

*Vacant, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Vacant, 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, February 13, 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, February 13, 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**

**Mayor Pro-Tem Leverentz to announce the Service League Dinner**

#### **◆ 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	
◆ Public Works	Director B. Piland
• Monthly Report	
◆ Finance Department	Accountant S. Jungman
• Monthly Municipal Court Report	
◆ Administration	City Administrator R. Whiteman
• Monthly Reports – Code Enforcement/Animal Control	
• Notice of lawsuit	
• Status of RFQ's for Annexation map	

### **CONSENT AGENDA**

- ◆ Minutes of the January 23, 2012 Regular Council Meeting.
- ◆ Joint Election Contract with Midlothian for May 12, 2012 Election
- ◆ Financial transactions

*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** – Accept resignations from Mayor Bill Vansyckle and Place Two Council Member Mike Dickey and declare a vacant seat on the council and the vacated Mayoral seat pursuant to Local Government Code Sec. 22.012.

**ITEM 2.** **Discussion/Action** – Consider a proposed **Ordinance 2012-001** ordering a Special Election to be held on May 12, 2012, a uniform election date, for the election of Mayor and City Council Member Place 2, 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)

*Considerar la **Ordinance 2012-001**, autorizando la elección especial que se llevara cabo el dia 12 de mayo del 2012 con el propósito de elegir un dos posiciones para consejale 2 lugar y Firma del Alcalde y designar las fechas para las elecciones primarias.*

**ITEM 3.** **Discussion/Action** – Council's deliberation of disciplinary action regarding the Code of Ethics violations of former Mayor Bill Vansyckle. Council may take any action deemed necessary.

- Requested by Council

**ITEM 4.** **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 5.** **Discussion/Action** – Consider Resolution 2012-002 of the City of Ovilla suspending the March 06, 2012 effective date of ATMOS Energy Corp., Mid-Tex Division requested rate change.

- Presented by Administrative staff

**ITEM 6.** **Discussion/Action** – Council to consider authorizing the City Administrator to solicit for legal representation.

**ITEM 7.** **Discussion Only** – 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 8.** **Discussion/Action** – Update Council with audio/visual technical equipment and Council may take any action deemed necessary.

- Presented by Administrative Staff

**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).*

*Vacant, Mayor*  
*Tom Leverentz, Mayor Pro-Tem*  
*Vacant, Place Two*

## **CITY OF OVILLA**

## **AGENDA**

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

### **Conflict of Interest**

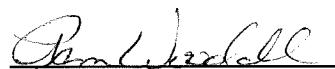
*If a Council Member elects to refrain from an item(s) on this agenda, please see the City Secretary for an affidavit prior to the convening of the meeting.*

### **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 February 13, 2012, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, on the 10th day of February 2012 prior to 6:00 p.m.



Pam Woodall  
City Secretary

**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.

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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.**

# OVILLA POLICE DEPARTMENT

105 S. Cockrell Hill Rd.  
Ovilla, TX 75154  
(972) 617-7262

Mayor Pro-Tem Tom Leverentz, Mr. Randy Whiteman,  
and the Ovilla City Council

Subject: Police Department Monthly Activity Report:

**Jan-12** **YTD**

<b>Calls For Service</b>	<b>Total</b>	<b>Total</b>
ACCIDENT	1	1
ALARMS	16	16
ARREST	0	0
ASSAULT	0	0
ASSISTS: Agency/Unit: 15 EMS/Fire: 9 Motorist: 2	26	26
BLDG / HOUSE SECURITY CHECK	1180	1180
BURGLARY	0	0
BURGLARY OF MOTOR VEHICLE	1	1
CRIMINAL MISCHIEF	0	0
DISTURBANCE	5	5
NEIGHBORHOOD CHECK	1452	1452
OTHER CALLS FOR SERVICE	79	79
SUSPICIOUS PERSON	4	4
SUSPICIOUS VEHICLE	8	8
THEFT	1	1
TRAFFIC ASSIGNMENT	50	50
<b>TOTAL CALLS FOR SERVICE</b>	<b>2823</b>	<b>2823</b>
RESERVE OFFICER HOURS	0	0
AVERAGE RESPONSE TIME (MINUTES)	3.5	3.5
TRAFFIC STOP (WARNINGS)	37	37
CITATION	33	33
<b>TOTAL</b>	<b>70</b>	<b>70</b>
PERCENT OF STOPS RECEIVING CITATIONS	47.1	47.1

OILLA PD VEHICLE MILEAGE						
October-11				November-11		
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	41943	43207	1264	100	43207	44765
101	110758	112163	1405	101	112163	113174
102	50237	51292	1055	102	51292	52317
103	40304	41557	1253	103	41557	42384
104	12171	14880	2709	104	14880	17477
December-11						
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	44765	46041	1276	100	46041	46750
101	113174	114058	884	101	114058	114504
102	52317	53215	898	102	53215	54104
103	42384	43384	1000	103	43384	45540
104	17477	19769	2292	104	19769	22414
February-12						
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	114504	114504	0	100	100	0
101	54104	54104	-114504	101	101	0
102	45540	22414	-54104	102	102	0
103	22414	0	-45540	103	103	0
104	0	0	-22414	104	104	0
April-12						
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	0	0	0	100	100	0
101	0	0	0	101	101	0
102	0	0	0	102	102	0
103	0	0	0	103	103	0
104	0	0	0	104	104	0
June-12						
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	0	0	0	100	100	0
101	0	0	0	101	101	0
102	0	0	0	102	102	0
103	0	0	0	103	103	0
104	0	0	0	104	104	0



Donnie Pickard  
Fire Chief

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**DATE: January 2012**

**TO: Honorable Mayor and City Council Members**

**FROM: Chief Donnie Pickard**

**TOPIC: Monthly Department Report**

- **Average over all response time in the City of Ovilla** – 6:08
- **Average response time in the city 07:30-17:30** – 5:58
- **Average response time in the city 17:30-23:59** – 5:49
- **Average response time in the city 00:00-07:30** – 7:12
- **Average over all EMS response time in the City of Ovilla** – 5:05
- **Average EMS response time in the city 07:30-17:30** – 4:31
- **Average EMS response time in the city 17:30-23:59** – 4:37
- **Average EMS response time in the city 00:00-07:30** – 7:03
- **Average over all response time in OOPA** – 8:29
- **Average response time in OOPA 07:30-17:30** – 8:02
- **Average response time in OOPA 17:30-23:59** – 9:37
- **Average response time in OOPA 00:00-07:30** – 7:10
- **Average over all EMS response time in OOPA** – 7:38
- **Average EMS response time in OOPA 07:30-17:30** – 5:36
- **Average EMS response time in OOPA 17:30-23:59** – 11:03
- **Average EMS response time in OOPA 00:00-07:30** – 7:59

# OVILLA FIRE DEPARTMENT

## January 2012 MONTHLY REPORT

### TOTAL RESPONSES TO:62

<b>Automatic Fire/Med Alarms</b>	<b>3</b>	Disregarded & Misc.	<b>5</b>
Brush/Grass Fires	<b>1</b>	Public Service Assist	<b>1</b>
Carbon Monoxide Alarm	<b>1</b>	Air/Rehab	<b>3</b>
Emergency Medical Service	<b>30</b>	Structure Fire	<b>6</b>
Hazardous Condition	<b>0</b>	Trash Fire	<b>0</b>
Investigation of Smoke/Odor	<b>7</b>	Fill In/Move Up	<b>2</b>
Lockout	<b>1</b>	Vehicle/Trailer Fire	<b>0</b>
Vehicle/Airplane Crash	<b>2</b>	Controlled Burning	<b>5</b>

### STRUCTURE FIRES/REHAB LOCATIONS - 9

<b>See Attached List</b>	

### EMS RESPONSES - 32

Vehicle/Airplane Crash	2
Medical Emergencies	<b>30</b>
Basic Life Support Given (BLS)	<b>22</b>
Advanced Life Support Given (ALS)	<b>9</b>
Public Service Assist	<b>1</b>

### MONTHLY STATISTICS:

Total Fire & EMS Responses	<b>62</b>	Total Gasoline Consumption	<b>63.5</b>
Total Fire/EMS Training Hours	<b>141</b>	Total Diesel Consumption	<b>116.6</b>
Total Personnel Attending Fire/EMS Schools	<b>0</b>	Approximate City Water Consumption in Gallons	<b>6,000</b>
Total Apparatus Training Hours	<b>22</b>	Fire Calls Made By Daytime FF	<b>4</b>
Extra Station Duty Hours	<b>681</b>	EMS Calls Made By Daytime FF	<b>8</b>
Total Donations Received	<b>0</b>	Total Calls Made By Daytime FF	<b>12</b>
		Overlapping Incidents	<b>2</b>

### HOURS DONATED BY FIREFIGHTERS

Training Hours / Extra Station Duty	<b>163/681</b>
Responding To Fire/EMS Calls	<b>624</b>
Total Hours	<b>1,468</b>
Total Hours Savings @ \$21.47 per hour	<b>\$ 31,517.96</b>
Year To Date Savings	<b>\$ 31,517.96</b>

**Ovilla Fire Department Structure Fires For:**

**January 2012**

Whitehead Road	Midlothian
Meghann Lane	Waxahachie
Pioneer Court	Lancaster
W. Bear Creek Road	Glenn Heights
Mockingbird Lane	Midlothian
Starwashed Drive	Midlothian
Blackchamp Road	Midlothian
Henry Road	Lancaster
Lariat Trail	Ovilla



**TO:** Honorable Mayor and City Council Members

**FROM:** Brad Piland Public Works Director

**TOPIC:** Public Works Monthly Report for February

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- Removed Christmas lights and banners
- Patched potholes Thorntree, Suburban, Water, Cockrell Hill, Westmoreland
- Drainage- after the rain the crews unclogged culverts and ditches
- Sewer Lift Station Repairs- pulled Pump 1 at Heritage Lift Station
- Pump Station- mow and weed eat
- Trimmed trees in right of way on Red Oak Creek Rd
- Working with DWU to repair meter at pump station
- Read Water meters -service disconnects and reconnects
- Ditch work on Georgetown
- Place chair railing in council chambers
- Update marquee as needed
- Daily water maintenance -residual and pressure test
- Heritage Park, Silver Spur Park and Baseball fields and park- tree and grass maintenance
- Disked baseball field and cleaned drains
- 111 Ashburn Glen- sewer stoppages and Fire Dept
- Repaired water leaks at 701 Georgetown, 914 Cockrell Hill, and 700 W Main
- Marked water mains on Lariat for new utility pole installation

- Cleaned drainage ditch from installation of new culverts
- County swept loose gravel from Cardinal, Meadowlark, E Univesity, and Willow Creek

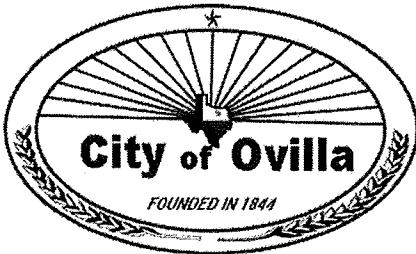
- Jimmy Bryan -

- Repair JD Backhoe
- Serviced PD # 101
- Replaced floor and repaired lights on mower trailer
- Repair JCB backhoe
- Repaired lights on PD golf cart
- Repaired concrete saw

#### Flushed Hydrants

- Collect water samples for TCEQ reporting
- Water Maintenance – routine flushing mains and hydrant
- Meter Box repair and replace lids as needed

#### Water plants at City Hall and park



Jessica Foresman  
Court Clerk

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**DATE:** February 13, 2012  
**TO:** Honorable Mayor Pro Tem and City Council Members  
**CC:** City Administrator, Randy Whiteman  
**FROM:** Jessica Foresman, Court Clerk  
**SUBJECT:** Monthly Staff Report

35 traffic, 2 penal and 5 ordinance related cases were filed for the month of January. 32 warrants were issued

Court Collection for the month of January was \$7,945.60

\$5,039.62 is kept by the City      FYTD \$20,988.28  
\$2,905.98 is remitted to State      FYTD \$14,255.72

## **JANUARY 2012 CODE ENFORCEMENT REPORT**

- COMPLAINTS/VIOLATIONS – 64
- FOLLOW-UPS – 73
- EDUCATION – 71
- LETTERS SENT – 2 (1 PARKING IN YARD 1 PERMIT)
- NUISANCE ABATED – 3 VEHICLES 2 DEBRIS AND BRUSH
- DOOR HANGER NOTICES – 4 (2 PARKING IN YARD, 2 PERMIT,)
- SIGNS REMOVED – 10 (6 BUSINESS, 4 GARAGE SALE)
- PICTURES TAKEN – 93
- GARAGE SALE PERMITS – 3 FOR A TTL \$15
- COURT – 1 PLEA-GUILTY \$150, 1 BUILDING PERMIT PROBATION
- STREET LIGHT REPORTED
  - COMPLAINTS – 1 FOLLOW-UPS – 4
- PERMITS REVIEWS – 2 INSPECTIONS – 4
- ILLEGAL DUMPING – 1 ( 3 TIRES JOHNSON LANE )
- BOARD OF ADJUSTMENT - 2 SPECIAL EXCEPTION REQUEST

**JANUARY 2012**

**ANIMAL CONTROL**

- COMPLAINTS/VIOLATIONS – 46
- FOLLOW-UPS – 68
- ANIMALS PICKED UP – 8 (5 DOG 2 CAT 1 OPOSSUM)
- ANIMAL RELOCATED – 1 ( POSSUM)
- TAG RENEWAL NOTICES SENT –23
- DOOR HANGERS – 15
- PICTURES TAKEN – 97
- EDUCATION – 64
- IMPOUND FEES -\$275.00 (1 IMPOUND 2 OWNER SURRENDER)
- DECEASED / REMOVED –14
- CITY TAGS – 41 ISSUED = TTL \$ 492.00
- OAK LEAF CALLS –2 (2 CAT)
- 48 TRAPS CHECKED OUT
- NIGHT/WEEKEND/HOLIDAY CALL OUT- 4 (3 DOGS, 1POSSUM)



# Ovilla City Council

## CONSENT ITEMS

3 Item(s)

Meeting Date: February 13, 2012

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

### Attachments:

- ◆ Minutes of the January 23, 2012 Regular Council Meeting.
- ◆ Joint Election Contract with Midlothian for May 12, 2012 Election
- ◆ Financial transactions

### Agenda Item / Topic:

N/A

### Discussion / Justification:

The Joint Contract 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, 23 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
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5
Absent: Michael Dickey	Council Member, Place 2

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

PL4 Hunt gave the Invocation.

PL5 Wade led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

***CITIZENS COMMENTS / CITIZENS FORUM:***

1. Ms Sharon Jungman, Mr. David Griffin and Mr. Ralph Hall signed up to speak when Council addressed Agenda Items 7 & 8, respectively.

♦ **Department Activity Reports / Discussion**

- Police Department Chief M. Moon
  - Gave the annual 2011 UCR Report and stats comparisons depicting most crimes were down in Ovilla. Clearance rate was 57% - which is very good.
- Finance Department Accountant S. Jungman
  - Gave Monthly Financial Statements – Ad valorem tax collections were at 45.13% as of December 31, 2011.
  - Gave Reserve Fund Balance Calculation Report
- Administration City Administrator R. Whiteman
  - EDC (Economic Development Corporation) President Gary Jones gave an annual report. Mr. Jones said one problem for Ovilla was the density population was too small for large businesses to come in. The EDC was working on a website.

♦ **CONSENT ITEMS:**

- ♦ 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.

Mayor Pro-tem Leverentz made a motion to approve the consent items as presented.

PL4 Hunt 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.*

***VOTE: The motion carried unanimously: 4-0.***

## REGULAR AGENDA

### INDIVIDUAL CONSIDERATION:

PL3 Wade proposed that Council address Items 7 & 8 before the other items on the Regular Agenda. Mayor Vansyckle agreed and turned the order of the meeting over to Mayor Pro-Tem Leverentz.

**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).*

Mayor Pro-Tem Leverentz explained the procedures of the Hearing. First, allowing the Mayor to begin with opening comments or clarification. Mayor Vansyckle declined any comment and declared that he stood by his written response.

Mayor Pro-Tem Leverentz allowed Mr. Lynch an opportunity for opening comments or clarification. Complainant Phil Lynch read his preamble, stating that it was with humility and sadness that the following information was necessary to bring to daylight. Through the Public Information Act, he had acquired certain documents and information pertaining to the Mayor's behavior and actions that caused much alarm for Ovilla, its citizens and staff and asked Council for a full investigation. The charges were listed:

1. Charged the Mayor with systematically abusing his power as an elected official of Ovilla by seizing the city administrator's responsibility and forgoing the State Procurement Laws with the purchase of the city's audio/visual equipment and deceiving the citizens of Ovilla in the renovation of the council chamber room.
2. Charged the Mayor of providing falsified bids.

Ms Sharon Jungman had signed up to speak on this item.

Mayor Pro-Tem Leverentz allowed her to speak:

City Accountant Sharon Jungman announced that she was not only a resident of Ovilla, but also an employee of the city in the position of city accountant. Ms Jungman stated that she signed up to speak because her name was mentioned several times in the Mayor's response to Mr. Lynch's filed complaint. Ms Jungman felt she needed to present a rebuttal to the Mayor's response and had prepared a written document, but it was refused so she decided to speak as a citizen. She noted that she knew she was in a delicate position as a city employee but had to clarify the Mayor's response with her account of the audio/visual equipment purchase. Ms Jungman felt it imperative that she explain her timeline of Agenda Item #7 and the events up to and beyond the purchase of the city's audio/visual equipment. Ms Jungman stated that only two notations in the Mayor's summary were true. Everything else was false. Ms Jungman stated that Mayor Vansyckle noted in his response that staff completed all purchases and took delivery of said equipment. Ms Jungman emphatically said that was false – that in fact, Mayor Vansyckle made all purchases himself. Ms Jungman read from her own notes, disputing pages 2, 3, 4 & 6 of Mayor Vansyckle's written response to the complaint. Quotes and equipment were not comparable. Ms Jungman told Council she was aware of his purchases and the deliveries directed to his attention, but was unaware he had failed to follow State Procurement Laws.

Regarding the remodel of the Council Chamber room, Ms Jungman disputed the Mayor's response that the city received free materials and labor. Ms Jungman stated that at no time did the city receive free materials and labor.

Mayor Pro-Tem Leverentz allowed each Council Member to question Mayor Vansyckle pertaining to each of the two issues. PL5 Dormier clarified that Council was allowed to question witnesses as well as Mayor Vansyckle. PL3 Wade and PL5 Dormier asked questions. PL4 Hunt had no questions. Mayor Vansyckle shared his version of the events, stating he did his "due diligence" to enhance technical dissemination of city information to Ovilla citizens. Mayor stated he was not aware of the State Procurement Laws and that staff did not advise him, nor was it mentioned during Council meetings. (It was confirmed that in 2010, Council approved an Ovilla Purchasing Policy that followed State Procurement Laws.) Mayor Vansyckle stood by his written rebuttal and denied all allegations. Mayor blamed Council for not interceding if they felt he was doing wrong.

Council confirmed that some equipment was still not operational. PL4 Hunt advised that to be operational the equipment would already require updating. It was also confirmed that there were no specifications, no bids and that the purchases were made before the beginning of the fiscal year. PL5 Dormier stated that under the ordinance, the administrator should have taken on the project, not the Mayor. Mayor Pro-Tem Leverentz confirmed that Ms Jungman had finally received all the invoices for the equipment.

Pertaining to the Council remodel: Mayor admitted that he fell short of donations for the City Council Chamber Room remodel. Mayor Vansyckle stated that the City Administrator was responsible to ensure that all policies were followed and that he (Mayor) was not to blame.

Mayor Pro-Tem Leverentz allowed each Council Member to ask Mr. Lynch questions and permitted Mr. Lynch a rebuttal. Mr. Lynch stated that he had never seen such a blatant disregard for State Procurement Laws. Exhibits in the Mayor's rebuttal were identified and countered. Mr. Lynch charged Mayor Vansyckle of stepping out of his role and playing City Administrator. PL4 Hunt remarked that he felt the City Administrator had failed in his duties by not advising the Mayor or Council. Mr. Lynch concluded that what was equally saddening was that Mayor Vansyckle spoke unkindly about the city staff.

Mayor's final rebuttal comment was that the purchasing of this equipment was done honestly, openly and with Council's full knowledge and that Council was also responsible. He agreed it may not have all been done correctly, but it was not all his fault. Mayor Vansyckle again reiterated that staff and Council knew of his research for audio/visual equipment – that the City Secretary made the purchases with her city issued credit card. When the City Secretary was asked by Council if she made the purchases, she responded no, that the Mayor made all purchases with the use of her card.

Mayor Pro-Tem Leverentz called a short recess at 8:43 pm.

The Council reconvened at 8:49 pm.

**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).*

Mayor Pro-Tem Leverentz allowed two citizens that had signed up to speak on Item 8:

1. Mr. David Griffin presented Council with an affidavit of certification disputing the Mayor's response to Agenda Item #8. (Filed Complaint by Mr. Phil Lynch on Dec. 21, 2011)
2. Mr. Ralph Hall presented Council with an affidavit of certification disputing the Mayor's response to Agenda Item #8. (Filed Complaint by Mr. Phil Lynch on Dec. 21, 2011)

Mayor Pro-Tem Leverentz allowed each Council Member to question Mr. Lynch pertaining to each of the five articles.

Mayor Pro-Tem Leverentz allowed Mr. Lynch an opportunity for opening comments or clarification. Mr. Lynch read his preamble summarizing each of his charges listed as articles.

1. Article 1- Public Information Act violation.
2. Article 2- Mayor created an email outside Ovilla government.
3. Article 3- Abuse of power – fixing tickets.
4. Article 4- Filing a false police report.
5. Article 5- Continually violating the Mayor's Statement of Excellence.

Mayor Pro-Tem Leverentz gave Mayor Vansyckle an opportunity for any opening comments or clarification. Mayor offered no comments.

Mayor Pro-Tem Leverentz opened discussion inviting each Council Member to question Mayor Vansyckle and then Mr. Lynch pertaining to each of the five articles of complaint. The questions and discussion lasted for approximately 3 hours. The scrivener noted key points of the discussion.

***Articles 1 & 2: Mayor Vansyckle (Violation PIA and created email addresses)***

PL4 Hunt had no questions. PL5 Dormier and PL3 Wade asked the Mayor to explain his need to create multiple email addresses. Mayor Vansyckle responded that it was done to provide timely receipt to his personal phone and that the city assigned email address would not forward to his phone. PL5 Dormier disputed that explanation, giving proof that his (Dormier's) city assigned email address was forwarded to his phone. Mayor accused Mr. Lynch of opposing the use of "Ovilla" with all businesses. A letter in the Mayor's exhibit, (created stationary) spoke maliciously of fellow Council Member PL3 Wade, although the Mayor denied it was about PL3. This letter was not in the city files but attached to the Mayor's rebuttal as an exhibit.

***Articles 1 & 2: Mr. Lynch***

Mr. Lynch assured everyone that he did not intend to challenge the use of "Ovilla" with businesses, churches, etc. His only issue was the creation of multiple email addresses by the Mayor, including the [ovillamayor11@gmail.com](mailto:ovillamayor11@gmail.com). Mr. Lynch summarized his issues with Articles 1 & 2, reciting certain sections of the Public Information Act and his belief that the Mayor had violated the Act.

***Mayor's rebuttal to Articles 1 & 2.***

Mayor Vansyckle emotionally reiterated that there was no violation regarding his multiple email addresses or his created stationary. He stated the complaint had no merit. He advised if he delayed in responding to PIA requests, it was because he was unaware of the timeframe. Mayor apologized for raising his voice.

***Article 3: Mayor Vansyckle (Abuse of Power, Fixing Tickets)***

Mayor explained specific incidents regarding permits and his relationship (if any) with former City Prosecutor Rodney Ramsey. Mayor Vansyckle denied any communication with Mr. Ramsey about any citations or acquiring permits. PL3 Wade questioned the Mayor's Bill Vansyckle, Mayor

relationship with Mr. Ramsey based on affidavits of the Court Clerk and Code Enforcement Officer Mike Dooly. Mayor disputed any truth in both affidavits. PL4 Hunt had no questions.

**Article 3: Mr. Lynch**

Mr. Lynch stated he believed based on the affidavits of employees, there was multiple ticket fixing/dismissing. Mr. Lynch filed a PIA request to research Code Enforcement Dept. files and confirmed that Mr. Dooly kept detailed files with notations on every permit. Mr. Dooly testified to his knowledge of ticket dismissals between the Mayor and the former prosecutor.

**Article 3: Mayor Vansyckle rebuttal**

Mayor Vansyckle adamantly denied fixing tickets with former prosecutor Mr. Ramsey and disagreed with all comments made by Code Enforcement Officer Mike Dooly. The Mayor stated that the accusations were unlawful and slanderous and would be dealt with later.

**Article 4: Mayor Vansyckle (Filing a False Report)**

PL3 Wade asked the Mayor to share his opinion of being threatened and the police report he filed. Mayor was overwhelmed with emotion and anger regarding the accusation of filing a false police report. He voiced disappointment that the Council would question him on this. Having completed an investigation, Police Chief Moon shared the unfounded disposition, not only from his office but also from the Ellis County DA's office. PL4 Hunt confirmed with the Mayor that he had felt threatened. PL5 Dormier questioned a lapse in time from the Mayor knowing about the incident and waiting a month before filing the report. Mayor Vansyckle stated he conducted his own investigation before filing the report. He furiously stated that as his right, he could file a report to protect his family. Mayor Vansyckle remarked that he was sickened at being judged and accused of a crime.

**Article 4: Mr. Lynch**

Mr. Lynch stated that based on the affidavits in the report, a false statement was filed.

**Article 5: Mayor Vansyckle (Violating signed Statement of Excellence)**

Council Members permitted Mayor Vansyckle to comment on the allegations. Mayor stated he treated everyone fairly, ethically and honestly, and was never rude or unfair to any employee. Mayor adamantly denied every specific item listed on the complaint including door slamming or tyrants in the office or conducting his business out of City Hall. Mayor stated every noted witness listed in the complaint had ulterior motives and was deceitful. When questioned by Council regarding the Mayor's behavior, the City Secretary advised she was not confident in the Council's protection of her and would testify and/or witness to certain incidents, only if they were under investigation through the District Attorney's Office or the Attorney General's Office. The City Accountant pleaded the fifth when questioned about the Mayor's unpleasant or lewd behavior at work. PL4 Hunt confirmed with the City Secretary that she did in fact receive personal calls at work occasionally. When asked, Chief Moon responded that he received personal calls occasionally, but no business related calls.

Additionally, there were inquiries regarding the Mayor's possible violation of the TX Election Code 61.003 (Electioneering and Loitering) during the May 2010 General Election. Mayor Vansyckle adamantly denied the accusation, declaring the City Secretary was not truthful in her statement. PL5 Dormier interceded that he saw the Mayor at City Hall on Election Day, sitting outside the front door, shaking hands with voters and told him (PL5 Dormier) that he was directing voters that day.

**Article 5: Mr. Lynch (Violating signed Statement of Excellence)**

In Mr. Lynch's final statement he implored Council to investigate.

**Article 5: Mayor Vansyckle Rebuttal**

Mayor firmly denied any inappropriate actions at City Hall but admitted receiving some business related and personal phone calls at City Hall. He stands by all his affidavits. He thanked Council for their consideration.

**Mayor Pro-Tem Leverentz and Council went into Executive Session at 11:40 P.M.**

**Council reconvened into Regular Session at 1:15 A.M.**

Mayor Pro-Tem Leverentz stated no action was made during the Executive Session and asked Council for a motion.

PL5 Dormier made a motion regarding **Item 7**.

The Council finds Mayor Vansyckle in violation of both charges contained in,

- 1) Systematically abusing his power as an elected official; and
- 2) Fraudulently deceiving the City Accountant, Administrator, Council, and Citizens of Ovilla with three falsified bids. These charges correspond to the Council Code of Ethics, Sections 1, 2,3,5,8 & 9.

PL4 Hunt 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.*

***VOTE: The motion carried unanimously: 4-0.***

PL3 Wade asked to add to the motion that Council request that the Mayor withdraw from his seat. There was no second and the motion died.

PL5 Dormier made a motion regarding **Item 8**.

The Council finds Mayor Vansyckle guilty of Article 1, Violation of the Public Information Act, which corresponds to the Code of Ethics Item 9.

PL 5 Dormier stated the Mayor be found guilty of Article 2, Code of Ethics, regarding the letter contents, corresponding to Code of Ethics Item 1.

PL5 Dormier stated the Mayor be found guilty of Article 5, Code of Ethics Items 9 & 11. In addition, this would also refer the apparent violation of the TX Election Code, Title 6, Chapter 61, Section 61.003, Electioneering and Loitering Prohibited Near Polling Places to the presiding election judge.

Additionally, Council directed the City Administrator to speak with all staff regarding any inappropriate actions or comments made to them by any employee or elected official and report back to the City Council of his findings.

PL4 Hunt 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.*

***VOTE: The motion carried unanimously: 4-0.***

PL3 Wade asked to add a motion that Council request the Mayor to withdraw from his seat immediately. PL5 Dormier said he was not prepared to second the motion at this time but if these type issues reappeared, then he would be in favor. PL4 Hunt stated everyone needed to work together. Staff should make it their responsibility to aid Council in performing their jobs correctly. Mayor Pro-Tem Leverentz thanked staff and council, and acknowledged the difficult times for everyone involved. Mayor Pro-Tem Leverentz agreed with PL4 Hunt and reiterated that staff and Council must make a strong effort to work together. There was no second and the motion died. Mayor Vansyckle was not exonerated on the remaining items.

Mayor Pro-Tem Leverenz turned the meeting back over to Mayor Vansyckle and suggested Council address only Item 4 as it was late.  
 Mayor Vansyckle assumed the Chair of the meeting.

**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)

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

State Legislation required 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.

PL4 Hunt made a motion that Council approve Resolution 2012-001 authorizing the order of the 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-7pm during early voting by personal appearance to be held on May 07 and May 08, 2012.

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.*

**VOTE: The motion carried unanimously: 4-0.**

**Due to the late hour, Council did not address nor take any action on remaining agenda items. Those items listed by number on the agenda were:**

**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 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

\*\*\*\*\*

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

Not addressed

**Adjournment**

Mayor Pro-Tem Leverentz made a motion to adjourn the meeting of January 23, 2012 at 1:26am.

PL3 Wade seconded the motion.

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

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Tom Leverentz, Mayor Pro-Tem

ATTEST:

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Pam Woodall

***Approved February 13, 2012***

**Attachments:**

1. December 12, 2012 complaint filed by Mr. Phil Lynch
  - a. Mayor's response
2. December 21, 2012 complaint filed by Mr. Phil Lynch
  - a. Mayor's response
3. Certified Executive Agenda

# CERTIFIED EXECUTIVE SESSION AGENDA

Date: 23 January 2012

\*\*\*\*\*  
**I, Tom Leverentz, Mayor Pro-Tem of the City of Ovilla, Texas hereby convene into Executive Session at 11:40 p.m. on the 23rd day of January 2012.**

The following Council Members were in attendance:

<u>Council Members</u>	<u>Staff Members</u>	<u>Others</u>
<input type="checkbox"/> Bill Vansyckle, Mayor	<input type="checkbox"/> R. Whiteman, City Administrator	<input type="checkbox"/> City Attorney
<input checked="" type="checkbox"/> Tom Leverentz, Mayor Pro-Tem	<input type="checkbox"/> P. Woodall Higgins, City Secretary	<input type="checkbox"/> Other Legal Counsel
<input type="checkbox"/> A Place 2, Michael Dickey ( <b>Absent</b> )	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Place 3, James Wade	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Place 4, Doug Hunt	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Place 5, Richard Dormier	<input type="checkbox"/>	<input type="checkbox"/>

***The following is an agenda of an Executive Session of the City of Ovilla, Texas, held pursuant to the Texas Open Meetings Act, Government Code Section:***

<input type="checkbox"/> 551.071 - Consultation w/Attorney	<input type="checkbox"/> 551.072 - Real Property
<input type="checkbox"/> 551.073 - Deliberations about Gift	<input checked="" type="checkbox"/> 551.074 - Personnel Matters
<input type="checkbox"/> 551.076 - Security Personnel or Devices	<input type="checkbox"/> 551.086 - Test item (SB 595)
<input type="checkbox"/> 551.087 - Economic Development Negotiations (SB1851)	<input type="checkbox"/>
<input type="checkbox"/> 418.183 - Homeland Security	<input type="checkbox"/>

Said Executive Session has been conducted in order to deliberate on the following matters:

**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

**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

**COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.**

**I, Tom Leverentz, Mayor Pro-Tem, hereby adjourn the Executive Session at 1:15 a.m. on the 23 day of January 2012. No Action was taken. Any action, as a result of this Executive Session, will be taken and recorded in open session.**

I certify that this agenda is a true and accurate record of the proceedings.

---

Tom Leverentz, Mayor Pro-Tem

# CERTIFIED EXECUTIVE SESSION AGENDA

## Date: 23 January 2012

### **The following further action was taken in open session:**

PL5 Dormier made a motion regarding **Item 7**.

The Council finds Mayor Vansyckle in violation of both charges contained in,

- 1) Systematically abusing his power as an elected official; and
- 2) Fraudulently deceiving the City Accountant, Administrator, Council, and Citizens of Ovilla with three falsified bids. These charges correspond to the Council Code of Ethics, Sections 1, 2,3,5,8 & 9.

PL4 Hunt seconded the motion.

*Mayor Pro-Tem Leverenz 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.*

***VOTE: The motion carried unanimously: 4-0.***

PL3 Wade asked to add to the motion that Council request that the Mayor withdraw from his seat. There was no second and the motion died.

PL5 Dormier made a motion regarding **Item 8**.

The Council finds Mayor Vansyckle guilty of Article 1, Violation of the Public Information Act, which corresponds to the Code of Ethics Item 9.

PL 5 Dormier stated the Mayor be found guilty of Article 2, Code of Ethics, regarding the letter contents, corresponding to Item 1.

PL5 Dormier stated the Mayor be found guilty of Article 5, Code of Ethics numbers 9 & 11. In addition, this would also refer the apparent violation of the TX Election Code, Title 6, Chapter 61, Section 61.003, Electioneering and Loitering Prohibited Near Polling Places to the presiding election judge.

Additionally, Council directed the City Administrator to speak with all staff regarding any inappropriate actions or comments made to them by any employee or elected official and report back to the City Council of his findings.

PL4 Hunt seconded the motion.

*Mayor Pro-Tem Leverenz 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.*

***VOTE: The motion carried unanimously: 4-0.***

PL3 Wade asked to add a motion that Council request the Mayor to withdraw from his seat immediately.

PL5 Dormier was not prepared to second the motion at this time but if these type issues reappeared, then he would be in favor. There was no second and the motion died.

Mayor Vansyckle was not exonerated on the remaining items.

**\*Note:** this certified agenda must be kept a minimum of two years after the date of the Executive Session, and is confidential. A person who knowingly and without lawful authority makes this record public commits a Class B misdemeanor and may be held liable for actual damages, court costs, reasonable attorneys fees, and exemplary damages. Texas Government Code § 551.145.

## **JOINT ELECTION AGREEMENT BETWEEN THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT AND THE CITY OF OVILLA, TEXAS**

This joint election agreement is made this 16<sup>th</sup> day of January, 2012, by and between the Midlothian Independent School District ("Midlothian ISD") and the City of Ovilla, Texas ("the City").

WHEREAS, Midlothian ISD plans to hold a Board of Trustees Election on May 12, 2012, for the purpose of electing Place 1, Place 2, and Place 3.

WHEREAS, the City plans to hold a City Council Election on May 12, 2012 for the purpose of Council Member Place 1, Place 3 and Place 5.

WHEREAS, Texas Election Code section 271.002 authorizes the governing bodies of political subdivisions to enter into an agreement to hold joint elections in election precincts that can be served by common polling places;

WHEREAS, Midlothian ISD and the City will hold elections on the same day; and

WHEREAS, it would be to the benefit of the City, Midlothian ISD, and the citizens and voters thereof to hold the elections jointly.

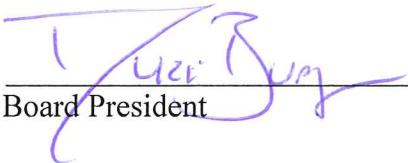
NOW, THEREFORE, IT IS AGREED that a joint election will be held by Midlothian ISD and the City under the following terms and conditions:

1. Ballots. The entities will be using separate ballots, and each entity will be solely responsible for printing and securing its own ballots, and for getting the necessary software and/or programming from ES&S for use on the ES&S Automark equipment.
2. Use of voting equipment. The entities will be sharing the ES&S Automark equipment on Election Day, and will share the cost of operating this equipment jointly on election day.
3. Election forms and records. Each entity will be responsible for the production, safekeeping and detention of its own election forms and records.
4. Tabulation of precinct results and canvassing. Each entity will be responsible for the tabulation and canvassing of its own elections results.
5. Notice of election and order of election. Each entity will be responsible for ordering its own election. Notice of the election will be published separately, and each entity is responsible for fulfilling its own notice and publication requirements.

6. Appointment of Chief Election Official, Early Voting Clerk. Each entity will be responsible for appointing its own chief election official and early voting clerk.
7. Early voting. Early voting will be conducted separately as MISD has contracted with the City of Midlothian for Early Voting of all precincts at the Midlothian Conference Center for Midlothian ISD. The City of Ovilla will conduct early voting at Ovilla City Hall.
8. Polling places. The entities will share the City's polling location on Election Day, which is the Ovilla City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas.
9. Management of election. Except as set forth herein, each entity will be responsible for preparing for and running its own election, including but not limited to the following duties and responsibilities:
  - Securing qualified individuals to serve as election judges for the polling place.
  - Securing the facility where the election is to be conducted.
  - Securing election materials and supplies, including programming and preparation of an accessible voting system to be used in the election.
  - Management of early voting by personal appearance and by mail.
10. Costs. Each entity will be responsible for all of its own costs, except that the entities will share the costs of operation and use of the ES&S Automark on Election Day.
11. US. Department of Justice preclearance submission. Each entity will submit a letter to the Department of Justice on its own behalf, if necessary.
12. Contract withdrawal – cancellation of election. If either entity cancels its election, the other entity will be entitled to use the Ovilla City Hall to conduct its election as scheduled.

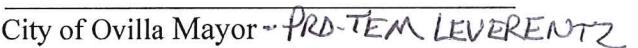
The undersigned are the duly authorized representatives of the parties' governing bodies, and their signatures represent adoption and acceptance of the terms and conditions of this agreement.

APPROVED, this 16<sup>th</sup> day of January, 2012, by the Board of Trustees of the Midlothian Independent School District.

  
\_\_\_\_\_  
Board President

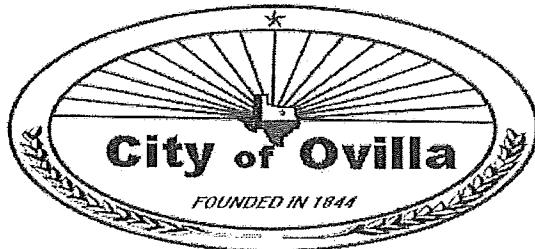
  
\_\_\_\_\_  
Board Secretary

APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the City Council of the City of Ovilla, Texas.

  
\_\_\_\_\_  
City of Ovilla Mayor - PRO-TEM LEVERENTZ

ATTEST:

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



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**DATE:** 2-13-12

**TO:** Honorable Mayor and Council Members

**FROM:** Sharon Jungman

**SUBJECT:** Account Payable Transactions Paid  
in January 2012 over \$5,000

## Accounts Payable Paid Transactions in January 2012 Over \$5,000

General Fund			
Date	Check#	Payee	Description
			Amount
1/27/2012	39834	Blue Cross/Blue Shield	\$7,956.77
1/27/2012	39836	Blue Cross/Blue Shield	\$7,313.50
1/27/2012	39838	City of Midlothian	\$15,318.00
1/27/2012	39839	Community Waste Disposal	\$16,380.05
1/27/2012	39842	First Financial Bank	\$12,090.97
1/5/2012	ACH	Quick Books Payroll Service	\$32,642.07
1/19/2012	ACH	Quick Books Payroll Service	\$32,912.64
1/4/2012	39771	State Comptroller	\$7,171.98
1/11/2012	39790	T.M.R.S.	\$9,014.86
1/6/2012	39783	Texas Municipal League	\$11,599.22
1/6/2012	ACH	US Treasury	\$6,445.18
1/20/2012	ACH	US Treasury	\$6,626.08
Total General Fund Transactions Paid in January 2012			\$165,471.32

Water & Sewer Fund			
Date	Check#	Payee	Description
			Amount
1/13/2012	14691	City of Dallas	\$7,733.52
1/11/2012	14688	City of Ovilla General Fund	\$10,693.75
1/31/2012	14702	City of Ovilla General Fund	\$16,635.45
Total Water & Sewer Fund Transactions Paid in January 2012			\$35,062.72

## AGENDA ITEM REPORT

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

Meeting Date: February 13, 2012

Department: Admin

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

### Attachments:

1. Resignation letter from Bill Vansyckle
2. Resignation letter from Kathy Dickey on behalf of PL2 Mike Dickey

### Agenda Item / Topic:

**ITEM 1.** **Discussion/Action** – Receive resignations of Mayor Bill Vansyckle and Place Two Council Member Mike Dickey and declare a vacant seat on the council and the vacated Mayoral seat pursuant to Local Government Code Sec. 22.021.

### Discussion / Justification:

Mayor tendered his resignation after being charged on two occasions with ethics violations of which he was found guilty of several violations and cleared of none.

Mrs. Dickey tendered a resignation for Councilman Dickey by Power of Attorney stemming from his continued recovery from a motor vehicle accident Sept 8, 2011.

In accordance with Section 22.012 of the Local Government Code, the governing body will approve and accept the resignations.

### Recommendation / Staff Comments:

Staff recommends approval.

### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL ACCEPT BOTH RESIGNATIONS - FROM BILL VANSYCKLE AND MIKE DICKEY AND DECLARE BOTH POSITIONS TO BE VACANT."**

received  
1.31.2012  
PW

January 31, 2012

To: Tom Leverentz  
Mayor Pro-tem

To: Pam Higgins-Woodall  
City Secretary, City of Ovilla

To: Randy Whiteman  
Administrator, City of Ovilla

To Whom It May Concern,

Effective February 7, 2012 at 12:01 a.m. I, William V. Vansyckle, do hereby resign from my Elected Position as Mayor of the City of Ovilla. From that time forward, please refer all questions regarding the City of Ovilla to the Mayor Pro-tem.

I ask that, as required by law, you notify all effected agencies of this resignation. It is my understanding that in accordance with State Law, this vacated position will be set for election at the next available date.

Sincerely,



William V. Vansyckle

Date: February 1, 2012

*02-01-2012*  
*PLW*

received

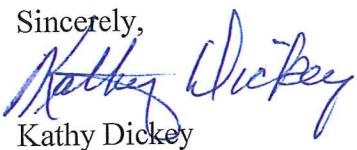
TO: Mayor Bill Vansyckle,  
Mayor Protem Tom Leverentz,  
Pam Woodall Higgins, Ovilla City Secretary

Re: Resignation of Mike Dickey

To Whom It May Concern,

I, Kathy Dickey, having full Power of Attorney for Mike Dickey, hereby tender this letter as notice of his resignation effective February 10, 2012. Due to the extent and nature of his recent illness he will no longer be able to fulfill his duties as Councilman, Place 2 for the City of Ovilla and its' citizens. I am requesting you replace his position through an election at your earliest convenience. Thank you.

Sincerely,



Kathy Dickey

## AGENDA ITEM REPORT

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

Meeting Date: February 13, 2012

Department: Admin

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

### Attachments:

I. Proposed Ordinance 2012-001

### Agenda Item / Topic:

**ITEM 2.** **Discussion/Action** – Consider a proposed **Ordinance 2012-001** ordering a Special Election to be held on May 12, 2012, a uniform election date, for the election of Mayor and City Council Member Place 2, 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)

*Considerar la **Ordinance 2012-001**, autorizando la elección especial que se llevará a cabo el día 12 de mayo 2012 con el propósito de elegir un dos posiciones para consejale 2 lugar y Firma del Alcalde y designar las fechas para las elecciones primarias.*

### Discussion / Justification:

Section 22.010 of the Local Government Code states that if for any reason two or more vacancies on the governing body exist at the same time, a Special Election shall be ordered to fill the vacancies. This election will be conducted at the same time as the General Election. (Pending pre-clearance from the DOJ)

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 APPROVES ORDINANCE 2012-001 AUTHORIZING THE ORDER OF A SPECIAL ELECTION TO FILL TWO VACANCIES ON THE GOVERNING BODY OF OVILLA, SET FOR THE MAY 12, 2012 UNIFORM ELECTION DAY, TO BE CONDUCTED WITH THE GENERAL ELECTION AND DESIGNATING THE MAIN AND THE EARLY VOTING POLLING PLACES AND DATES TO BE THE SAME AS THE GENERAL ELECTION."**

## ORDINANCE 2012-001

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA CALLING FOR AND ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION, ON MAY 12, 2012; AUTHORIZING THE CITY ADMINISTRATOR TO LEASE VOTING EQUIPMENT; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, a vacancy exists for the unexpired terms of Mayor and Place 2 of the City Council for the City of Ovilla, Texas (the "City"), which must be filled for the remainder of the term pursuant to the Texas Election Code, in a special election held in conjunction with the General Election on May 12, 2012; and

**WHEREAS**, Texas Local Government Code, Chapter 22 requires that two vacancies be filled by Special Election; and

**WHEREAS**, May 12, 2012 is a uniform election date; and

**WHEREAS**, by this Ordinance, it is the intention of the City Council to call the special election in accordance with state law, to declare the Texas Election Code is applicable to said election, and this Ordinance establishes procedures consistent with the Code, and designates the Election Day and main early voting polling place for the General and Special Election; and

**WHEREAS**, the City intends to enter into a contract with Ellis County to lease voting equipment.

**NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:**

#### Section One

**General Election Called.** That a General Election was called by Resolution 2012-001 on January 23, 2012, by the Ovilla City Council to elect City Council Places 1, 3, and 5 to serve until May 2014, or until their successors are duly elected and qualified. Such election shall take place on the 12<sup>th</sup> day of May 2012, between the hours of 7:00 a.m. and 7:00 p.m.

**Special Election Called.** That a Special Election is hereby called by the Ovilla City Council to fill the vacancy and unexpired term of Mayor and City Council Place 2, each to serve until May 2013. Such election shall take place in conjunction with the General Election on the 12<sup>th</sup> day of May 2012, between the hours of 7:00 a.m. and 7:00 p.m.

#### Section Two

**Candidates for General Election.** Qualified persons may file as candidates for the General Election by filing an application with the City Secretary at City Hall, 105 S. Cockrell Hill Road, Ovilla, TX 75154 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, beginning February 4, 2012 through March 5, 2012 (note: filing begins on a Saturday, but the office of the City Secretary is not required to be open on Saturday or Sunday). The City Secretary's office will remain open on March 5, 2012 until 5:00 p.m. as required by the TX Election Code. All applications for candidacy shall be on a form as prescribed by the Texas Election Code.

**Candidates for Special Election.** Same as and in conjunction with the General Election, qualified persons may file as candidates for the Special Election by filing an application with the City

## ORDINANCE 2012-001

Secretary at City Hall, 105 S. Cockrell Hill Road, Ovilla, TX 75154 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, beginning the day after the ordinance is adopted through March 5, 2012. The City Secretary's office will remain open on March 5, 2012 until 5:00 p.m. as required by the TX Election Code. All applications for candidacy shall be on a form as prescribed by the Texas Election Code.

### Section Three

**Method of Voting.** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the General Election and the Special Election, in accordance with this ordinance. Voting at the General Election and the Special Election shall be by paper ballot. The official ballot for the General Election and the Special Election shall be prepared in accordance with the Texas Election Code and the ballots shall include such provisions, markings and language as required by law.

### Section Four

**Election Day Polling Place.** The Election Day polling place for the General Election and the Special Election are designated pursuant to Section 271.003 of the Texas Election Code, and the Council finds that the following location can most adequately and conveniently serve the voters in this election, and that this location will facilitate the orderly conduct of the election:

Ovilla City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas 75154  
between the hours of 7:00 a.m. and 7:00 p.m.

### Section Five

**Early Voting.** The City Secretary, City of Ovilla, 105 S. Cockrell Hill Road, Ovilla, Texas 75154, is hereby appointed as Early Voting Clerk and she may appoint the necessary deputy clerks as required for early voting. Early voting by personal appearance will be conducted each weekday, which is not a Saturday or Sunday or an official State Holiday, at City Hall, 105 S. Cockrell Hill Road, Texas, to be held the same time and days as the Ovilla General Election, 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.

Extended hours for early voting by personal appearance will be conducted at City Hall at the same location, on May 07, 2012 and May 08, 2012, between the hours of 7:00 a.m. and 7:00 p.m. as required in the Texas Election Code. Applications for voting by mail shall be delivered to the Early Voting Clerk at 105 S. Cockrell Hill Road, Ovilla, Texas 75154 no later than May 4, 2012 at the close of the business day. Early voting, both by personal appearance and by mail, shall be by the paper ballot method and shall be canvassed by the Early Voting Ballot Board, which is hereby created.

### Section Six

**Appointment of Presiding Election Judge and Alternate Election Judge and Early Voting Ballot Board.** The following named individuals are hereby appointed to serve as Presiding Election Judge and Alternate Presiding Judge, respectively, at the election.

Presiding Election Judge: Charlie Morton  
Alternate Presiding Judge: Helen Morton

The Presiding Election Judge and Alternate Presiding Judge shall be qualified voters of the City. The City Secretary shall, in accordance with Section 32.009 of the Texas Election Code, deliver

## ORDINANCE 2012-001

to the Presiding Election Judge and the Alternate Presiding Judge notice of their appointments not later than twenty (20) days from the effective date of this Ordinance.

The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

### Section Seven

**Appointment of Clerks.** The Presiding Election Judge for the polling place shall appoint Election Clerks and as many additional Clerks as are necessary for the proper conduct of the election. Provided, however, four (4) clerks shall be the maximum number of Clerks which may be appointed to serve at the polling places.

### Section Eight

**Governing Law and Qualified Voters.** The General Election and the Special Election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

### Section Nine

**Publication and Posting of Notice of Election.** Notice of the election shall be given by posting a substantial copy of this Ordinance ordering an election in English and Spanish translations at City Hall on the official bulletin board used for posting notices of the meeting of the City Council. A copy of this Ordinance's caption shall also be published in English and in Spanish in the City's official newspaper of general circulation published in the City.

### Section Ten

**Submission to the United States Justice Department.** The City Secretary of the City of Ovilla is authorized to prepare a submission to the United States Justice Department to seek pre-clearance as required by law.

### Section Eleven

**Delivery of Returns.** In accordance with the Code, immediately after the closing of the polls on the day of the election, the election officers named in this ordinance shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge; one copy shall be delivered to the Mayor Pro-Tem of the City; and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the Code.

### Section Twelve

**Lease of Election Equipment Authorized.** The City Administrator or his designee, is hereby authorized and directed to enter into an election services agreement for said elections with Ellis County, and to execute such agreement. The agreement will provide for the voting equipment to be used for the General Election and Special Election during early voting and on Election Day, as well as the compensation for lease of the voting equipment.

### Section Thirteen

**Severability Clause.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if

## ORDINANCE 2012-001

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

### Section Fourteen

**Effective Date.** This ordinance shall be in full force and effect after its passage, and it is so ordained.

**PASSED, ADOPTED AND APPROVED** on this the 13<sup>th</sup> day of February 2012.

**City of Ovilla**

---

Tom Leverentz, Mayor Pro-Tem

**Attest:**

---

Pam Woodall, City Secretary

# ORDER OF SPECIAL ELECTION FOR THE CITY OF OVILLA



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

**Mayor  
City Council Seat, Place 2**

**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 13 day of February, 2012.**

**Vacant**

**Signature of Mayor**

**Signature of Mayor Pro-Tem Leverentz PL1**

**Vacant**

**Signature of Councilperson PL2**

**Signature of Councilperson Wade PL3**

**Signature of Councilperson Hunt PL4**

**Signature of Councilperson Dormier PL5**

*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*

**ORD.2012.001**



## ORDEN DE ELECCION ESPECIAL PARA LA CUIDAD DE OVILLA

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

### Firma del Alcalde Firma del la Persona del Concilio 2

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 2012 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 13 de febrero, 2012.**

**Vacant**

Firma del Alcalde

Firma de la Persona del Concilio Leverentz PL1

**Vacant**

Firma de la Persona del Concilio PL2

Firma de la Persona del Concilio Wade PL3

Firma de la Persona del Concilio Hunt PL4

Firma de la Persona del Concilio Dormier PL5

**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.

AGENDA ITEM REPORT

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

Meeting Date: February 13, 2012

Department: Admin

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

Attachments:

I. Email correspondence between Pam and Charlie

Agenda Item / Topic:

**ITEM 3.** **Discussion/Action** – Council's deliberation of disciplinary action regarding the Code of Ethics violations of former Mayor Bill Vansyckle. Council may take any action deemed necessary.

- Requested by Council

Discussion / Justification:

Recommendation / Staff Comments:

Sample Motion(s):

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

## Pam Higgins

---

**From:** Charlie Morton [REDACTED]  
**Sent:** Tuesday, January 31, 2012 7:48 AM  
**To:** Pam Higgins  
**Cc:** Randy Whiteman  
**Subject:** Re: Section 63 of the Election Code Concerns

Yes the law is very clear that no person or persons are allowed to "electioneer" for candidates or items on the ballot within 100' of the voting area. I as your election judge do try by periodically checking the area, try to prevent violations. However, I unfortunately did not witness this violation during the election mentioned in your message. As this happened nearly two years ago, and I did not witness it, I would suggest it be handled by those that actually observed the violation. More information about this matter can be obtained by calling the Secretary of State-Election Division at 1-800-252-8683.

If you have further questions in this matter or need other information do not hesitate to contact me.

Charlie Morton  
Election Judge

----- Original Message -----

**From:** [Pam Higgins](#)  
**To:** ['Charlie Morton'](#)  
**Cc:** ['Randy Whiteman'](#)  
**Sent:** Monday, January 30, 2012 3:52 PM  
**Subject:** Section 63 of the Election Code Concerns

Following the January 23 Council Meeting and per the Council's request, I am formally advising you, that as the Presiding Election Judge for the City of Ovilla during the May 2010 General Election Day, there is crucial question of possible electioneering and loitering conducted by Mayor Vansyckle at city hall. Council was informed of this alleged behavior and has asked that I formally notify you. I would appreciate your advice on how to handle this.

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE PROHIBITED. (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

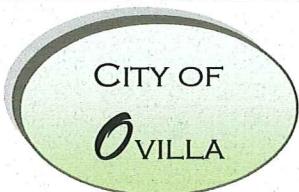
(1) loiters; or  
(2) electioneers for or against any candidate, measure, or political party.

(b) In this section, "voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Thank you.  
Pam

**Pam Woodall**  
City Secretary



# Ovilla City Council

## AGENDA ITEM REPORT

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

Meeting Date: February 13, 2013

Department: Admin

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

### Attachments:

I. 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 ON THE EDC, THAT EXPIRES 2012 & \_\_\_\_\_ TO SERVE OUT THE TERM OF GEORGE OWENS ON THE EDC, 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."**

# MEMO

To: Ovilla City Council

From: Randy Whiteman  
City Administrator

Date: January 24, 2012

The Ovilla 4B Economic Development Corp. voted at the January 23, 2012 EDC meeting to recommend the appointment of Ronald Kingsley to Place 1 and Howard Goldstein to Place 6.

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. Kingsler

HOME ADDRESS 211 Willow Creek Ln

HOW LONG HAVE YOU LIVED IN OVILLA? 32 EMAIL RKingsler13@SBCglobal.net

HOME TELEPHONE (512) 219-3371 BUSINESS TELEPHONE (512) 217-1585

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: *Dec 2011*



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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 100 Ashbury Lane  
Ovilla, TX 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 3 mos EMAIL hgoldstein1@att.net

HOME TELEPHONE 903-564-9921 BUSINESS TELEPHONE 903-564-9921  
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**

DATE RECEIVED: May 27 2011



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

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- ❖ 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 100 NAK FOREST LANE OVILLE, TX 75683

HOW LONG HAVE YOU LIVED IN OVILLA? 10 YEARS

EMAIL JEHANS@SHOOR.COM.NET

HOME TELEPHONE (903) 885-2111

CELL TELEPHONE (903) 885-2111

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

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:



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**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

Ovilla, Texas 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 4mo.

HOME TELEPHONE

(903) 557-8821

BUSINESS TELEPHONE

PROFESSION semi-retired. (unemployed)

INTERESTS Mechanical and educational challenges

Also, computer challenges

JOHN P SAWYERS

~~RESUME~~

Ovilla, Texas 75154

(972) 515-8877

~~johnpsawyers@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**



  
Mark Morris  
875-2130

  
Mark Morris  
875-2130

**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	CHARLES DANIELS	
HOME ADDRESS	101 E 105 WOOD ST.	
	DALLAS, TX 75154	
HOW LONG HAVE YOU LIVED IN OVILLA?	4	EMAIL
HOME TELEPHONE	972-217-0001	BUSINESS TELEPHONE
PROFESSION	DEPUTY	
INTERESTS	TRAVELING, MUSEUMS	

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

BOD OF T 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 CLVB OVILLA
- ◆ COORDINATOR NATIONAL NIGHT OUT OVILLA
- ◆ ANWA WATER COORDINATOR DALLAS 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

Charles Daniels

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 TRANSPRIRED  
MR. DANIELS WAS ASSIGNED TO SERVE ON THE  
MDD BOARD



AGENDA ITEM REPORT

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

Meeting Date: February 13, 2012

Department: Admin

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

Attachments:

1. Proposed Resolution 2012-002
2. Model Staff Report from ACSC (ATMOS Cities Steering Committee)

Agenda Item / Topic:

**ITEM 5.** **Discussion/Action** – Consider Resolution 2012-002 of the City of Ovilla suspending the March 06, 2012 effective date of ATMOS Energy Corp., Mid-Tex Division requested rate change.

- Presented by Administrative staff

Discussion / Justification:

Documents attached address the rate case filed with ATMOS Cities Steering Committee. Suspension needs to be adopted before March 06, 2012, and recognizes and facilitates the exercise of city jurisdiction. This should give the cities an opportunity to resolve the rate request with the Company before jurisdiction attaches at the Railroad Commission (RRC) and therefore, supports the ACSC suspension efforts. Denial of the request, as opposed to suspension, could trigger RRC jurisdiction through an appellate process that would likely lead to litigation – which ACSC hopes to avoid.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL APPROVES RESOLUTION 2012-002, SUSPENDING THE MARCH 06, 2012 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST."**

**RESOLUTION 2011-002**

**RESOLUTION OF THE CITY OF OVILLA SUSPENDING THE MARCH 6, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE ("ACSC") AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL.**

WHEREAS, on or about January 31, 2012, Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of OVILLA ("City") a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its Mid-Tex Division service area, effective March 6, 2012; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and

WHEREAS, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to maintain its involvement in the Atmos Cities Steering Committee ("ACSC") and to cooperate with the more than 150 similarly situated city members of ACSC and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

WHEREAS, it is not possible for the City to complete its review of Atmos Mid-Tex's filing by March 6, 2012; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos Mid-Tex's rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos Mid-Tex's requested rate increase; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

**RESOLUTION 2011-002**

1. That the March 6, 2012, effective date of the rate request submitted by Atmos Mid-Tex on January 31, 2012, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with ACSC and its member cities in the Mid-Tex service area and under the direction of the ACSC Executive Committee to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Atmos.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Atmos, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

***PASSED AND APPROVED this 13<sup>TH</sup> day of FEBRUARY, 2012.***

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Mayor Pro-Tem

ATTEST:

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City Secretary

APPROVED AS TO FORM:

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City Attorney

**MODEL STAFF REPORT SUPPORTING RESOLUTION SUSPENDING ATMOS  
MID-TEX'S PROPOSED MARCH 6, 2012 EFFECTIVE DATE  
FOR A RATE INCREASE**

The City, along with approximately 153 other cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). On or about January 31, 2012, Atmos Mid-Tex filed with the City a Statement of Intent to increase rates within the City.

**Background**

In 2003, TXU Gas filed a statewide rate case which became known at the Railroad Commission of Texas ("RRC") as Gas Utilities Docket ("GUD") No. 9400. That same year the Texas Legislature passed legislation referred to as the Gas Reliability Infrastructure Program ("GRIP") which authorized annual piecemeal rate reviews that Texas courts have concluded significantly restrict city jurisdiction, participation, and input. Shortly after GUD No. 9400 was decided in 2004, Atmos Energy purchased TXU Gas and created what is known as Atmos Energy Corp., Mid-Tex Division. The City is within the Atmos Mid-Tex Division.

Atmos Mid-Tex filed four GRIP cases before filing a traditional rate case in September, 2007. As part of Cities' Settlement Agreement with Atmos of the 2007 rate case, ACSC and Atmos created a substitute process for annual piecemeal GRIP cases. That substitute process was called a Rate Review Mechanism ("RRM") and was intended as an expedited but comprehensive rate review that included a number of fixed values and constraints. The RRM was intended as a three-year experiment. Last year, it was extended for a fourth year with some slight modifications to the original formulas. ACSC negotiated with Atmos in the final quarter of last year to further extend the RRM process, but no agreement was reached. Atmos has expressed a desire to reach a settlement of the January 31, 2012 filing that includes a revised RRM process.

Enclosed are frequently asked questions ("FAQ") on ACSC and the RRM ratemaking process.

**Discussion and Purpose**

Atmos Mid-Tex filed a Statement of Intent on January 31, 2012, seeking to increase system-wide base rates (which exclude the cost of gas) by approximately \$49 million or 11.94%. However, the Company is requesting an increase of 13.6%, excluding gas costs, for its residential customers. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from \$7.50 to \$18.00 and decreasing the consumption charge from \$0.25 per 100 cubic feet ("ccf") to \$0.07 per ccf.

The law provides that a rate request made by a gas utility cannot become effective until at least 35 days following the filing of the application to change rates. Atmos has proposed an effective date of March 6, 2012. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action

regarding the filing before the effective date, Atmos' rate request is deemed administratively approved.

The purpose of the resolution is to extend the effective date of Atmos Mid-Tex's proposed rate increase to give the City time to review the rate-filing package. The resolution suspends the March 6, 2012 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the other ACSC cities, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates.

#### **Explanation of "Be It Resolved Paragraphs"**

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective so long as the City has a legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as the "maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend its effective date and, therefore, extend the deadline for final city action to increase the time that the City retains jurisdiction (for example, if necessary to reach settlement on the case). If the suspension period is not otherwise extended by the Company, the City must take final action on Atmos Mid-Tex's request to raise rates by June 4, 2012.

Section 2. This provision recognizes the City's membership in ACSC and authorizes the City to participate with other similarly situated cities served by Atmos Mid-Tex in order to more efficiently represent the interests of the City and its citizens.

Section 3. By law, the Company must reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by ACSC will present their invoices to the City of Arlington which will then seek reimbursement from Atmos Mid-Tex. The City will not incur liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that both Atmos Mid-Tex's designated representative and counsel for ACSC will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

#### **Recommendation**

The City Staff recommends adoption of the resolution suspending the effective date of Atmos Mid-Tex's proposed rate increase.

## FREQUENTLY ASKED QUESTIONS REGARDING ACSC AND THE RRM RATEMAKING PROCESS

### What is the Role of Cities in Ratemaking?

Cities have historically exercised original jurisdiction over the level of gas rates charged within their boundaries. Generally, gas distribution utilities have filed rate cases at the city level and only gone to the Railroad Commission of Texas (“RRC”) with an appeal of city action or if they cannot reach a settlement with cities. If a utility and cities reach an agreement, the utility may then file a case at the RRC to implement the same rates approved by cities in areas outside municipal boundaries.

Once a case is at the RRC, the Commission Staff generally expects cities to intervene and do most of the discovery, sponsor opposing witnesses, and do most of the cross-examination and briefing. There is no consumer advocate at the RRC. If cities do not participate in hearings at the RRC, the request of a regulated utility is likely to be rubber-stamped.

### What is the background to the creation of the Atmos Cities’ Steering Committee?

The Atmos pipeline and distribution systems were built, owned and operated by Lone Star Gas (“LSG”) which maintained over 200 rate jurisdictions until it sold its assets to Texas Utilities (“TXU”) in the late 1990’s. That meant that many cities had their own unique distribution rates and that individual cities had to process rate cases at the local level. LSG-Pipeline served all 200-plus distribution systems and pipeline rates were set by the RRC.

From the early 1980’s through the late 1990’s, LSG filed no pipeline or system-wide rate case at the RRC. When LSG was finally brought before the RRC to show cause why its rates should not be reduced, approximately 80 cities intervened and created an *ad hoc* group known as the Steering Committee of Cities Served by Lone Star.

TXU purchased the LSG assets in the late 1990’s and immediately commenced consolidating 200-plus ratemaking jurisdictions into regions. As regional cases were filed, cities within each region created an *ad hoc* committee to form a common strategy and negotiating position. Once TXU had aggregated the cities into five or six jurisdictions, each with a different rate, Texas Utilities Gas Company filed a system-wide case to bring all of the old LSG territory under one common rate. The different city regional committees then united and formed the Allied Coalition of Cities (“ACC”). While the gas utility assets were owned and controlled by TXU, the Steering Committee transformed itself from an *ad hoc* group that came together only in response to rate filings by the utility into a permanent standing committee.

In Gas Utilities Docket (“GUD”) No. 9400 in 2004, TXU’s request for a \$61.6 million system-wide increase was aggressively opposed by ACC. The Company received only a \$2.01 million increase. Unhappy with that result, TXU decided that owning a gas system was neither as fun nor as profitable as the deregulated electric system, and they sold the system to Atmos Energy Corporation (“Atmos” or “Company”). ACC was then transformed into the Steering

Committee of Cities Served by Atmos and then renamed Atmos Cities Steering Committee to obtain an easy to remember acronym, “ACSC”.

### **What is the Atmos Cities Steering Committee?**

ACSC is a coalition of 154 cities that unite in common purpose to address gas utility rate and franchise issues related to Atmos Energy Corporation. Its objectives are to: (1) ensure that gas utility rates charged to cities and their residents are fair and reasonable; (2) maintain reasonable franchise fee revenues for cities; (3) protect cities' original jurisdiction over rates and services; (4) be a voice for consumers where no state agency assumes such a role; and (5) promote sound ratemaking policy in the public interest.

Cities join the permanent standing committee by passing a resolution and agreeing to support the work of ACSC through modest occasional *per capita* assessments which support ongoing administrative and legislative advocacy and all expenses where cities are not entitled to reimbursement. Each member city designates a representative to ACSC. Member representatives may volunteer to serve on the ACSC Executive Committee or Settlement Committee. The Executive Committee sets policy, hires legal counsel and consultants, directs litigation, establishes a legislative agenda, sets assessments on members as needed and meets quarterly with Atmos executives. The Settlement Committee is directly involved in negotiating resolution of contested matters with Atmos executives.

The list of current members is attached.

### **What is the benefit of membership in ACSC?**

One hundred fifty-four cities speaking as one voice is much more effective in advocacy before the Railroad Commission and legislature than any one city or multiple small groups of cities.

The legislature has given gas utilities a right to an annual increase in rates. Resources (both financial and human) of individual cities are conserved by membership in ACSC. Additionally, membership enhances institutional memory of ratemaking issues, public policy debates, and right-of-way and franchise fee battles.

### **What has ACSC accomplished recently?**

Going into the legislative session, ACSC in December 2010 released a 48-page report, “Natural Gas Consumers and the Texas Railroad Commission.” More than 200 television, newspaper and radio news sites posted information on and a link to the report which may be found on ACSC’s website, [TexasGasConsumers.org](http://TexasGasConsumers.org).

Earlier in 2010, ACSC representatives visited on several occasions with the Sunset Commission Staff, and several ACSC recommendations for reform were included in the Sunset Commission Report on the Railroad Commission, delivered to the legislature’s Sunset Committee prior to public hearings on the agency. Several ACSC member representatives testified before the legislature regarding reforms needed at the Railroad Commission.

During the most recent legislative session, lobbying efforts by ACSC were critical in killing two gas utility bills that would have undermined traditional regulation, deprived cities of certain rights, and led to even greater rate increases.

ACSC has resolved a major issue involving franchise fees. Atmos unilaterally, without notice, ceased inclusion of franchise fees in the calculations of gross receipts regardless of whether specific franchises included such payments. Several cities were willing to pursue the matter through litigation. However, counsel for ACSC was able to negotiate a resolution that allowed each member city to determine whether it desired an increase in franchise fee payments based on inclusion of franchise fees in the calculation of gross receipts. If a city opted for inclusion of fee-on-fee revenues, it had the further option of retroactive payments back to the point in time that Atmos decided to curtail fee-on-fee payments. Each member had these options regardless of the wording of the then valid franchise agreement. This resolution spared significant litigation costs and anxiety and was only possible because of the clout of the ACSC membership.

One of the most significant accomplishments of ACSC occurred in 2007 via a settlement of the then pending system-wide rate case. Approximately 50 ACSC city representatives showed up in Arlington for a meeting with Atmos executives who were shocked at the vocal opposition to Atmos practices, the unfairness of annual Gas Reliability Infrastructure Program (“GRIP”) rate filings that precluded city and citizen review, and the Company’s lack of coordination with cities. That meeting led to the creation of the Rate Review Mechanism (“RRM”) process and greater ongoing communication between the Company and ACSC.

In 2010, ongoing communications between ACSC and the Company led to a workable solution to the need to replace steel service lines in a manner that accommodated city needs to control their rights-of-way, while moderating the rate impact and focusing first on the riskiest service lines based on leak repair histories. This compromise precluded a more onerous (from a city and consumer perspective) program threatened by the RRC.

### **What is a RRM case?**

The concept of a RRM proceeding emerged as a three-year experimental substitute for GRIP cases as part of the settlement of Atmos Mid-Tex’s 2007 system-wide rate case. In 2003, the Texas Legislature added Section 104.301, Interim Adjustment for Changes in Investment, to the Gas Utility Regulatory Act. While not identified as such in the law, § 104.301 was referred to as the Gas Reliability Infrastructure Program or GRIP. The GRIP adjustments allowed gas companies to recover changes to invested capital without a review of whether increased revenues or declining expenses offset the invested capital costs. Both Atmos Pipeline and Atmos Mid-Tex filed GRIP cases as soon as the RRC adopted rules to implement the interim adjustments. As explained below, it quickly became apparent that the GRIP adjustments were terrible public policy.

As an alternative to GRIP, ACSC entered into a negotiated agreement with Atmos in 2007 to establish the RRM process. Unlike GRIP, the RRM provided for an annual review of all portions of Mid-Tex’s cost of service. It fixed an authorized rate of return on equity for the three-year period at 9.6% (which was less than what the RRC would have authorized) and set

caps on the extent to which expenses or investments could increase from one year to the next. More importantly, it allowed cities to make a comprehensive evaluation of all aspects of the utility business—investment, operation and maintenance expenses and revenues—unlike GRIP which only allows consideration of changes to invested capital.

### **Why is RRM superior to GRIP?**

The GRIP cases are one-sided guarantees of a rubber-stamp of the utility's rate request. ACSC attempted to participate in the first two GRIP proceedings filed by both Atmos Pipeline and Atmos Mid-Tex at the RRC. Not only were cities' motions to intervene denied, but also, ACSC's comments were ignored. At the city level, ACSC consultants determined that Atmos was not only including items such as artwork, chairs, computers and meals in interim rate adjustments that were allegedly intended to promote pipeline safety, but also the Company was over-earning its previously authorized rate of return. ACSC attacked the Commission's rule in court because it denied city participation, denied a hearing on a contested matter, and denied cities' recovery of any expenses associated with resisting GRIP rate increases. The courts have not been helpful to cities and the Texas Supreme Court has affirmed the denial of cities' right to participate in GRIP cases at the RRC.

Cities have contended that GRIP is terrible public policy since it authorizes what would from a history of public interest regulation be regarded as unlawful—piecemeal ratemaking. GRIP allows rates to increase if the utility's invested capital net of depreciation increases year-over-year. An increase in rates is mandated under GRIP if investment increases, even if increasing revenues and declining expenses more than offset the costs associated with increased investment.

The RRM process negotiated by ACSC solves the piecemeal ratemaking problem by providing for a comprehensive review of Atmos' expenses and revenues. Furthermore, RRM benefits ACSC by: (1) allowing cities participation that would be denied under GRIP; (2) allowing cities to recover, at utility shareholder expense, all their ratemaking costs; and (3) avoiding both litigation and RRC jurisdiction.

The legislature has functionally authorized annual increases in gas utility rates through the GRIP process. Since consumers are otherwise stuck with annual rate increases, it is better to have cities participating in the comprehensive RRM process than unable to participate in a piecemeal process.

### **What has been the history of the RRM efforts?**

In 2010, ACSC, in settling the third RRM proceeding, agreed to a slight modification and extension of the process. A settlement of the fourth annual RRM is now pending before ACSC members. The results of the four RRM proceedings are as follows:

<b>RRM Filing</b>	<b>Year</b>	<b>Atmos Request</b>	<b>ACSC Settlement</b>
#1	2008	\$33.5 million	\$20 million
#2	2009	\$20.2 million	\$2.6 million
#3	2010	\$70.2 million	\$27 million
#4	2011	\$15.7 million	\$6.6 million

These results are better for cities and consumers than would have been authorized by the RRC under the GRIP process.

**What is the future of the RRM process?**

The settlement of the fourth RRM filing anticipated ACSC and Atmos working between August and December to refine the RRM process. A settlement perpetuating the RRM process was not reached by the end of 2011 which has led to the filing of the January 31, 2012 traditional rate case. Discussions regarding the future of the RRM process will continue as we attempt to resolve the rate case by settlement.

If you have other questions please contact me at (512) 322-5875 and/or [ggay@lglawfirm.com](mailto:ggay@lglawfirm.com).

Geoffrey Gay  
ACSC, General Counsel

## ACSC Cities (154 Total)

Abilene	Fate	Palestine
Addison	Flower Mound	Pantego
Allen	Forest Hill	Paris
Alvarado	Fort Worth	Parker
Angus	Frisco	Pecan Hill
Anna	Frost	Plano
Argyle	Gainesville	Ponder
Arlington	Garland	Pottsboro
Bedford	Garrett	Prosper
Bellmead	Grand Prairie	Quitman
Benbrook	Grapevine	Red Oak
Beverly Hills	Haltom City	Reno (Parker County)
Blossom	Harker Heights	Richardson
Blue Ridge	Haskell	Richland
Bowie	Haslet	Richland Hills
Boyd	Hewitt	River Oaks
Bridgeport	Highland Park	Roanoke
Brownwood	Highland Village	Robinson
Buffalo	Honey Grove	Rockwall
Burkburnett	Hurst	Roscoe
Burleson	Iowa Park	Rowlett
Caddo Mills	Irving	Royse City
Carrollton	Justin	Sachse
Cedar Hill	Kaufman	Saginaw
Celeste	Keene	Seagoville
Celina	Keller	Sherman
Cisco	Kemp	Snyder
Cleburne	Kennedale	Southlake
Clyde	Kerrville	Springtown
College Station	Killeen	Stamford
Colleyville	Krum	Stephenville
Colorado City	Lakeside	Sulphur Springs
Comanche	Lake Worth	Sweetwater
Coolidge	Lancaster	Temple
Coppell	Lewisville	Terrell
Corinth	Lincoln Park	The Colony
Corral City	Little Elm	Trophy Club
Crandall	Lorena	Tyler
Crowley	Madisonville	University Park
Dalworthington Gardens	Malakoff	Venus
Denison	Mansfield	Vernon
DeSoto	McKinney	Waco
Duncanville	Melissa	Watauga
Eastland	Mesquite	Waxahachie
Edgecliff Village	Midlothian	Westlake
Emory	Murphy	Whitesboro
Ennis	Newark	White Settlement
Euless	Nocona	Wichita Falls
Everman	North Richland Hills	Woodway
Fairview	Northlake	Wylie
Farmers Branch	Oak Leaf	
Farmersville	Ovilla	

AGENDA ITEM REPORT

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

Meeting Date: February 13, 2012

Department: Admin

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Administrative Staff

Attachments:	
N/A	
Agenda Item / Topic:	
ITEM 6.	Discussion/Action – Council to consider authorizing the City Administrator to solicit for legal representation.
Discussion / Justification:	
Staff believes it is time to look at alternatives to our current legal representation.	
Recommendation / Staff Comments:	
Staff recommends approval.	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT COUNCIL AUTHORIZES THE CITY ADMINISTRATOR TO BEGIN RESEARCH FOR ALTERNATIVE LEGAL REPRESENTATION AND REPORT BACK HIS FINDINGS."</b>	

## AGENDA ITEM REPORT

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

Meeting Date: February 13, 2012

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Staff

### Attachments:

i. Council Policy and Procedures and Hearing of Complaints

### Agenda Item / Topic:

**ITEM 7.** **Discussion Only** – 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

### Discussion / Justification:

The Council has requested to review and possibly 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.

### Recommendation / Staff Comments:

Staff requested clarification and enforcement guidelines.

### Sample Motion(s):

**DISCUSSION ONLY**

**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:**

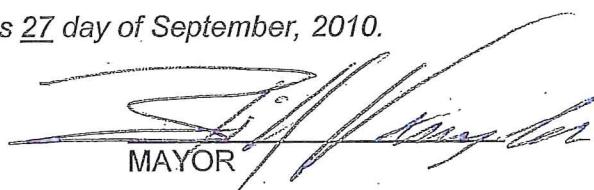
**SECTION 1.**

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.



Jeff Hargrave  
MAYOR

ATTEST:



Linda L. Briggs  
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, impudent, 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 Major 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): 8 (City Secretary use only)

Meeting Date: February 13, 2012

Department: Admin

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Administrative Staff

Attachments:

1. Email from Mr. Henry Farrish
2. Staff is expecting a quote with specifications by Monday.

Agenda Item / Topic:

**ITEM 8.** **Discussion/Action** – Update Council with audio/visual technical equipment and Council may take any action deemed necessary.

- Presented by Administrative Staff

Discussion / Justification:

Henry Farrish, who was helping at the last council meeting, will provide a quote on what we need to get the audio in the council chamber to the level the council wants it.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

**“I MAKE A MOTION THAT COUNCIL . . .”**

## Pam Higgins

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**From:** Henry Farrish (mailto:[henryfarrish@yahoo.com](mailto:henryfarrish@yahoo.com))  
**Sent:** Wednesday, February 01, 2012 2:25 PM  
**To:** Pam Higgins; Randy Whiteman  
**Cc:** Douglas Hunt  
**Subject:** recording of meetings

Sorry it took me a week to get back with you. A few things I noticed at the meeting: I believe the laptop that was being used for power point or slides is the same one bought for recording. Let me know if this is correct because that probably will not work. The second is Pamela seems to be very comfortable with her recording device. I did not look very close at it but if it can be dumped into a computer that might be all you need or one extra for a backup. Instead of recording on a computer that will pretty much be dedicated to the recording during the meeting, i.e. not being used for power point, we could look at some alternative recording devices such as a cd recorder. The other thing is we probably need to spend about \$250.00 for a sound board to make all the mics active and about \$40.00 on mic cables. Let me know your thoughts.

**Henry Farrish**