alleging that the board president engaged in retaliatory conduct. You have not established, however, that the district's grievance proceedings should be considered litigation for purposes of section 552.103(a). *See, e.g.*, Open Records Decision No. 588 (1991) (stating that contested case under Administrative Procedure Act is litigation for purposes of section 552.103(a)). Furthermore, while you state that the affected parties are all represented by counsel, you have not established that any of these individuals have otherwise taken concrete steps toward litigation. Accordingly, you have not demonstrated that litigation is reasonably anticipated in this matter. *See generally*, Open Records Decision No. 452 at 4 (1986) (whether litigation is reasonably anticipated must be determined on case-by-case basis). Thus, the district may not withhold the submitted information under section 552.103.

You also argue that all but one of the submitted e-mails is protected by common-law privacy. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section also encompasses the doctrine of common-law privacy. Information is excepted from required public disclosure by a common-law right of privacy if the information (1) contains highly intimate or embarrassing facts the publication of which would be highly

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objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). You also assert that these records are excepted from disclosure under section 552.109. Section 552.109 of the Government Code excepts from required public disclosure private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. This office has ruled that the test to be applied to information claimed to be protected under section 552.109 is the same test formulated by the Texas Supreme Court in *Industrial Foundation* for information claimed to be protected under the doctrine of common-law privacy. Open Records Decision No. 506 at 3 (1988). Accordingly, we will address your claims under sections 552.101 and 552.109 together.

We note that the information you seek to withhold under these exceptions does not concern the intimate aspects of an individual's private affairs, but instead directly pertains to the work behavior and job performance of district employees and officials. As we have frequently stated, information pertaining to the job performance of public employees and officials cannot be deemed outside the realm of public interest. *See generally* Open Records Decision Nos. 473 (1987) (even highly subjective evaluations of public employees may not ordinarily be withheld as private information), 470 (1987) (public employee's job performance does not generally constitute his private affairs), 455 (1987) (public employee's job performances or abilities generally not protected by privacy), 444 (1986) (public has legitimate interest in knowing reasons for dismissal, demotion, promotion, or resignation of public employees), 423 at 2 (1984) (scope of public employee privacy is narrow). Therefore, based on our review of the records, we conclude that none of the submitted information is protected by common-law privacy.

You also assert that portions of the submitted e-mails must be withheld pursuant to sections 552.026 and 552.114 of the Government Code and the Family Education Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. In Open Records Decision No. 634 (1995), this office concluded that: (1) an educational agency or institution may withhold from public disclosure information that is protected by FERPA and excepted from required public disclosure by sections 552.026 and 552.101 without the necessity of requesting an attorney general decision as to those exceptions, and (2) an educational agency or institution that is state-funded may withhold from public disclosure information that is excepted from required public disclosure by section 552.114 as a "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception. Information must be withheld from required public disclosure under FERPA only to the extent "reasonable and necessary to avoid personally identifying a particular student." Pursuant to FERPA, the district has redacted student names and other identifying information from the documents prior to submitting them to this office for review. Thus, in accordance with Open Records Decision No. 634, you must withhold the redacted information from disclosure. We have marked additional information that is also protected by FERPA.

We also note that some of the submitted information may be protected from disclosure under section 552.117 of the Government Code. Section 552.117 excepts from required public disclosure the home addresses, telephone numbers, social security numbers, or information revealing whether a public employee has family members when the public employee requests that this information be kept confidential under section 552.024. Therefore, section 552.117 requires you to withhold this information of a current or former employee or official who requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold the information of a current or former employee or official who made the request for confidentiality under section 552.024 after this request for information was made. Open Records Decision No. 530 at 5 (1989) (whether particular piece of information is public must be determined at time request for it is made). Therefore, if the official has elected to limit public access to this information in accordance with the procedures of section 552.024 of the Government Code, you must withhold this information from required public disclosure pursuant to section 552.117. We have marked the information that must be withheld if the official made a proper election under section 552.024.

Next, you claim that certain portions of the submitted documents are excepted from disclosure under

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section 552.107. Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "for the purpose of facilitating the rendition of professional legal services" to the client governmental body. Tex. R. Evid. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Texas Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.--Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. Tex. R. Evid. 503(b)(1)(A), (B), (C), (D), (E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a *confidential* communication, *id.* 503(b)(1), meaning it was "not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." *Id.* 503(a)(5). Whether a communication meets this definition depends on the *intent* of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.--Waco 1997, no writ). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You state that the information that you have marked reveals communications between district officials and legal counsel that were made in the furtherance of the rendition of legal services. You also indicate that the marked material was not intended to be disclosed to outside parties. After reviewing your arguments and the submitted documents, we agree that a portion of information that you seek to withhold contains privileged attorney-client communications. We have marked the information that may be withheld under section 552.107.

Finally, we note that the submitted documents contain e-mail addresses that are excepted from disclosure under section 552.137. Section 552.137 of the Government Code requires a governmental body to withhold an e-mail address of a member of the public that is provided for the purpose of communicating electronically with the governmental body, unless the member of the public has affirmatively consented to its release. Consequently, unless the individuals to whom these addresses belong have consented to release, the district must withhold the marked e-mail addresses from disclosure.

In summary, we conclude that the district must withhold student identifying information under FERPA. If the official restricted access to her personal information in accordance with section 552.024, you must withhold the marked information from disclosure under section 552.117(1). We have marked the information that the district may withhold under section 552.107. Finally, under section 552.137, the district must withhold personal e-mail addresses of those individuals who have not consented to their release. The remaining responsive information, however, must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general

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to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408,411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

June B. Harden  
Assistant Attorney General  
Open Records Division  
JBH/seg  
Ref: ID# 176392  
Enc: Submitted documents

c: Mr. Chris Lykins  
1012 Schriewer  
Seguin, Texas 78155  
(w/o enclosures)

---

## Footnotes

1. In addition, this office has concluded that litigation was reasonably anticipated when the potential opposing party took the following objective steps toward litigation: filed a complaint with the Equal Employment Opportunity Commission, *see* Open Records Decision No. 336 (1982); hired an attorney

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who made a demand for disputed payments and threatened to sue if the payments were not made promptly, *see* Open Records Decision No. 346 (1982); and threatened to sue on several occasions and hired an attorney, *see* Open Records Decision No. 288 (1981).

POST OFFICE BOX 12548, AUSTIN, TEXAS 78711-2548 TEL: (512) 463-2100 WEB: WWW.OAG.STATE.TX.US  
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1/9/2012 9:50 AM



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 27, 2005

Mr. Dick Gregg, Jr.  
Gregg & Gregg  
16055 Space Center Blvd., Ste. 150  
Houston, Texas 77062

Exhibit E

3 pages

OR2005-06753

Dear Mr. Gregg:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 228985.

The City of Kemah (the "city"), which you represent, received a request for all correspondence between the city mayor and a named person or regarding certain specified issues. You state that you have released some of the requested information, but claim that the remaining requested information does not constitute "public information" for purposes of the Act. We have considered your arguments and reviewed the submitted information.

You claim that correspondence maintained by the mayor on his private business or personal e-mail accounts is not public information subject to the Act. Section 552.002 of the Government Code defines "public information" as:

information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.002(a). Thus, under this provision, information is generally "public information" within the scope of the Act when it relates to the official business of a governmental body. We find that the submitted documents and e-mails are addressed to members of the public or city officials and discuss official city business concerning the requested specified issues. Further, the mayor signs the documents and e-mails in his official capacity. Accordingly, we conclude that the submitted information is subject to disclosure under the Act. *See* Gov't Code § 552.002(a); *see also* Open Records Decision No. 425 (1985) (concluding, among other things, that information sent to individual school trustees' homes was public information because it related to official business of governmental body) (overruled on other grounds by Open Records Decision Nos. 439 (1986)); Open Records Letter Nos. 2005-01126 at 3 (2005) (stating that information in a public officeholder's personal e-mail account may be subject to the Act where the officeholder uses the personal e-mail account to conduct public business); 2003-1890 (2003) (finding that personal cellular, personal office, and home telephone records, as well as the e-mail correspondence from personal e-mail accounts of the mayor and the commissioners that relate to the transaction of official city business is subject to disclosure under the Act); and 2003-0951 (2003) (finding that e-mails relating to district business to be public information).

We note that the submitted information contains the e-mail addresses of members of the public. Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the

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member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). We have marked the e-mail addresses of members of the public. These e-mail addresses are not the type specifically excluded by section 552.137(c). Therefore, unless the individuals whose e-mail addresses are at issue consented to release of the e-mail addresses, the city must withhold them accordance with section 552.137 of the Government Code.

In summary, with the exception of the marked e-mail addresses that must be withheld under section 552.137 of the Government Code, the submitted information must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

Jaclyn N. Thompson  
Assistant Attorney General  
Open Records Division  
JNT/kr1  
Ref: ID# 228985  
Enc. Submitted documents

c: Bernard McIntyre

E34

1011 North Shore Drive  
Clear Lake Shores, Texas 77565  
(w/o enclosures)

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## OVILLA POLICE DEPARTMENT

On October 7, 2011 at approximately 11:30 am, Bill Vansyckle, Mayor of Ovilla came into my office to report a possible threats complaint. He feels that two individuals made threats towards him during a meeting between the two individuals and Tom Leverentz, Mayor Pro-Tem of Ovilla. The two accused individuals are David Griffin and Ralph Hall, both citizens of Ovilla.

According to Vansyckle, through second hand information, these two individuals made threats by intimidation in order for Vansyckle to resign as Mayor and for him to remove the item from the agenda to terminate the City Administrator, Randy Whiteman. According to Vansyckle, these individuals threatened him and his family if he did not resign from the Mayor's office and take the Item #14 off the agenda for the September 12, 2011 City Council Meeting.

On October 7, 2011 I interviewed the witness Tom Leverentz at approximately 2:45 pm in my office. After several questions, Leverentz informed me of the following: On September 11, 2011 he received a phone call from David Griffin and Griffin told him that he would like to meet with him saying that he had a "business proposition" for him. Leverentz, Hall and Griffin met that evening, (not sure what time) behind the First United Methodist Church on Red Oak Creek Road in Ovilla. I asked Leverentz if he felt like he was talked into the meeting under false pretences and he said no. He said at first he thought the meeting had something to do with the company he worked for but he did not feel like he had been "conned" into having this meeting and did not feel "ambushed" after he discovered what the meeting was about.

Leverentz told me that he was told both individuals had a list of "unlawful" activities that Vansyckle had committed since he had been Mayor. Hall and Griffin told Leverentz they were going to turn this information into the District Attorney and the Attorney General's office for investigation. They also told Leverentz that if Vansyckle resigned as Mayor, then they would not turn this information over to these two agencies for investigation. I asked Leverentz if he felt that the two individuals were threatening to do harm to Vansyckle, his family or his property and he stated "No". Leverentz did advise me that one of the individuals stated, "...this information would hurt Vansyckle, the City and his family." I then asked Leverentz if he thought this was a "threat" and he said, "No".

Leverentz stated at no time did either individual threaten harm or violence toward Vansyckle, his property or his family. After I asked Leverentz the question he stated that taking Item #14 off of the Council Agenda was never mentioned in the conversation or the meeting with Griffin and Hall.



On October 11, 2011 at approximately 8:00 am, David Griffin met with me in my office for an interview. Because this was early in its investigation and I was not sure if there would be criminal charges filed or not, I read Griffin his Miranda Rights Warning. Griffin advised me that he understood his rights and was willing to answer my questions.

Griffin confirmed that there was a meeting between him, Hall and Leverentz on the evening of September 11, 2011 behind the Methodist Church in Ovilla. He said that he and Hall told Leverentz that due to open records requests, they had a list of possible "unlawful" activities performed by Vansyckle since he became Mayor of Ovilla. Griffin said he told Leverentz that they plan on turning this information over to the District Attorney and the Attorney General's Offices for investigation. Griffin told Leverentz that if Vansyckle resigned the Mayor's position then they would not turn the information they had over to those offices. Griffin also informed me that the subject of Item #14 on the Council Agenda was never discussed during this meeting.

I asked Griffin if he or Hall, at anytime threatened to do harm to Vansyckle, his property or his family, and Griffin stated, "No, definitely not". Griffin stated to me their intention was to allow Vansyckle to "save face" by his resignation as Mayor, as opposed to the information they had going public. Griffin wrote out a sworn statement with the facts of the meeting and his intentions. The statement was signed in front of me and the Police Department secretary, Kim Gutierrez.

On October 12, 2011 at approximately 8:00 am Ralph Hall came to my office for an interview on this subject. Due the fact that Hall was a possible suspect to an offense I read him his Miranda Rights Warning. He stated that he understood his rights and he was willing to wave his rights and answer any questions I might have without representation.

Hall confirmed that there was a meeting with himself, David Griffin and Tom Leverentz on September 11, 2011 behind the Methodist Church in Ovilla. He stated that Griffin and Leverentz did most of the talking and that he said very little during the meeting. He stated that Griffin told Leverentz that they had a list of possible unlawful acts that Vansyckle had committed during the time he was Mayor of Ovilla. Griffin told Leverentz that people in his group were going to release this information to the District Attorney's office as well as the Attorney General's office for investigation into the allegations. Hall said that Griffin told Leverentz that if Vansyckle was willing to resign as Mayor then they would not release this information to the two investigating agencies.

2.

E37

Officer:  
Approving Supervisor:

ID#:  
ID#:

I asked Hall if at any time himself or Griffin threatened harm to Vansyckle, his family or property in order to get him to resign. Hall stated that no, there was never any kind of threat made of any kind. He informed me that from what he witnessed and heard there was never an indication of harm, threat or threat of violence intended to anyone. He also wanted to state for the record that he nor Griffin are violent people and would never threaten anyone or their families. I ask Hall if the subject of agenda #14 or the subject of terminating the employment of the City Administrator, Randy Whiteman, was ever discussed during the meeting that night and he said, "No, absolutely not. That subject was never discussed." Hall voluntarily wrote a sworn statement with the above facts and turned into me.

With all of the facts that I have gathered after interviewing the witness and the two possible suspects, I cannot find a law that has been violated. It has not been found that any threat or intimidation was committed. It is my opinion that there was not a criminal offense that was committed in this case.

This ends the investigation in this case and ends this report.

3.

E38

Officer:  
Approving Supervisor:

ID#:  
ID#:

Exhibit G  
2 pages

VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, William Vansyckle\_\_\_\_\_, am \_\_\_58\_\_\_ years old and live at 109 Suburban, Ovilla, TX 75154\_\_\_\_\_. I am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to Chief Mike Moon, Ovilla Police Dept\_\_\_\_\_. I am giving this statement of my own free will and accord. The purpose of this statement was explained to me to my satisfaction and in no way have I been threatened, forced, or promised any reward to induce me to make this statement.

~~~~~  
I am currently serving as Mayor of the City of Ovilla, TX. The week prior to Sept., 12<sup>th</sup>, 2011 I set the agenda which included two items number 13 and 14 (see attached agenda). Agenda Item 14 called for the Council to consider the resignation of City Administrator Randy Whiteman. On September 12<sup>th</sup>, 2011 about 30 minutes before the Council meeting, which is set for 7:00pm, Mayor Protem Tom Leverentz came into my office and requested that I remove Agenda Item 14. I asked and he stated that I needed to do it. Tom look made me worry and I stated I would but he needed to explain why after the meeting. During the meeting Mr Ralph Hall and David Griffin were present. After the meeting I meet with Tom Leverentz. He told me that Ralph Hall and David Griffin called him before the meeting and used a false pretense to set the meeting up. At the meeting Tom told me that David Griffin and Ralph Hall threatened to do things to me and if I did not remove the Agenda Item and to leave Administrator Randy Whiteman alone. He would not tell me exactly what they were going to do but Ralph Hall pulled Tom away from the clandestine meeting and stated that he was not a part of what might happen to my family. This raised a major concern for me and my family. David Griffin was the one who posted on a web site email referring me to "THIEVES AND MURDERS and that one day They will get what's coming to them". Doug Hunt was present when Tom explained the meeting to me. If I would have known of the threats I would not have removed the agenda item. Tom was threatened by these men to get me to remove an item. I believe they have intimidated a public official in person and through a 3<sup>rd</sup> party. I am requesting a complete investigation into the clandestine meeting in which

The content is true and correct to the best of my knowledge.

Signed

Witness

Date \_\_\_\_\_

Page 1 of 2

VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, Thomas Leverenz, am 64 years old and live at 621 Green Meadows, Orilla, TX 75154. I am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to MICHAEL MOORE. I am giving this statement of my own free will and accord. The purpose of this statement was explained to me to my satisfaction and in no way have I been threatened, forced, or promised any reward to induce me to make this statement.

On September 11, 2011 I met with David Griffin and Ralph Hall in the parking lot of the Orilla Methodist Church. At the meeting they talked about their displeasure with Mayor Vansyckle. They said that they had information about his duties as Mayor that were unethical and maybe criminal in his handling of the City. They did not share specifics about the charges. They thought that rather than the City and the Mayor and his family going through this process that he should resign. They thought that this would be beneficial for all concerned. I said that I would pass along this information. They stated they would give him till the end of the month. After the meeting I called Doughnut, relayed the information to him and asked him to call the Mayor and pass along this information.

The content is true and correct to the best of my knowledge.

Thomas Leverenz  
Signed  
M. Deep  
Witness

10-11-11  
Date

**VOLUNTARY STATEMENT  
NOT UNDER ARREST**

I, THOMAS LEVERETTE, am 64 years old and live at 621 Green MEADOWS HILL RD WASH. I am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to MICHAEL MOON. I am giving this statement of my own free will and accord. The purpose of this statement was explained to me to my satisfaction and in no way have I been threatened, forced, or promised any reward to induce me to make this statement.

ALSO AT THE MEETING ON SEPTEMBER 11 THERE WERE NO THREATS OR PHYSICAL HARM AGAINST THE MAYOR OR HIS FAMILY TALK ABOUT THE

Thomas L. Hunt

The content is true and correct to the best of my knowledge.

Signed Thomas Leroy

Signed

W. A. P.

Witness

12-11-11  
Date

Date \_\_\_\_\_

Page 2 of 3

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VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, Thomas Leverenz, am 64 years old and live at 621 Green Meadows, Orilla, TX 75154. I am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to MICHAEL MIRON. I am giving this statement of my own free will and accord. The purpose of this statement was explained to me to my satisfaction and in no way have I been threatened, forced, or promised any reward to induce me to make this statement.

On September 12, 2011 just prior to the City Council Meeting I walked into the Mayor's office and asked that Item #14 (the firing of the City Administrator, Randy Whiteman) be removed from the agenda that night. On September 8, 2011 one of our Council Members, Mike Dickey, was involved in a motorcycle accident and would not be able to attend the September 12 meeting I felt that Councilman Dickey had additional information regarding Item #14. The Mayor opened the Council Meeting and asked that Item #14 be removed from the agenda. At that point any of the other Council members could have asked that Item #14 be put back on the agenda for that night. However, the Council agreed to have it removed from the agenda.

The content is true and correct to the best of my knowledge.

Thomas Leverenz  
Signed

m. Deep

Witness

10-11-11  
Date

Page 3 of 3

E 43

Exhibit I  
2 pages

VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, DAVID GRIFFIN, am 59 years old and live at  
602 CEDAR RIDGE CT, OVILLA, TX. I am not under arrest for, nor  
am I being detained for any criminal offense concerning the events I am about to make  
known to CHIEF MIKE MOON. I am giving this statement of my own free  
will and accord. The purpose of this statement was explained to me to my satisfaction and  
in no way have I been threatened, forced, or promised any reward to induce me to make  
this statement.

~~~~~  
I AND RALPH HALL HAD A MEETING AT THE OUMC  
WITH TOM LEVERANZ, COUNCILMAN IN OVILLA. BASED ON  
ACTIONS OF THE MAYOR, SEVERAL CITIZENS HAVE CALLED  
ON HIM TO RESIGN. THRU PIA REQUEST OF MANY CITIZENS, IT  
HAS BEEN DETERMINED THAT THE MAYOR HAS POSSIBLY  
VIOLATED SEVERAL STATE LAWS. WE DECIDED TO LET  
TOM LEVERANZ KNOW THIS. I TOLD HIM THAT WE  
BELIEVED THE MAYOR SHOULD RESIGN AND SAVE THE  
CITY THE EMBARRASMENT OF THIS INFO, AS OVILLA  
WAS ALREADY THE LAUGHING STOCK OF ELLIS COUNTY.  
SO OUR PLAN AS WE TOLD TOM, WAS TO TURN  
OUR DOCUMENTS OVER TO THE A.G. OF TEXAS

~~~~~  
The content is true and correct to the best of my knowledge.

David R Griffin  
Signed

Kimberly G. Gutierrez  
Witness

10/11/11  
Date

Page 1 of 2

E44



PAGE 2

VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, DAVID GRIFFIN, am 59 years old and live at  
602 CEDAR RIDGE CT OVILLA, TX. I am not under arrest for, nor  
am I being detained for any criminal offense concerning the events I am about to make  
known to CHIEF MIKE MOON. I am giving this statement of my own free  
will and accord. The purpose of this statement was explained to me to my satisfaction and  
in no way have I been threatened, forced, or promised any reward to induce me to make  
this statement.

AND ELLIS COUNTY DA. IF THE MAYOR DECIDED TO  
RESIGN, WE WOULD HOLD OFF. AT NO TIME WAS  
ANY THREAT (PHYSICAL OR OTHERWISE) MADE BY  
ME OR RALPH HALL AGAINST MR. VANSYCKLE, HIS  
FAMILY, OR HIS PROPERTY. RALPH AND I ARE  
ETHICAL PROFESSIONALS, NOT THUGS.

The content is true and correct to the best of my knowledge.

David R Griffin

Signed

Kimberly A. Kattner

Witness

10/11/11  
Date

Page 2 of 2

E45

Exhibit I

2 pages

VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, RALPH G. HAN, am 63 years old and live at 134 Meadow Glen CT, Ovilla, TX 75154. I am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to Chief Mike Moon. I am giving this statement of my own free will and accord. The purpose of this statement was explained to me to my satisfaction and in no way have I been threatened, forced, or promised any reward to induce me to make this statement.

David Griffin Asked me to Accompany him to A Meeting with Tom Leverentz related to Mayor Vansyckle. At that Meeting David indicated to Tom Leverentz that through request under the PIA several Citizens believe that Mayor Vansyckle has violated several statutes or laws. David said that he was aware that the Mayor had been ASK to resign. David said that if the Mayor resigned it would save the City of Ovilla Additional embarrassment. He indicated that if the Mayor did resign the documents would NOT be turned over to the D.A or A.G.

The content is true and correct to the best of my knowledge.

Ralph G. Han  
Signed

Ed Leather  
Witness

Oct. 12, 2011  
Date

Page 1 of 2

E46

VOLUNTARY STATEMENT  
NOT UNDER ARREST

I, RALPH G. HALL, am 63 years old and live at  
134 MEADOW GLEN DRILL TX 75154. I am not under arrest for, nor  
am I being detained for any criminal offense concerning the events I am about to make  
known to \_\_\_\_\_. I am giving this statement of my own free  
will and accord. The purpose of this statement was explained to me to my satisfaction and  
in no way have I been threatened, forced, or promised any reward to induce me to make  
this statement.

~~~~~

At no time during the Meeting with Tom  
Leventz were any threats made by me or  
DAVID GRIFFIN AGAINST Mayor Vansickle, his  
family or property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~~~~

The content is true and correct to the best of my knowledge.

Ralph G. Hall  
Signed

Ed Leventz  
Witness

Oct 12, 2011  
Date

# Ovilla Police Department

Exhibit k  
7 pages

Page 1

## INCIDENT Report

ORI: TX0700500

Incident No. 11OP001820

10/19/2011

### Incident

CAD No. 1100062784 Other No. Type Criminal Date Occur 10/07/2011 12:00  
Status Unfounded Clear. Date Enter By: Exc. Clear.  
Inv. Status Unfounded Report By: Moon, Mike 10/07/2011 Approv. By: Dox, Mollie 10/12/2011  
Fam. Viol. No Narrative 111OP001820.doc Investigator Moon, Mike  
Description  
Complainant believes he has been threatened by intimidation.

Dispatch Location

- Offense No. 1 Offense Recording Date 10/07/2011 16:10

Off. Begin Date 10/07/2011 12:00 Off. End Date 10/07/2011 12:00 Entry Method Attempt/Complete  
Drug Seized Gang Related Hi-Speed Pursuit Weapons Used  
Offense Code 1101 Offense Assault By Threat No. of Premises 0  
Bias Motivation Agg Asslt/Homic. Circumst.  
Offense Addr. 105 COCKRELL HILL RD OVILLA Loc. Type  
Remarks  
This is investigation and information report only at this time.

### Offender(s)

| Name             | DOB | Race  | Sex  | DL | Address                               |
|------------------|-----|-------|------|----|---------------------------------------|
| Griffin, David   |     | White | Male |    | 602 CEDAR RIDGE CT , Ovilla, TX 75154 |
| Hall, Ralph Gene |     | White | Male |    | 134 Meadow Glen , Ovilla, TX 75154    |

### Victim(s)

| Name                      | DOB | Race  | Sex  | DL | Address                            |
|---------------------------|-----|-------|------|----|------------------------------------|
| Vansyckle, William Verner |     | White | Male |    | 109 SUBURBAN DR , Ovilla, TX 75154 |

### Victims (Organizations)

| Name | Phone | Address |
|------|-------|---------|
|------|-------|---------|

### Other Involved Person(s)

| Name                      | Role        | DOB | Race  | Sex  | DL | Address                            |
|---------------------------|-------------|-----|-------|------|----|------------------------------------|
| Vansyckle, William Verner | Complainant |     | White | Male |    | 109 SUBURBAN DR , Ovilla, TX 75154 |
| Leverentz, Tom            | Witness     |     | White | Male |    | 621 GREEN MEADOW LN , Ovilla, TX   |

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# Ovilla Police Department

Page 2

## Incident ARREST Report

---

|                |                         |            |
|----------------|-------------------------|------------|
| ORI: TX0700500 | Incident No. 11OP001820 | 10/19/2011 |
|----------------|-------------------------|------------|

---

### Incident

|                                                                             |                           |                |                                    |
|-----------------------------------------------------------------------------|---------------------------|----------------|------------------------------------|
| CAD No. 1100062784                                                          | Other No.                 | Type Criminal  | Date Occur 10/07/2011 12:00        |
| Status Unfounded                                                            | Clear. Date               | Except. Clear. |                                    |
| Invest. Status Unfounded                                                    | Report By: Moon, Mike     | 10/07/2011     | Approve By: Dox, Mollie 10/12/2011 |
| Fam. Violence No                                                            | Narrative 111OP001820.doc |                |                                    |
| Description<br>Complainant believes he has been threatened by intimidation. |                           |                |                                    |

---

|               |                                         |
|---------------|-----------------------------------------|
| Offense No. 1 | Offense Recording Date 10/07/2011 16:10 |
|---------------|-----------------------------------------|

---

|                                             |                                |                           |
|---------------------------------------------|--------------------------------|---------------------------|
| Off. Begin Date 10/07/2011 12:00            | Off. End Date 10/07/2011 12:00 | Offense Assault By Threat |
| Offense Address 105 COCKRELL HILL RD OVILLA |                                |                           |

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# Ovilla Police Department

Page 3

## Incident Involved Persons Report

ORI: TX0700500

Incident No. 11OP001820

10/19/2011

### Incident

CAD No. 1100062784 Other No. Type Criminal Date Occur 10/07/2011 12:00  
Status Unfounded Clear. Date Enter By: Exc. Clear.  
Inv. Status Unfounded Report By: Moon, Mike 10/07/2011 Approv. By: Dox, Mollie 10/12/2011  
Fam. Viol. No Narrative 11OP001820.doc  
Description  
Complainant believes he has been threatened by intimidation.

### Persons

Vansyckle, William Verner

Race: White Sex: Male HT: 6' 2" WT: 220

Skin Tone: Medium

Hair Color: Gray

Eyes: Brown

Title:

Clothing:

Alias:

Role: Complainant; Victim

### Vitals

DOB: Ethnicity: Non-Hispanic Marital Status: Resid. Status:  
DOD: # of Dependents: Date Married: Separate Date: Divorce Date:  
Religion: Citizenship: Place of Birth:

### Known Address(es)

Address: 109 SUBURBAN DR Ovilla, TX 75154

Yrs @ Addr: Date Enter: 05/10/2011

### Identifications

ID Type: Driver License ID No Issued By: TX Date Issued: Date Expired:  
Comment: ID Proof: NCIC Record Date Entered: 05/10/2011

### Medical Conditions

### Employment

Occupation: Private Investigator Status: Self - Employed Employee ID: Grade: Annual Salary:  
Employer: Start Date: Final Date: Date Entered: 05/10/2011

### Education

### Physical Characteristics

### Advanced Characteristics

### Phone Numbers

(1) Phone No.

(2) Phone No.

(3) Phone No.

(4) Phone No.

ESD

# Ovilla Police Department

Page 4

## Incident Involved Persons Report

ORI: TX0700500

Incident No. 11OP001820

10/19/2011

### Leverentz, Tom

Race: White Sex: Male HT: 6' 0" WT: 220

Skin Tone:

Hair Color:

Eyes:

Title:

Clothing:

Alias:

Role: Witness

### Vitals

DOB:

Ethnicity:

Marital Status:

Resid. Status:

DOD:

# of Dependents:

Date Married:

Separate Date:

Divorce Date:

Religion:

Citizenship:

Place of Birth:

### Known Address(es)

Address: 621 GREEN MEADOW LN Ovilla, TX

Yrs @ Addr:

Date Enter: 10/12/2011

### Identifications

ID Type: Driver License

ID N

Issued By: TX

Date Issued:

Date Expired:

Comment:

ID Proof:

Date Entered: 10/12/2011

### Medical Conditions

### Employment

### Education

### Physical Characteristics

### Advanced Characteristics

### Phone Numbers

(1) Phone No.

(2) Phone No.

(3) Phone No.

(4) Phone No.

### Griffin, David

Race: White Sex: Male HT: 5' 8" WT: 150

Skin Tone:

Hair Color: Brown

Eyes: Green

Title:

Clothing:

Alias:

Role: Offender

### Vitals

DOB:

Ethnicity:

Marital Status:

Resid. Status:

DOD:

# of Dependents:

Date Married:

Separate Date:

Divorce Date:

Religion:

Citizenship:

Place of Birth:

### Known Address(es)

Address: 602 CEDAR RIDGE CT Ovilla, TX 75154

Yrs @ Addr:

Date Enter: 10/12/2011

### Identifications

ID Type: Driver License

ID N

Issued By: TX

Date Issued:

Date Expired:

Comment:

ID Proof:

Date Entered: 10/12/2011

### Medical Conditions

### Employment

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# Ovilla Police Department

Page 5

## Incident Involved Persons Report

ORI: TX0700500

Incident No. 11OP001820

10/19/2011

### Education

### Physical Characteristics

### Advanced Characteristics

### Phone Numbers

(1) Phone No.

(2) Phone No.

(3) Phone No.

(4) Phone No.

**Hall, Ralph Gene**

Race: White

Sex: Male

HT: 6' 1" WT: 225

Skin Tone:

Hair Color: Gray

Eyes: Brown

Title:

Clothing:

Alias:

Role: Offender

### Vitals

DOB: 1

Ethnicity: Non-Hispanic

Marital Status:

Resid. Status:

DOD:

# of Dependents:

Date Married:

Separate Date:

Divorce Date:

Religion:

Citizenship:

Place of Birth:

### Known Address(es)

Address: 134 Meadow Glen Ovilla, TX 75154

Yrs @ Addr:

Date Enter: 04/09/2011

### Identifications

ID Type: Driver License

ID No:

Issued By: TX

Date Issued:

Date Expired:

Comment:

ID Proof:

Date Entered: 04/09/2011

### Medical Conditions

### Employment

### Education

### Physical Characteristics

### Advanced Characteristics

### Phone Numbers

(1) Phone No.

(2) Phone No.

(3) Phone No.

(4) Phone No.

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# Ovilla Police Department

## Incident PROPERTY Report

ORI: TX0700500 Incident No. 11OP001820 10/19/2011

### ncident

CAD No. 1100062784 Other No. Narrative I11OP001820.doc  
 Status Unfounded  
 Inv. Status Unfounded Date Occurred 10/07/2011 12:00 Type Criminal  
 Family Viol. No Report By Moon, Mike Enter. By Exc. Clear.  
 Description 10/07/2011 Approv. By Dox, Mollie 10/12/2011

Complainant believes he has been threatened by intimidation.

| Stolen/Damaged  | Recovered         |      |
|-----------------|-------------------|------|
| Qty             | Qty               | Date |
| Tot. Value      | Tot. Value        |      |
| Evidence:       | Recover Location: |      |
| Item Name:      | Description:      |      |
| Involved Person |                   |      |

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# Ovilla Police Department

## Incident VEHICLE Report

ORI: TX0700500

Incident No. 11OP001820

### Incident

CAD No. 1100062784  
Status Unfounded  
Inv. Status Unfounded  
Family Viol. No  
Description  
Date Occurred 10/07/2011 12:00  
Clearance Date  
Report By Moon, Mike  
Type Criminal  
Enter By  
Approve By Dox, Mollie  
Narrative 111OP001820.doc  
Exc. Clear  
10/19/2011  
10/07/2011  
10/12/2011

Complainant believes he has been threatened by intimidation.

### - Vehicle

Status  
Year Make  
Model  
Color  
VIN Number  
State License  
Exp. Date  
Value  
Plate Type  
Type:  
Description:  
Wrecker Co:  
Wrecker Call'd:  
Wrecker Arriv'd:  
Enter'd:

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Exhibit 4  
3 pages

Bill Vansyckle, Mayor  
Tom Leyerentz, Mayor Pro-Tem  
Michael Dickey, Place Two

## CITY OF OVILLA

### AGENDA

James Wade, Place Three  
Doug Hunt, Place Four  
Richard Dormier, Place Five  
Randy Whiteman, City Administrator

### Ovilla City Council

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, September 12, 2011

7:00 P.M.

Council Chamber Room

Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, September 12, 2011 at 7:00 P.M. in the City Hall Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

#### CALL TO ORDER

- ◆ Invocation
- ◆ Pledge of Allegiance

#### COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS

Resolution in Remembrance of 911

#### ◆ Citizen Comments

The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decision at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.

#### ◆ Department Activity Reports / Discussion

- |                                                    |                                |
|----------------------------------------------------|--------------------------------|
| ◆ Police Department                                | Chief M. Moon                  |
| ◆ Monthly Report                                   |                                |
| ◆ Fire Department                                  | Fire Chief D. Pickard          |
| ◆ Monthly Report                                   |                                |
| ◆ ESD (Emergency Services District) Update         |                                |
| ◆ Public Works                                     | Director B. Piland             |
| ◆ Monthly Report                                   |                                |
| ◆ Finance Department                               | Accountant S. Jungman          |
| ◆ Monthly Municipal Court Report                   |                                |
| ◆ Administration                                   | City Administrator R. Whiteman |
| ◆ Monthly Report – Code Enforcement/Animal Control |                                |

#### CONSENT AGENDA

- ◆ Monthly Financial Transactions.
- ◆ Declare Brush Truck 751 as surplus.

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration.

#### PUBLIC HEARING

- ITEM 1. Public Hearing and Discussion of an ordinance to adopt and approve the Proposed Budget for the Fiscal Year 2011-2012.

Bill Varisycldé, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Michael Dickey, Place Two

## CITY OF OVILLA

### AGENDA

James Wade, Place Three  
Doug Hunt, Place Four  
Richard Dormier, Place Five  
Randy Whitteman, City Administrator

#### REGULAR AGENDA / INDIVIDUAL CONSIDERATION

- ITEM 2. Discussion/Action – Consider Adoption of Ordinance 2011-019 Adopting and Approving the Proposed Budget for the Fiscal Year 2011-2012.
- ITEM 3. Discussion/Action – Consider Adoption of Ordinance 2011-020 Approving the Tax Rate for the Fiscal Year 2011-2012.
- ITEM 4. Discussion/Action – Consider Resolution of candidate nominations for the Ellis Appraisal District Board of Directors for the Years 2012-2013.
- ITEM 5. Discussion/Action – Consider and approve FY2011-2012 City Calendar and approve scheduled meetings of the Ovilla City Council.
- ITEM 6. Discussion/Action – Consider and approve the purchase of technical equipment for the Council Chamber Room.
- ITEM 7. Discussion/Action – Consider awarding a Meritorious Exception as allowed under Chapter 3, Section 3.06.012 of the Ovilla Code of Ordinances to allow Ms Dana Phillips to place a new cover on an old portable sign in front of her business located at 3322 Ovilla Road.
- ITEM 8. Discussion/Action – Consider approval to Ellis County Precinct #4 for a two-course chip & seal on Malloy Lane as listed on the CIP.
- ITEM 9. Discussion/Action – Consider an Ordinance of the City of Ovilla, amending the Fiscal Year 2010-2011 General Fund Budget and Annual Program of Services to allow for an Adjustment of \$41,500 to Account for the Use of Undesignated Reserve Funds to Increase the Street Line Item Infrastructure for the Renovation of Malloy Lane.
- ITEM 10. Discussion/Action – Consider the declaration of Brush Truck 751 as surplus property and authorize city staff to proceed with the legal requirements for the sale of such.
- ITEM 11. Discussion Only – Review and discuss a proposed ordinance presented by Place 5 Wade regarding Open Government & Transparency.
- ITEM 12. Discussion Only – Review and discuss upcoming Heritage Day and Council progress reports regarding their assignments to aid in the success of Heritage Day.
- ITEM 13. Discussion/Action – Consider the authority of the City Administrator to terminate the employment of Rodney Ramsey as City Prosecutor, pursuant to Section 9.03.034 of the City Code, and approving and ratifying such action.
- ITEM 14. Discussion/Action – Consider the employment, evaluation, reassignment, discipline, termination, or duties of the City Administrator, including the acceptance of the resignation of the City Administrator and approval of a proposed severance agreement providing for continuation of salary and benefits and other terms relating to such resignation.

Bill Vansyckle, Mayor  
Tom Everentz, Mayor Pro-Tem  
Michael Dickey, Place Two

## CITY OF OVILLA

### AGENDA

James Wade, Place Three  
Doug Hunt, Place Four  
Richard Dormier, Place Five  
Randy Whiteman, City Administrator

#### EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

#### Conflict of Interest

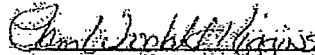
If a Council Member elects to refrain from an item(s) on this agenda, please see the City Secretary for an affidavit prior to the convening of the meeting.

#### Council's Request for Consideration of Future Agenda Items

No action or in-depth discussion may occur during this item. It is intended to provide an opportunity for the Council to inform each other and the public about events and situations that are of general interest.

#### Adjournment

This is to certify that a copy of the Notice of the Regular City Council Meeting for September 12, 2011, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, on this 9th day of September prior to 6:00 p.m.

  
Pam Woodall Higgins  
City Secretary

**IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING.**

**PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.**

#### CERTIFICATION:

I hereby certify that the Ovilla City Council Agenda was removed from the City Hall Bulletin Board, located at 105 S. Cockrell Hill Road, Ovilla, TX 75154, (a place accessible to the public at all times) on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ a.m./p.m., after having been posted for at least 72 continuous hours preceding the scheduled time of the posted meeting.

\_\_\_\_\_  
Pam Woodall Higgins, City Secretary

## Ovilla Mayor files police report alleging threats made

By RITA COOK Daily Light correspondent | Posted: Monday, October 24, 2011 10:37 pm

OVILLA — Ovilla Mayor Bill Vansyckle filed a police report against two residents of the city on Oct. 7, after saying he believed the residents had made threats toward him at a meeting attended by the city's Mayor Pro Tem Tom Leverentz.

In Vansyckle's report he says "these men intimidated a public official in person and through a third party."

While the final police report findings resulted in Ovilla Police Chief Mike Moon indicating he could not find a law that had been violated or any threat or intimidation committed by residents David Griffin and Ralph Hall in the meeting with Leverentz on Sept. 11, Vansyckle says he still wanted the story told because "I had finally had enough."

According to Vansyckle's police report, Griffin and Hall met with Leverentz and told him that due to various open records requests they had found a number of "possible" unlawful activities performed by Vansyckle during his time as the city's mayor.

Griffin indicated in a police report in which he was questioned after Vansyckle's filed complaint on Oct. 7 that he planned to take information on Vansyckle alleging unethical and possible criminal actions in his handling of the city to the District Attorney and Attorney General's office. It was also noted on the police report that Griffin told Leverentz that if Vansyckle resigned he would not take the alleged information to these offices.

Leverentz noted in his police report that neither Griffin nor Hall shared the specifics of the alleged information the two men had regarding Vansyckle.

Griffin also noted that neither he nor Hall had ever made any threats to Vansyckle, his family or his property during his conversation with Leverentz and had simply wanted to give Vansyckle a means to "save face" in exchange for his resignation as the city's mayor.

Hall noted in a sworn statement that neither he nor Griffin had made any threats in regard to Vansyckle and said later in a statement, "I am glad that the investigation by Police Chief Mike Moon, city of Ovilla and Patrick M. Wilson, Ellis County District Attorney has been completed and the determination made, that the accusation by Mayor Vansyckle were unfounded and that there was no criminal activity."

Vansyckle's filed report stated that Leverentz told him Griffin and Hall threatened to do things if he did not remove an agenda item from a council agenda in regard to the firing of the city's administrator. He then noted that Hall had pulled Leverentz aside and told him he was not part of what would happen to his family.



Exhibit N  
2 pages

## ELLIS COUNTY & DISTRICT ATTORNEY

PATRICK M. WILSON

ELLIS COUNTY COURTS BUILDING • 109 S. JACKSON • WAXAHACHIE, TX 75165 • (972) 825-5035 • Fax (972) 825-5047

### FAX TRANSMITTAL COVER SHEET

**CONFIDENTIAL**

Date: October 17, 2011  
To: Mike Moon - Chief, Ovilla P.D.  
Fax #: 972-515-3221  
From: Patrick M. Wilson - County and District Attorney

The length of this transmission, including this cover sheet, is 2 pages.

If there is a problem, please call (972) 825-5035

Comments: *Response to Incident No. 11OP001820*

Original to follow via U.S. mail

*This communication, including the papers sent with this message, is intended by the sender to be read only by the individual to whom it is addressed, and may contain information that is confidential, privileged, and exempt from disclosure under the law. If you are not the intended recipient, or the intended recipient's employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any use, disclosure, or reproduction of the papers attached to this message, or information contained therein, is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original communication to the sender at the above address via U.S. mail.*

✓

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Also during questioning of both Griffin and Hall, both men said the agenda item had never come up in the Sept. 11 meeting with the Mayor Pro Tem.

The agenda item was taken off the next council meeting's agenda in question, but Leverentz said he had requested the item be taken off the agenda due to the absence of councilmember Mike Dickey, who had additional information regarding the item — and who would not be at the meeting due to a motorcycle accident.

After the report was filed and the parties questioned, Chief Moon sent the report to County and District Attorney Patrick Wilson who read the findings and wrote that the allegations in the report did not rise to the level of criminal conduct.

“This is not the first time Mr. Vansyckle has falsely yelled ‘you’ve threatened me and my family,’” Griffin stated. “One hundred percent of Vansyckle’s allegations have been proven to be baseless and without foundation ... and after an investigation by the chief of police, a Texas Ranger and the Ellis County DA, the complaint against Mr. Hall and I was found to be completely baseless and without foundation.”

For Vansyckle’s part in the matter he concludes that even though charges were not found to be criminal, he still wanted to bring the incident to the “attention of the public.”





## ELLIS COUNTY & DISTRICT ATTORNEY

PATRICK M. WILSON

ELLIS COUNTY COURTS BUILDING • 109 S. JACKSON • WAXAHACHIE, TX 75165 • (972) 825-5035 • FAX (972) 825-5047

October 17, 2011


Mike Moon  
Chief  
Ovilla Police Department  
105 S. Cockrell Hill Rd.  
Ovilla, TX 75154

re: *Incident No. 11OP001820*

Dear Chief Moon:

At your request I reviewed the above referenced incident report and supporting documentation. I discussed the allegations contained therein with my staff. It is the opinion of my office that, pursuant to the Texas Penal Code, the allegations documented in your report do not rise to the level of criminal conduct. There is no evidence of criminal conduct contained within the information provided to my office.

Sincerely,

  
Patrick M. Wilson  
County & District Attorney

2.

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**Ovilla City Council, Boards and Commissions**  
 By the passing of Resolution 2010.013 on September 27, 2010

**MODEL OF EXCELLENCE**  
**Ovilla City Council, Boards and Commissions**  
**MEMBER STATEMENT**

As a Member of the Ovilla City Council, Mayor, Board or Commission, I do hereby agree to uphold and abide by the Code of Ethics for elected and appointed officials, adopted by the City and conduct myself by the following model of excellence.

***I will:***

***Recognize the worth of individual Members and appreciate their individual talents, perspectives and contributions;***

***Help create an atmosphere of respect and civility where individual Members, City staff and the public are free to express their ideas and work to their full potential;***

***Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;***

***Respect the dignity and privacy of individuals and organizations;***

***Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;***

***Avoid and discourage conduct which is divisive or harmful to the best interest of Ovilla; and***

***Treat all people with whom I come in contact in the way I wish to be treated.***

***I affirm that I have read and understood the City of Ovilla Code of Ethics.***

**Name:** William "Bill" Vansyckle (print)

**Signature:** [Signature] **Date:** 10/12/2010

**Office Held:** Mayor

Mayor Bill Vansyckle  
 Place 2, Mike Dickey  
 Place 4, Doug Hunt

Mayor Pro-Tem Tom Leverentz  
 Place 3, James Wade  
 Place 5, Richard Dormier

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## Pam Higgins

---

**From:** Douglas Hunt [Place4hunt@cityofovilla.org]  
**Sent:** Saturday, December 31, 2011 7:53 PM  
**To:** Pam Higgins  
**Subject:** RE: Correction regarding email accounts

It is my understanding what we can regulate is the official name "City of Ovilla". Does every business or organization that has Ovilla in its name have to get permission i.e.:

Ovilla Cleaners

Ovilla United Methodist Church

Ovilla Road the highway (do we go up against the State of Tx on that one)

Ovilla Rd. Baptist Church

Ovilla Auto

Any business or organization can easily claim they are using the Ovlla from the from the road not the city.

I disagree that the City of Ovilla can claim ownership of the word Ovilla.

---

**From:** Pam Higgins [phiggins@cityofovilla.org]  
**Sent:** Thursday, December 15, 2011 4:50 PM  
**To:** Douglas Hunt; James Wade; Mike Dickey; Richard Dormier; Thomas Leverentz; Bill Vansyckle  
**Cc:** Randy Whiteman  
**Subject:** Correction regarding email accounts

Gentlemen –

Sorry, but we have a clarification regarding the email notice I sent earlier today pertaining to Council emails and passwords resulting from the Council meeting Dec 12, 2011 -

1. The City Secretary is the sole issuer of passwords to city accounts and equipment.
2. Unless an additional password has been issued by the City Secretary the password you use for your city issued tablet should be the same password you were issued for your City email account.
3. All emails sent for City business, both to and from the City, should be on your assigned email address. You can request that the email be forwarded to a private account i.e.: personal or business but only as a forward not in lieu of your City issued account..
4. Unauthorized use of the name Ovilla is against City Code – Ordinance 2010-007, "*Unauthorized Use of City Name, Seal Logo, Slogan and Other Insignia Within the City.*" If you have any emails or stationary that utilizes the name Ovilla or City of Ovilla that has not been authorized by the Council please remove and cease use of immediately. Non compliance will be disciplined and could result in prosecution.

Thank you.

Pam

*Pamela Woodall*  
City Secretary  
City of Ovilla  
105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154  
972.617.7262 - work  
972.515.3221 - fax  
[www.cityofovilla.org](http://www.cityofovilla.org)



Bill Vansyckle, Mayor  
Tom Leverentz, Mayor Pro-Tem, Place 1  
Michael Dickey, Councilmember, Place 2



James Wade, Councilmember, Place 3  
Doug Hunt, Councilmember, Place 4  
Richard Dormier, Councilmember, Place 5  
Randy Whiteman, City Administrator

January 10, 2012

Bill Vansyckle  
Mayor  
City of Ovilla

RE: Filed Complaint, December 21, 2012

Dear Bill,

Enclosed please find the complaint and all supporting documents received by this office and accepted by Council during the January 09, meeting filed by Mr. Phil Lynch. The City's procedures on ethics complaints states that you have five business days from the date you receive this notice to file with me a response and any and all documents in support of the response. Your deadline to submit your documentation to my office is next Wednesday, January 18. Please reference the City's procedures if you have any questions.

Respectfully,

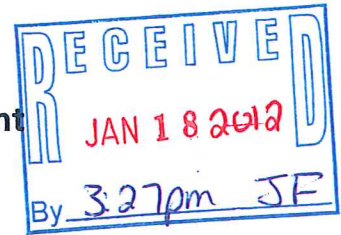
Pam Woodall

CC: Mayor Pro-Tem Tom Leverentz

Attachments: Complaint filed December 21

Hand delivered  
in his office 1-10-12  
@ 1:10pm

**Response of Bill Vansyckle to Ethics Complaint**  
**Filed December 21, 2011**



Alleged violations of Ovilla City Ordinance 2010-007 Section 8, the Ovilla Code of Ethics and  
the Public Information Act

Unfortunately, Mr. Lynch has misinterpreted the meaning and intent of this ordinance. Specifically, the ordinance was written and promulgated to prohibit the use of the phrase "City of Ovilla" for communications that are not related to official City business. The use of the term ovilla as a portion of an email address does not violate this ordinance as evidenced by the opinion of the City Attorney, Tim Sralla. (See Exhibit 1-A) Indeed, if Mr. Lynch's interpretation of this ordinance was to be enforced many area businesses, churches and organizations would be in violation of the ordinance and would have been forced to change their name at the time the ordinance was put in place. (See Exhibit 1-B) Clearly, Mr. Lynch's understanding of this ordinance is flawed and his charges are without merit.

Mr. Lynch is again in error with regard to his charges surrounding the short-lived email address [ovillamayor11@gmail.com](mailto:ovillamayor11@gmail.com). To clarify the origination and use of this email address, I submit the following information:

- This email address was established with full knowledge of the City staff, most specifically City Secretary Pam Higgins. In fact, Miss Higgins has the ability to access any city email account and change the password at any time with or without the owner/user's permission, knowledge or approval. (See attached Exhibit 1-B)
- Ms. Higgins also states in Exhibit 1-B that forwarding of email from the City address is permissible and will be accommodated. Ovillamayor11 and its successor mayor.bill.v have only been used as forwarding addresses and not in lieu of the official City email address.
- This email address (ovillamayor11) was established to expedite the conduct of City business and to assure that, as mayor, I was able to receive all communications directed to me in a timely and expedient manner. My personal business and official responsibilities often require that I travel throughout the area and state. I am seldom in an office or other location where I am readily able to log onto the city website to retrieve emails sent there. My official responsibilities as mayor include membership on several state wide committees, organizations and boards including the Texas Commission on Environmental Quality and Texas Municipal League. I also spend a significant portion of my time promoting the City of Ovilla to businesses, developers,



government entities and builders who include our City in their business or growth opportunities. City staff often needs to contact me regarding City business. In addition, I must have immediate access to communications from the State Operations Center of the State of Texas Division of Emergency Management in the event of any civil emergency, natural or weather related disaster or other crisis. The health, safety and security of the residents of Ovilla require that I have immediate access to these communications. Our City Administrator lives approximately 70 miles and 90 minutes away from Ovilla and would not be able to respond in a timely manner to an immediate emergency outside of normal business hours. With these factors in place it is necessary to the conduct of my duties for me to receive communications regarding the city on my smart-phone. It was and continues to be my intention to segregate all communications related to the city so that they can be readily accessed and turned-over in the event of a PIA.

- The City's website and email system are too large to load onto a smart phone. It is not possible to log onto the City's email website from a smart phone. It is not possible to have email that has been sent to my official email address ([mayorvansyckle@cityofovilla.org](mailto:mayorvansyckle@cityofovilla.org)) forwarded directly to my smartphone.
- The City's email system will allow the forwarding of email received at the official City email address ([mayorvansyckle@cityofovilla.org](mailto:mayorvansyckle@cityofovilla.org)) only if the email address to which the correspondence is to be forwarded is a gmail address. I did not have any email address using gmail prior to this time. Therefore, I established the ovillamayor11 address to meet the established need.
- The ovillamayor11 address was NOT established in any way to avoid submitting communications subject to a Public Information Act request or to circumvent that Act. In fact, it was established to clarify and separate any personal or business email communications from any city related communications and to make all information as transparent as possible to inquiry. The ovillamayor11 address was not publicized for use by outside sources and was only intended to be used for mail forwarded from the City website.
- Contrary to Mr. Lynch's allegations all email correspondence on ovillamayor11@gmail.com has been submitted to City Secretary Pam Higgins in response to her request for same.
- As a result of Mr. Lynch's concerns about the use of the word ovilla in the email address, [ovillamayor11@gmail.com](mailto:ovillamayor11@gmail.com) was shut down not long after its inception and replaced by [mayor.bill.v@gmail.com](mailto:mayor.bill.v@gmail.com). This new address still allows for the forwarding of email from the City's email system but does not use the word ovilla.

Mr. Lynch's allegations regarding the use of an "unofficial letterhead" are without merit and spurious. There is no official letterhead approved by the City Council for the City of Ovilla. Prior to Ms. Higgins email of December 15, 2011 the subject of letterhead, stationary or email signatures that had been authorized by the City Council had not been considered by any city department and NO stationary, letterhead or email signature lines had been approved by the City Council. Nor had the Council received any requests for such authorization. Yet numerous "unofficial letterheads" are in common use throughout the City departments. TO DATE NO OFFICIAL LETTERHEAD HAS BEEN APPROVED BY THE COUNCIL. It is impossible to have violated this ordinance when the articles necessary to comply with it have never been in place. Furthermore, other City Departments routinely use the name Ovilla in their correspondence, advertising and official paperwork. There are a wide variety of forms and logos in use throughout the City and these continue in use even by Ms. Higgins until this day. This can be evidenced by the following attached exhibits:

- Exhibit 2 – Example of use of the modified insignia of the Ovilla Fire and EMS as part of a fund raising program in support of Fire Chief D. Pickard.
- Exhibit 3 – Example of use of the name City of Ovilla on the medallions used to decorate the City Council Chambers.
- Exhibit 4 – Example of use of the name City of Ovilla on the city's code enforcement notification door hanger forms.
- Exhibit 5 – Example of use of the name City of Ovilla on the Citizen's Forum sign up sheet used at City Council meetings. Note that the City seal at the top has been stretched and compressed to fit the space available and is not consistent with original design.
- Exhibit 6 – Example of use of the name City of Ovilla at the top of a City Council agenda.
- Exhibit 7 – Example of use of the seal and name of the City of Ovilla at the top of a Citizen Inquiry/Comment Form.
- Exhibit 8 – Example of City of Ovilla Police Department letterhead. This pale blue stationary letterhead includes a photographic image of the badge of Police Chief Mike Moon and lists his name.
- Exhibit 1-B – Example of the use of the City of Ovilla as part of the signature lines on email of City Secretary.
- Exhibit 10 – Example of letterhead used by the Ovilla Fire Department.
- Exhibit 11 – Example of City of Ovilla name used on Agenda Item Report for City Council. Note that this form is shaded in green and does not use the official City seal.

None of these examples of stationary and letterhead have been officially approved by the City Council. The City Council has only approved the official City seal shown on City vehicles and some – but not all -- City publications and correspondence.

During 2011, I spent some time experimenting with various forms and styles of stationary for my use as Mayor. To the best of my knowledge this stationary (which was generated on my computer at no cost to the City) was used only four times. All four of those letters are attached as Exhibits 9-A, 9-B, 9-C and 9-D. While this stationary is not approved by the City Council none of the numerous other examples cited above have been approved either and to date there is no program or proposal in place to establish consistency in City related correspondence. At no time was my "unofficial" stationary been used by me for personal gain or to defraud or to mislead or to harm.

It should be further noted that as a duly elected official of the City of Ovilla, I am authorized to use the City name and seal in the conduct of City business.

I would suggest that part of the responsibilities of City Administrator Randy Whiteman are to establish policies and procedures to insure that City ordinances are properly and appropriately enforced and to bring items to the City Council that he believes require such action. Without those policies and procedures in place it is clear that throughout the City of Ovilla there is a wide diversity of stationary, letterhead, signature panels and correspondence styles in place. Any action on my part was completely transparent, has been provided in response to PIA requests, did not cost the City any money and was not meant to provide personal gain, to defraud, to mislead or to harm.



**Pam Higgins**

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**From:** Tim Sralla [tsralla@toase.com]  
**Sent:** Thursday, January 05, 2012 12:01 PM  
**To:** Pam Higgins  
**Cc:** Randy Whiteman; Thomas Leverentz; Ann Seward  
**Subject:** RE: Complaint  
**Attachments:** Tim Sralla.vcf

Pam:

I apologize for the delay in getting back to you. I took some time off during the holidays, and am catching up.

With regard to the allegations, it is difficult to give you a definitive answer based on the limited information I have regarding the email account. Based on what is stated in Mr. Lynch's letter, it appears that his concern is founded upon the Mayor setting up an email account outside the City email system, allegedly for the purpose of facilitating correspondence which would then be outside the scope of the Public Information Act. Assuming that this is what is being alleged, I doubt that this would rise to the level of either a violation of Ordinance 2010-007 or the PIA, for the following reasons. First, the ordinance prohibits the use of the City "name, seal, logo, slogan or other insignia or a facsimile hereof." I don't know if any of these were involved. The name "ovillamayor11..." might arguably implicate the use of the City name, but not in the context of the ordinance's prohibitions. There is no express reference to "the City" or "the City of Ovilla," and so this is arguably similar to the use a business name like "Ovilla General Store" or "Ovilla Dry Cleaners." In other words, the use of the word or name "Ovilla" can be considered a geographic term only, which would not be a violation.

Second, even if the combination of "Ovilla" with "mayor" might arguably create an implication of a more direct connection, in my opinion, I don't see any indication or evidence that any of the 3 subsections of the ordinance have been violated. Presumably, there is no commercial purpose, and the mayor isn't "impersonating" a city official because he is a city official, and specifically, is the mayor. For the same reason, there is an affiliation with the City, i.e., he is the duly elected mayor. I don't see the addition of his photograph as changing anything.

With regard to the alleged purpose of setting up the account, to evade the PIA, the coverage of the Act is not based on to what address a communication is sent, but upon its content. If it concerns governmental business, it is subject to the PIA, and disclosure (with the accepted statutory exceptions). There is no legal prohibition, however, against having such documents sent outside of the City email or mail systems. In fact, while we have routinely discouraged public officials from using private email accounts for such use to avoid situations like this, many city officials in many cities continue to use their private email accounts for such purposes.

As to whether prior PIA requests would have extended to correspondence to this email address, whether any such documents exist, and whether were or were not produced, I cannot say. I can say that any documents relating to the business of the City of Ovilla, sent to any email address, whether City-sponsored or a private address, or, for that matter, by U.S. mail, Fed Ex, or other delivery service to any non-city address, are subject to the PIA, and should be produced, or if withheld, withheld only after submission to the AG for review. If requested, they should be produced, reviewed by yourself and/or our office, and, if appropriate, forwarded to the AG for further review to determine whether they are subject to a request.

I hope this answers your question. If not, or if you have any follow issues, please let me know.

Tim Sralla

## Pam Higgins

---

**From:** Douglas Hunt [Place4hunt@cityofovilla.org]  
**Sent:** Saturday, December 31, 2011 7:53 PM  
**To:** Pam Higgins  
**Subject:** RE: Correction regarding email accounts

It is my understanding what we can regulate is the official name "City of Ovilla". Does every business or organization that has Ovilla in its name have to get permission i.e.:

Ovilla Cleaners

Ovilla United Methodist Church

Ovilla Road the highway (do we go up against the State of Tx on that one)

Ovilla Rd. Baptist Church

Ovilla Auto

Any business or organization can easily claim they are using the Ovlla from the from the road not the city.

I disagree that the City of Ovilla can claim ownership of the word Ovilla.

---

**From:** Pam Higgins [phiggins@cityofovilla.org]  
**Sent:** Thursday, December 15, 2011 4:50 PM  
**To:** Douglas Hunt; James Wade; Mike Dickey; Richard Dormier; Thomas Leverentz; Bill Vansyckle  
**Cc:** Randy Whiteman  
**Subject:** Correction regarding email accounts

EXHIBIT 1-B

Gentlemen –

Sorry, but we have a clarification regarding the email notice I sent earlier today pertaining to Council emails and passwords resulting from the Council meeting Dec 12, 2011 -

1. The City Secretary is the sole issuer of passwords to city accounts and equipment.
2. Unless an additional password has been issued by the City Secretary the password you use for your city issued tablet should be the same password you were issued for your City email account.
3. All emails sent for City business, both to and from the City, should be on your assigned email address. You can request that the email be forwarded to a private account i.e.: personal or business but only as a forward not in lieu of your City issued account..
4. Unauthorized use of the name Ovilla is against City Code – Ordinance 2010-007, "Unauthorized Use of City Name, Seal Logo, Slogan and Other Insignia Within the City." If you have any emails or stationary that utilizes the name Ovilla or City of Ovilla that has not been authorized by the Council please remove and cease use of immediately. Non compliance will be disciplined and could result in prosecution.

Thank you.

Pam

*Pamela Woodall*  
City Secretary  
City of Ovilla  
105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154  
972.617.7262 - work  
972.515.3221 - fax  
[www.cityofovilla.org](http://www.cityofovilla.org)







EXHIB.  
3

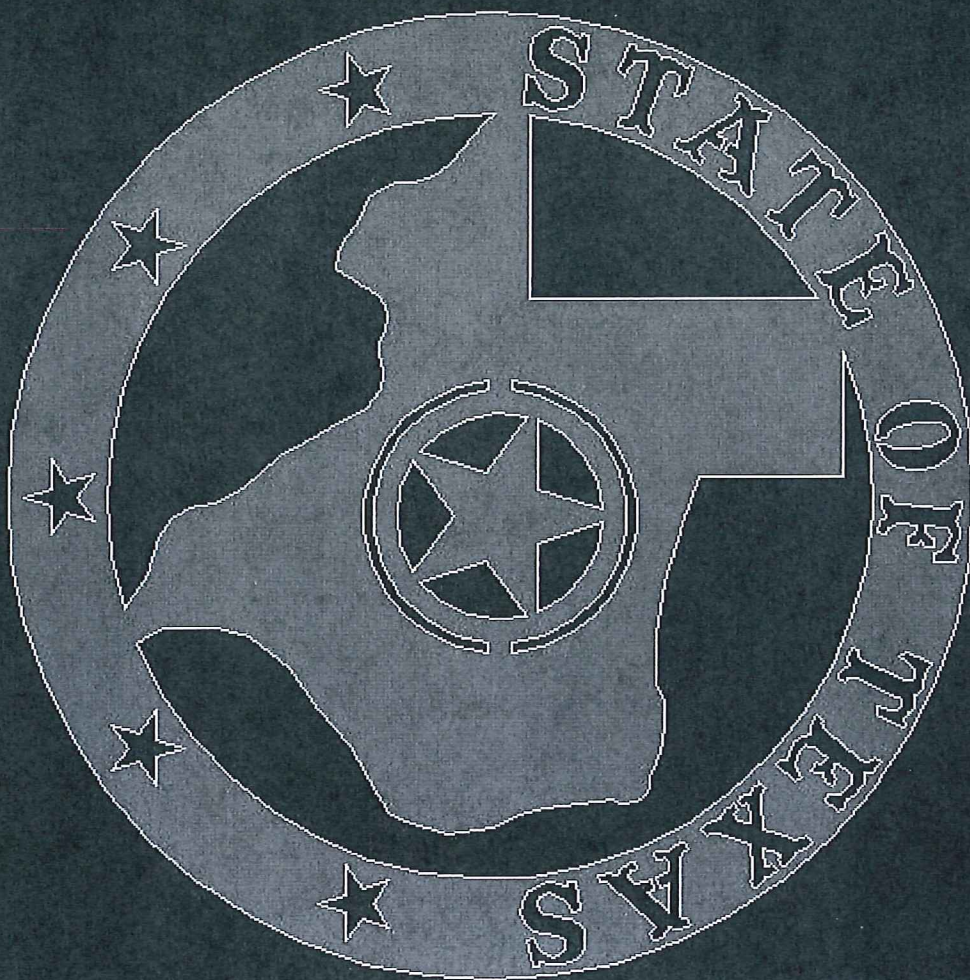
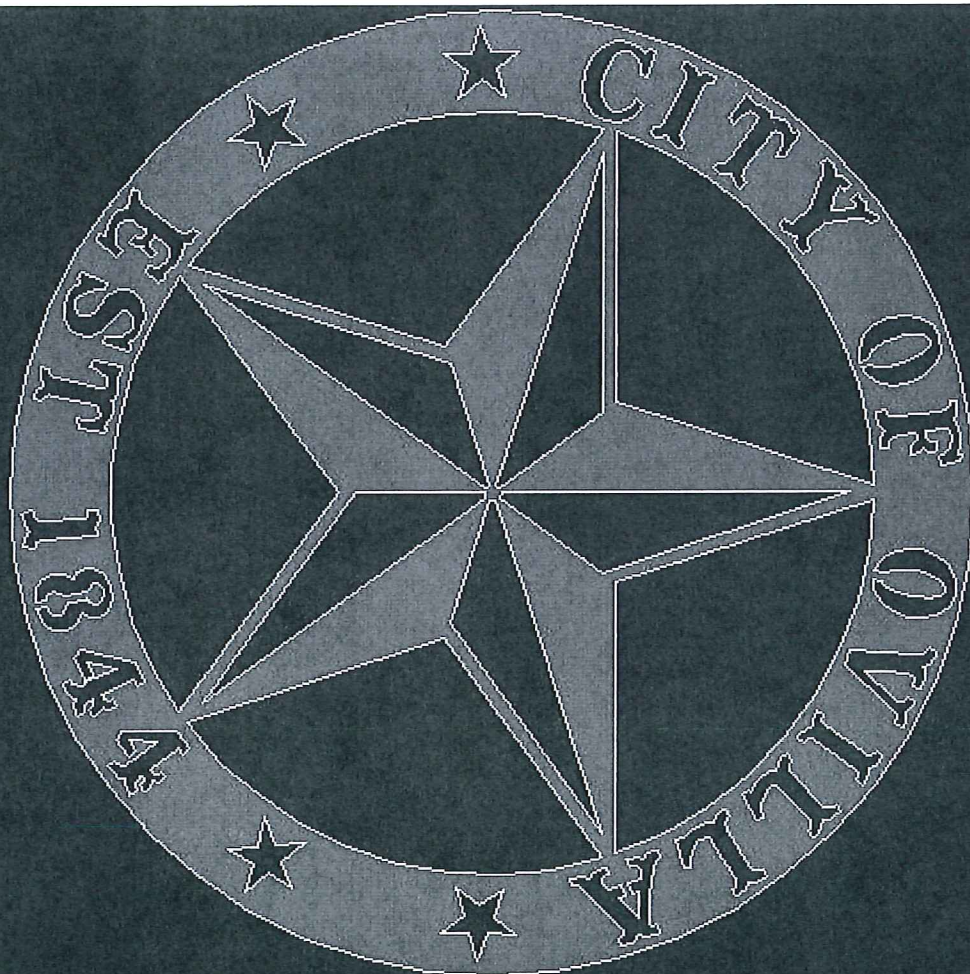


EXHIBIT 4

## NOTIFICATION

The purpose of this notice is to ask your assistance in correcting a  
an existing code violation

Date \_\_\_\_\_ Time \_\_\_\_\_ a.m.  
p.m.

Location \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ High Grass or Weeds \_\_\_\_\_

☐ Signs \_\_\_\_\_

☐ Junked Vehicles \_\_\_\_\_

☐ Illegally Parked or Abandoned Vehicle (s) on

☐ Property

☐ Street

☐ Littering or Improper Disposal of Trash

☐ Other \_\_\_\_\_

Please help by correcting this violation as soon as possible



Mayor Bill Vansyckle  
 Mayor Pro-Tem Tom Leverentz  
 Place Two Council, Michael Dickey  
 Place Three Council, James Wade



Place Four Council, Doug Hunt  
 Place Five Council, Richard Dormier  
 City Administrator, Randy Whiteman

## WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

**The Ovilla City Council and City Staff welcome you to a meeting of the Ovilla City Council.  
 Ovilla Council Meetings are open to the public and residents are encouraged to attend.**

**It is the policy of the City of Ovilla to give all individuals and lawful organizations an opportunity to formally address the Mayor and Council regarding any posted Agenda item or items not on the agenda. Each participant will be permitted to speak for a maximum of three minutes. Regarding non-agenda items, please be advised that the Mayor and Council cannot respond but may direct inquiries to staff for current policy or for later review.**

**The form must be complete.**

DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_

DO YOU RESIDE WITHIN THE CITY LIMITS OF OVILLA? \_\_\_\_\_ YES \_\_\_\_\_ NO

NAME: \_\_\_\_\_

ORGANIZATION / DEPARTMENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY / ZIP: \_\_\_\_\_

**Persons wishing to address the Mayor and Council concerning a posted agenda item must make a formal request by presenting a completed "Citizens Forum" form to the City Secretary at least 10 minutes prior to the beginning of the scheduled meeting. The form must be complete. At the discretion of the Mayor, those registered to speak may be called during the opening of the listed agenda item. Please check one of the three following options.**

\_\_\_\_\_ I wish to address the Council during the Citizens Forum.

**AGENDA ITEM(S) NUMBER:** \_\_\_\_\_

\_\_\_\_\_ I wish to address the Council on this agenda item(s).

\_\_\_\_\_ I do not wish to address the Council, but would like to register the following opinion.

(Circle one) FOR      AGAINST

**Comments:** \_\_\_\_\_

**Would you be interested in serving on an appointed board or commission of the City of Ovilla?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

**The City Council convenes in regular session on the second and forth Monday each month at 7:00 P.M. unless otherwise noted. Special meetings may be called as deemed necessary to conduct business of the City.**

Bill Vansyckle, Mayor  
 Tom Leverentz, Mayor Pro-Tem  
 Michael Dickey, Place Two

## CITY OF OVILLA

## AGENDA

James Wade, Place Three  
 Doug Hunt, Place Four  
 Richard Dormier, Place Five  
 Randy Whiteman, City Administrator

Ovilla City Council  
 105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, January 09, 2012

7:00 P.M.

Council Chamber Room

Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, January 09, 2012 at 7:00 P.M. in the City Hall Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

CALL TO ORDER

- ♦ Invocation
- ♦ Pledge of Allegiance

COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS♦ **Citizen Comments**

*The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decision at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.*

♦ **Department Activity Reports / Discussion**

- |                                                     |                                |
|-----------------------------------------------------|--------------------------------|
| ♦ Police Department                                 | Chief M. Moon                  |
| • Monthly Report                                    |                                |
| • Annual Racial Profiling Report                    |                                |
| ♦ Fire Department                                   | Fire Chief D. Pickard          |
| • Monthly Report                                    |                                |
| ♦ Public Works                                      | Director B. Piland             |
| • Monthly Report                                    |                                |
| ♦ Finance Department                                | Accountant S. Jungman          |
| • Monthly Municipal Court Report                    |                                |
| • Monthly Financial Statements                      |                                |
| ♦ Administration                                    | City Administrator R. Whiteman |
| • Monthly Reports – Code Enforcement/Animal Control |                                |
| • Council Log                                       |                                |

CONSENT AGENDA

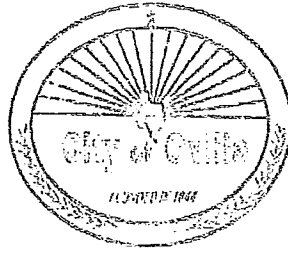
- ♦ Monthly Financial Transactions
- ♦ Minutes of the December 12, 2011 Regular Council Meeting.

*The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration.*

# EXHIBIT 7



TODAY'S DATE: 6/4/10



## CITY OF OVILLA

### Citizen Inquiry / Comment Form

It is essential that the public have confidence in the ability and integrity of the CITY OF OVILLA to assist and/or offer helpful information to problems related to city business during working business hours. The City is committed to maintaining a professional organization. Please tell us how we are doing and feel free to offer suggestions that might help us improve city services.

#### Citizen/Resident Information (Please Print)

Name: Daniel Mitchell

Address: 127 Meadow Glen Lane \_\_\_\_\_ City: Ovilla \_\_\_\_\_ Zip: 75154 \_\_\_\_\_

Hm. Phone: 972-217-1929 \_\_\_\_\_ Wk. Phone: Private Cell Phone: Private \_\_\_\_\_

Hm. E-Mail: demitchelld148701@att.net \_\_\_\_\_ Wk. E-Mail: Private \_\_\_\_\_

#### Inquiry / Comment

On 6/3/10 I obtained a garage sale permit (#777) to hold a garage sale on 6/4/10 thru 6/6/10. On the morning of the sale I placed a small moving box with the words Garage Sale → on it at the entrance to Meadow Glen Lane. I placed this sign at least 20' from the edge of the roadway, where numerous signs for garage sales have been placed in the past.

At approximately 2 PM a person who had stopped at my sale asked if I had a sign up, as she had not seen one. As my daughter was returning to my residence, I asked her if she would check and see if my sign was still there, when she arrived at my residence she informed me that the sign was not there. This meant that I had been sitting out in the heat of the day for a sale that no one knew about.

At this point I drove to the Police Dept. to see if perhaps they had taken the sign, to which they advised me they had not, but perhaps the code enforcement officer – Dooley may have. I went to the city offices and asked to speak to Mr. Dooley and he came to the front to speak with me. I asked Mr. Dooley if he had taken the sign and he advised that he had, that he had received a complaint about it being on city property. I asked him where the city property ended and he advised me at the wall (at the entrance to Meadow Glen Lane). I asked him if not in fact that our association maintained that property and he advised me



# OVILLA POLICE DEPARTMENT

105 S Cockrell Hill Rd. • Ovilla, Texas 75154  
972-617-7262 • e-mail: [police@cityofovilla.org](mailto:police@cityofovilla.org)

From the desk of Michael C. Moon, Chief

EXHIBIT 8



EXHIBIT 9-A

# CITY of OVILLA



Mayor, Bill Vansyckle

March 30, 2011

John and Linda Moehlenkamp  
113 Robin Glen  
Ovilla, TX 75154

RE: Complaint

John and Linda,

I am in receipt of the letter you sent to your Homeowners Assoc. Prior to the letter, Kyle Kutach, called me and expressed your concerns and the Associations concerns. I had a meeting with our Administrator and Code enforcement director. They stated they will take the first steps in identifying this Health and Safety Hazard with proper notice going to the offending party.

I assure you that this has our attention and the city will act swift but within the ordinances set to eliminate this Hazard.

Thank You,

Bill Vansyckle  
Mayor

105 S. Cockrell Hill Rd.  
Ovilla, TX 75154  
972-617-7262

[mayorvansyckle@cityofovilla.org](mailto:mayorvansyckle@cityofovilla.org)

EXHIBIT 9-B  
CITY of OVILLA



Mayor, Bill Vansyckle

September 26, 2011

Tim G Sralla  
Attorney at Law  
6000 Western Place, Suite 200  
Ft Worth, TX 76107

RE: Appeal of Termination of City Prosecutor

Tim,

On this day the attached document was on my desk. It appears to have been faxed to the City.

I am sending you this for your assistance on how the City should proceed and respond.

Thank You,

Bill Vansyckle  
Mayor

Attachment: Rodney Ramsey

105 S. Cockrell Hill Rd.  
Ovilla, TX 75154  
972-617-7262

[mayorvansyckle@cityofovilla.org](mailto:mayorvansyckle@cityofovilla.org)

EXHIBIT 9-C

# CITY of OVILLA



Mayor, Bill Vansyckle

Ken and Judy Ray  
143 Meadow Glen Lane  
Ovilla, TX 75154

August 3, 2011

Dear Ken and Judy,

Thank You for your letter and I will try to address your concerns.. When the ordinance was developed it was at the request of 2 council members. I do believe that a potential problem does exist in the Downtown area only. No one has every communicated with me before the meeting to get my thoughts on this issue. Only the opinions of the Blogger was given and his opinion in never the truth.

First, I have been working for the last 3 years to get the Council to work on building a better Downtown. Longer than James or his Mother have been. I have not been able to get a majority vote in favor. So when presented with this parking issue, I saw this as an opportunity to get the whole council in favor of building a better Downtown, beginning with the Sewer. I believe you heard that one business owner was completely in favor of my plan. And I believe that if executed right the Businesses will get sewer and will be able to enhance their business, provide safer parking and work their frontage to their advantage.

I have since met with the MDD board and received a favorable go ahead. I will next meet with EDC and hopefully get their approval as well.

I saw this as an opportunity to build on our downtown (which all the merchants needed and wanted) and to finally achieve a long awaited goal.

As to Mr Wade, I do not believe that as a councilmember he has put any effort in to working for the City. He has failed to attend budget meetings, he has only proposed 2 issues both of which benefited only his business. He has failed to do any ground work on any of his own request. And now he has chosen to blog the City.

I work for all of Ovilla and there is no retribution on my part towards him. I feel the voters will attend to Wade. I only work towards what is good for Ovilla and this time Wade gets a benefit from it, so where is my retribution? It is only being sought by the city bloggers.

Thank you for hearing me out,

Sincerely,

Bill Vansyckle

105 S. Cockrell Hill Rd.  
Ovilla, TX 75154  
972-617-7262

[mayorvansyckle@cityofovilla.org](mailto:mayorvansyckle@cityofovilla.org)

EXHIBIT 9-D

Bill Vansyckle

From: Bill Vansyckle [mayorvansyckle@cityofovilla.org]

Sent: Tuesday, August 16, 2011 4:57 PM

To: 'Randy Whiteman'

CITY of OVILLA

Mayor,

Mrs Jimmie Wade

August 17, 2011

RE: Request for Agenda Item

Mrs Wade,

The City Council does not have before it any "proposed revitalization of the Downtown area. This is a project that I am personally trying to present to the taxing boards. My attempt is to get them to consider heading up the project and funding the project. I have met with the MDD Board and they stated they would consider being a partner with the EDC Board. I will meet with the EDC Board on August the 22nd and you are welcome to join me. At that meeting I will try to get the approval that they also would agree to entertain a joint project regarding Downtown. My goal is to then meet with the property owners regarding the venture.

I needed to have the information that these Boards would even entertain a project for the Downtown area before bring the property owners into it.

Please join with me at the August 22nd meeting of the EDC.

Sincerely,

Bill Vansyckle

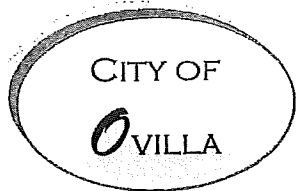
105 S. Cockrell  
Ovilla, TX 75075  
972-617-7262

mayorvansyckle



# OVILLA FIRE DEPARTMENT

*EXHIBIT 10*



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 4 (City Secretary use only)

Meeting Date: January 9, 2012

Department: Admin

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

| Attachments:                                                                                          |                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Filed complaint by Mr. Phil Lynch                                                                     |                                                                                                                                                                                                                                                                                                                                               |
| Agenda Item / Topic:                                                                                  |                                                                                                                                                                                                                                                                                                                                               |
| <b>ITEM 4.</b>                                                                                        | <b>Discussion/Action</b> – City Council will review an ethics complaint filed on December 21, 2011 by Mr. Phil Lynch against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary. <ul style="list-style-type: none"> <li>• Requested by Council</li> </ul> |
| Discussion / Justification:                                                                           |                                                                                                                                                                                                                                                                                                                                               |
| Complaint was filed in the city secretary's office on December 21, 2011 during normal business hours. |                                                                                                                                                                                                                                                                                                                                               |
| Recommendation / Staff Comments:                                                                      |                                                                                                                                                                                                                                                                                                                                               |
| N/A                                                                                                   |                                                                                                                                                                                                                                                                                                                                               |
| Sample Motion(s):                                                                                     |                                                                                                                                                                                                                                                                                                                                               |
| "I MAKE A MOTION THAT COUNCIL _____."                                                                 |                                                                                                                                                                                                                                                                                                                                               |