

**REGULAR CALLED CITY COUNCIL MEETING
November 20, 2014**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **NOVEMBER 20, 2014** AT 7:00 PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Ed Welch, Mayor Pro-Tem
Pat Beets
Jerry Clark
Philip Cox (arrived at 7:05 P.M.)
John Posey

ABSENT:

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Police Chief representing staff, Damon Nichols and Richard Ellis representing the public.

ITEM I: CALL TO ORDER - Mayor Evans called the meeting to order at 7:00 P.M.

1. Invocation was given Councilman Posey
2. Pledge of Allegiance was led by Mayor Pro Tem Welch

ITEM II: CONSENT AGENDA

1. Council to review and make possible corrections to minutes of the council meeting held on October 16th, 2014.
2. Council to review and make possible corrections to minutes of the council meeting held on November 3rd, 2014.

Mayor Pro Tem Welch made a motion to approve the consent agenda items with corrections to the October 16, 2014 minutes. Councilman Posey seconded the Motion. Motion carried 4 – 0, Councilman Cox absent.

ITEM III: CITIZEN FORUM

None

I. CITY ADMINISTRATION'S MONTHLY REPORTS

1. Fire Department
2. Police Department
3. Department of Finance
4. City Manager's Report

City Manager Cunningham presented the departmental monthly reports to council, including an explanation of the newly revised finance report that will be used for future monthly reports.

No action taken.

II. OLD BUSINESS (Consider and/or action)

1. PRESENT REVISED MEETING SCHEDULE FOR THE CITY COUNCIL AND PLANNING ZONING COMMISSION AS UPDATED NOVEMBER 14TH, 2014.

Councilman Cox made a motion to accept the revised meeting schedule for the remainder of 2014. Councilman Clark seconded the Motion. Motion carried 5 – 0.

2. HEAR AND/OR CONSIDER UPDATE ON ANY PROGRESS MADE ON PROPOSAL FROM CHAMPION EMS FOR RENEWAL OF CONTRACT FOR AMBULANCE SERVICES.

City Manager Cunningham updated council on the counter proposal made to Champion EMS for the renewal and extension of the ambulance service contract stating that a meeting was scheduled with Champion E.M.S. for December 9, 2014.

Champion E.M.S. representative Richard Ellis stated that a final decision on the counter proposal had not yet been made; however, hopefully an agreement could be reached at the upcoming meeting.

No action taken.

III. NEW BUSINESS (Consider and/or action)

1. HEAR AND/OR CONSIDER ACTION ON APPROVAL OF OUTSIDE AUDIT AND ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING SEPTEMBER 30, 2011.

Councilman Posey made a motion to accept the 2010-2011 Financial Audit findings for Prothro Wilhmi as presented. Mayor Pro Tem Welch seconded the Motion. Motion carried 5 – 0.

2. HEAR AND/OR CONSIDER ACTION ON ADOPTION OF RESOLUTION NO. 2014-11-20A; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS LEGALIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY INSIDE THE CITY LIMITS OF THE CITY OF OVERTON, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Councilman Posey made a motion to approve RESOLUTION NO. 2014-11-20A. Councilman Clark seconded the Motion. Motion carried 5 – 0. (Attachment 1)

3. HEAR AND/OR CONSIDER ACTION ON ADOPTION OF ORDINANCE NO. 2014-11-20A; AN ORDINANCE ADDING CHAPTER 86 OF THE OVERTON CODE OF ORDINANCES; REGULATING THE LOCATION OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; REGULATING HOURS DURING WHICH BEER AND WINE MAY BE SOLD FOR OFF PREMISE CONSUMPTION; PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES; ESTABLISHING A PENALTY; AND AMENDING ORDINANCE #: 2014-07-29B APPENDIX A CITY OF OVERTON SCHEDULE OF FEES; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR PUBLICATION.

Mayor Pro Tem Welch made a motion to approve ORDINANCE NO. 2014-11-20A. Councilman Cox seconded the Motion. Motion carried 5 – 0. (Attachment 2)

4. HEAR AND/OR CONSIDER ACTION ON APPOINTMENT OF A NEW REPRESENTATIVE OR RE-APPOINTMENT OF GENE COTTLE TO THE BOARD OF THE 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT SMITH COUNTY.

Mayor Pro Tem Welch made a motion to re-appoint Gene Cottle to the Board of the 9-1-1 Emergency Communications District of Smith County. Councilman Posey seconded the motion. Motion carried 5-0.

5. HEAR AND/OR CONSIDER ACTION ON APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN RUSK COUNTY AND THE CITY OF OVERTON THAT WOULD ALLOW RUSK COUNTY TO ACCESS TEXAS LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM("TLETS") THROUGH THE CURRENT AUTHORIZED CONNECTION OF THE CITY SYSTEM, TO AIDE THE COUNTY IN INVESTIGATION OF CRIME.

Mayor Pro Tem Welch made a motion to approve Inter Local Cooperation Agreement between Rusk County and City of Overton allowing Rusk County to access the TLETS through the current authorized connection of the City system. Councilman Cox seconded the motion. Motion carried 5-0.

6. HEAR AND/OR CONSIDER ACTION ON APPROVAL TO CLOSE SEVERAL OF THE CITIES BANK ACCOUNTS; CONSOLIDATE FUNDS INTO BASIC REQUIRED ACCOUNTS ONLY AND USE THE AUTOMATED ACCOUNTING SYSTEM TO EXERCISE CONTROL OVER THE CITIES FINANCES (RESOLUTION NO. 2014-11-20B).

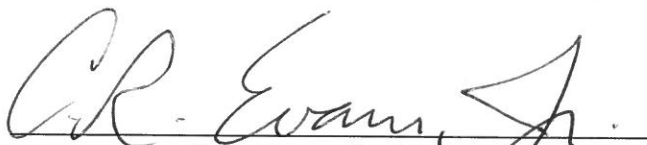
Mayor Pro Tem Welch made a motion to approve RESOLUTION NO. 2014-11-20B. Councilman Posey seconded the Motion. Motion carried 5 – 0. (Attachment 3)

ITEM VI: ADJOURNMENT

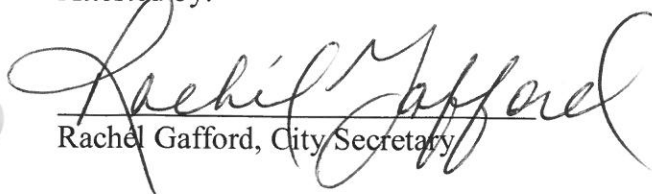
Councilman Cox made a motion that the meeting be adjourned. Councilman Posey seconded the Motion. Motion carried 5– 0.

With no further business, the meeting was adjourned at 8:15 P. M.

Minutes approved and submitted and/or corrected this 18th day of December, 2014.


C. R. Evans Jr., Mayor

Attested by:


Rachel Gafford, City Secretary



ATTACHMENT 1

RESOLUTION #: 2014-11-20A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS LEGALIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY INSIDE THE CITY LIMITS OF THE CITY OF OVERTON, TEXAS; PROVIDED FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, a local option election on the issues of legalization of the sale of beer and wine for off-premise consumption only was held on the 4th day of November, 2014; and

WHEREAS, the City Council has met on the 13th day of November, 2014 and canvassed the voters on such issue; and

WHEREAS, such election resulted in the legalization of beer and wine for off-premise consumption in the city; and,

WHEREAS, on October 16, 2014 the City Council, prior to the alcoholic beverage election approved a measure declaring the city limits;

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

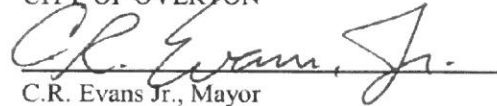
SECTION 1: THAT the area within which the sale of beer and wine for off-premise consumption is legal is the City of Overton city limits as established by action of the City Council on October 16, 2014.

AND IT IS SO RESOLVED.

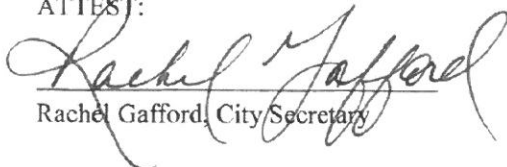
APPROVED AND ADOPTED by the city council of the City of Overton, Texas on this 20th day of November, 2014.

CITY OF OVERTON

By:

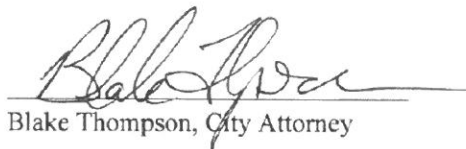

C.R. Evans Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney

ATTACHMENT 2

ORDINANCE #: 2014-11-20A

AN ORDINANCE ADDING CHAPTER 86 OF THE OVERTON CODE OF ORDINANCES; REGULATING THE LOCATION OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; REGULATING HOURS DURING WHICH BEER AND WINE MAY BE SOLD FOR OFF PREMISE CONSUMPTION; PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES; ESTABLISHING A PENALTY; AND AMENDING ORDINANCE #: 2014-07-29B APPENDIX A CITY OF OVERTON SCHEDULE OF FEES; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR PUBLICATION.

WHEREAS, the Texas Alcoholic Beverage Code provides that municipalities may restrict the location of establishments which sell alcoholic beverages and the City Council finds that such restrictions would promote the health, safety and welfare of the persons within the City; and

WHEREAS, the Texas Alcoholic Beverage Code provides that municipalities may charge a permit fee and application inspection fee to cover its costs of administering the application and permitting process;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: THAT the Overton Code of Ordinances is hereby amended by adding a new Chapter 86 which shall read as follows:

CHAPTER 86: SALE AND PURCHASE OF ALCOHOLIC BEVERAGES

DIVISION. 1. GENERALLY

SEC. 86.01 PURPOSE

The purpose of alcoholic beverage regulations is to protect the public health, safety and welfare.

SEC. 86.02 DEFINITIONS

For the purposes of this ordinance, all definitions of words, terms and phrases as set forth in the Texas Alcoholic Beverage Code are adopted and made a part of this ordinance.

Business. An establishment, including but not limited to a general merchandise or food store and/or shop of any size or motor vehicle fueling station, filling or service station engaged or an establishment primarily engaged in the selling of beer and/or wine to the general public for off-premises personal or household consumption and rendering services incidental to the sale of such goods.

Church. A building which is primarily used for religious purposes by a group of persons organized for religious purposes.

Open Container. A container that is no longer sealed.

Permit. An authorization granted by the city for the sale of alcoholic beverages within the city.

Person. A natural or association of natural persons, trustee, receiver, partnership, corporation, limited liability company, organization or the manager, agent, servant or employee or any of them.

Private School. A parochial school shall mean a school that offers a course of instruction for students in one or more grades from kindergarten through grade 12 and has more than 100 students enrolled and attending courses at a single location.

Public. A place that is accessible to or shared by all members of the community.

Public Hospital. An establishment that:

- (1) Offers services, facilities, and beds for use for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy;
- (2) Regularly maintains, at a minimum, clinical laboratory services, diagnostic x-ray services, treatment facilities, including surgery or obstetrical care, and other definitive medical or surgical treatment of similar extent; and
- (3) Is licensed to operate as a hospital by the Texas Department of State Health Services or its successor.

SEC. 86.03 RESERVED

DIVISION 2. PERMITS

SEC. 86.04 REQUIRED

It shall be unlawful for any person to manufacture, distill, brew, sell and/or possess for the purpose of sale any beer, wine or other alcoholic beverage, or otherwise engage in any activity for which a license or permit is required by the Texas Alcoholic Beverage Code, as amended, within the city, unless the person has a current and unrevoked permit issued by the city.

SEC. 86.05 FEES ESTABLISHED

(a) (BQ) Permit fee. The biennial permit fee for issuing a permit to operate, conduct and maintain a business establishment selling alcoholic beverages in the city shall be in an amount equal to one-half (50%) of the state fee for which an alcoholic beverage permit is required under the Texas Alcoholic Beverage Code, as amended. ORDINANCE #: 2014-07-29B, APPENDIX "A" CITY OF OVERTON – SCHEDULE OF FEES is hereby amended to add "Section X- Item 1" that establishes and sets a biennial permit fee that is one-half (50%) of the state fee for which an alcoholic beverage permit is required under the Texas Alcoholic Beverage Code, as amended.

(b) Exemptions. The city adopts those exemptions from the permit fee requirement as provided in the Texas Alcoholic Beverage Code, section 11.38(d).

(c) Application and inspection fee. The application and inspection fee for verifying the information needed in applications and for approvals by the city shall be in the amount of \$50.00. ORDINANCE #: 2014-07-29B, APPENDIX "A" CITY OF OVERTON – SCHEDULE OF FEES is hereby amended to add "Section X- Item 2" that establishes an Application and Inspection fee of \$50.00. APPENDIX "A" SCHEDULE OF FEES may be amended from time to time.

SEC. 86.06 PAYMENT OF FEES

All fees required under this ordinance, except for the application and inspection fee, shall be paid in advance to the City Secretary for a two-year term at the same time that the state biennial fee is due and payable for each respective license and/or permit, including renewals thereof. All payments must be made by cash, cashier's check, certified check, or money order.

SEC. 86.07 ISSUANCE OF PERMIT

(a) The office of the City Secretary shall, in the name of the city, issue and deliver to such applicant or person a permit (a receipt evidencing payment of the fee(s) shall be sufficient proof of a city permit) to engage in a business that sells alcoholic beverages within the city of the character described in and authorized by the state permit held by such applicant or person. This permit issued in the name of the city shall authorize the conduct of such business upon the premises described in the state permit, and shall remain in full force only so long as the state permit remains in force. The city permit will be issued upon payment to the office of the City Secretary of the applicable fee(s) for a permit as required by this ordinance and according to state law. The office of the City Secretary shall keep a record of all permits and/or receipts issued under this ordinance.

(b) The permit shall be valid only for two (2) year from the date of its issuance. All permits issued for the payment of permit fees under the terms of this ordinance shall terminate at midnight on the day before the anniversary date of its issuance, and no receipt shall be issued covering a longer term than two (2) years. Upon expiration of any permit issued under this ordinance, the applicant or person shall renew biennially thereafter during the time that such person is engaged in the business of selling alcoholic beverages within the city.

- (c) Permit applications shall be filed with the office of the City Secretary.
- (d) All permits issued under this ordinance shall be displayed in a conspicuous place at all times on the premises for which the permit is issued.

SEC. 86.08 CANCELLATION AND SUSPENSION OF PERMITS

A permit issued under this ordinance may be canceled, denied, or revoked as provided under chapters 11 or 61 of the Texas Alcoholic Beverage Code, as amended. The city shall have all powers, duties and remedies permitted under state law.

DIVISION 3. VIOLATIONS AND PROCEDURES

SEC. 86.09 APPLICATION AND COMPLIANCE

Before the City Secretary shall sign any city permit or application for a permit under the Texas Alcoholic Beverage Code, as amended, or any biennial renewal, the city permit and application shall be submitted to the appropriate city departments, as determined by the City Manager, to ensure that the city permit and application comply with all city ordinances and regulations and are for premises located in a wet area.

SEC. 86.10 RETAIL SALES NEAR CHURCHES, PUBLIC OR PRIVATE SCHOOLS AND PUBLIC HOSPITALS

(a) Distance requirements. Alcoholic beverages shall not be sold by a dealer or person whose place of business is within three hundred (300) feet of a church, public or private school, or public hospital.

(b) Measurement requirements.

(1) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. In places of business with one or more front doors, measurement shall begin at a point equidistant between the two front doors that are farthest apart.

(2) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.

(c) Variance procedures. The City Council may allow variances to the regulation when it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason, if, after consideration of the health, safety and welfare of the public and the equities of the situation, determines that it is in the best interest of the community.

State law reference—Sales near church, school or hospital, V.T.C.A., Alcoholic Beverage Code, sec. 109.33.

SEC. 86.11 SALE OF BEER AND/OR WINE IN RESIDENTIAL AREA PROHIBITED

The sale of beer and/or wine is prohibited at a location that is within residential zoned areas, or within residential zoning districts where residential uses are allowed. Residential areas include properties that allow vertical mixed use developments with a residential component, except the central business district. Under this ordinance, residential areas shall mean any property located in the following districts as described in the city's zoning ordinance, as amended from time to time:

- (1) Single-family residential detached (SF).
- (2) Multiple-family residential (MF).
- (3) HUD-Code manufactured home park district (MH).

Sec. 86.12 HOURS OF SALE – BEER OR WINE

- (a) Beer and/or wine shall not be sold, offered for sale, or delivered at any time not permitted by this section.
- (b) Monday through Saturday. Beer and/or wine may be sold, offered for sale, or delivered between 7:00 a.m. and midnight on any day except Sunday.
- (c) Sunday. Beer and/or wine may be sold between midnight and 1:00 a.m. and between noon (12:00 p.m.) and midnight.
- (d) Penalty. A person commits an offense if the person sells or offers for sale an alcoholic beverage during prohibited hours. An offense under this section is a class A misdemeanor.

State law references—Hours of sale of mixed beverages, V.T.C.A., Alcoholic Beverage Code, sec. 105.03; hours of sale of wine and beer retailers, V.T.C.A., Alcoholic Beverage Code, sec. 105.04; hours of sale of beer, V.T.C.A., Alcoholic Beverage Code, sec. 105.05; city's authority to regulate hours of sale of beer, V.T.C.A., Alcoholic Beverage Code, sec. 109.32.

SEC. 86.13 NO OUTSIDE CONSUMPTION

- (a) It is prohibited for persons, including customers, to leave the premises with open containers of alcoholic beverages and it is the permittee's responsibility to ensure that no open container containing alcoholic beverages are sold and carried out.
- (b) It is prohibited for the manager or any employee to allow persons, including customers, to gather inside the property boundaries of an establishment selling alcoholic beverages and consume alcoholic beverages.
- (c) Penalty for violation. A person commits an offense if the person knowingly consumes liquor, beer or wine on the premises of a holder of a wine and beer retailer's off-premises permit

(BQ). A person is presumed to have knowingly violated this provision if the permittee has the warning sign displayed on the premises as required by either section 26.05 or 71.10 of the Texas Alcoholic Beverage Code, as amended. A violation of this provision is a misdemeanor punishable by fines as specified in Table 1 of SEC. 86.16.

SEC. 86.14 WARNING SIGN REQUIRED

(a) Each permittee of a wine and beer retailer's off-premises permit shall display in a prominent place on his/her premises a sign stating in letters at least two inches high: IT IS A CRIME (MISDEMEANOR) TO CONSUME LIQUOR OR BEER ON THESE PREMISES.

(b) A permittee who fails to comply with this provision commits a misdemeanor punishable by a fine as specified in Table 1 found in SEC. 86.16.

SEC. 86.15 FAILURES TO REQUIRE AND PROPERLY CHECK IDENTIFICATION

(a) All permittees, and/or their employees shall require and properly check identification before selling any alcoholic beverage to any customer to ensure an underage person is not sold and/or does not have in his/her possession alcoholic beverages while in a licensed business.

(b) "Identification" in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state department of public safety ID card.

SEC. 86.16 PENALTIES AND FINE SCHEDULE

Table I which follows, contains fines and penalties associated with each of the offenses identified in SECs 86.13 and 86.14 above.

Table 1

Offense - A person knowingly consumes liquor, beer or wine on the premises of a holder of a wine and beer retailer's off-premises permit (BQ).	Minimum Fine	Maximum Fine
First Offense	\$ 25.00	\$ 200.00
Second offense and subsequent violations	\$ 100.00	\$ 200.00

Offense - Failure of wine and beer retailer and BQ Permittee to prominently display a warning sign as specified in SEC: 86.14 of this Ordinance.	Maximum Fine
	\$ 25.00

SEC. 86.17 PENALTY; OTHER REMEDIES

(a) Any person violating or failing to comply with any of the provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), unless the violation involves fire safety, zoning, or public health and sanitation, in which case the person shall be fined an amount not to exceed two thousand (\$2,000.00). Each

day any violation or noncompliance continues shall constitute separate and distinct offenses. The penalty provided herein shall be cumulative of other remedies provided by state law, and the power of injunction as provided in sections 54.012 and 54.016 of the Texas Local Government Code, as may be amended, may be exercised in enforcing this ordinance, whether or not there had been a complaint filed.

(b) The penal provisions imposed under this section are cumulative of all other remedies and nonexclusive. These penal provisions shall not be deemed nor construed to limit the availability of any remedy against any person or property otherwise provided by law, including without limitation fines, penalties, closure and injunction. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

(c) A person who violates a provision of this ordinance in which a specific penalty is not provided, is guilty of a misdemeanor and, on conviction, is punishable as provided in Section 10.08 of this code. The term "specific penalty," as used in this section, means a penalty that might be imposed as a result of a criminal prosecution.

SEC. 86.18 CONSUMPTION OF ALCOHOL

Possession of an open container of an alcoholic beverage or consumption of an alcoholic beverage in any public place inside the city limits of the City of Overton, Texas is prohibited except as provided and under the terms and conditions specified in the following Subsections:

- (a) Possession or consumption of alcoholic beverages is allowed by patrons, lessees or invitees of the Overton Golf Course; and
- (b) Possession or consumption of alcoholic beverages is allowed by lessees and/or their invitees within the confines of the Overton RV Park; and
- (c) Possession or consumption of alcoholic beverages is allowed by Lessees and their invitees of the Overton Community Building subject to the following requirements:
 - (i.) Lessee has completed and filed with the City a properly completed and executed Lease Agreement.
 - (ii.) Lessee has paid the requisite deposit needed to reserve the facility for its intended use.
 - (iii.) Lessee has secured the services of a commissioned licensed police officer to provide security during the event and a T.A.B.C. certified server if required under the terms of the lease agreement.

SEC. 86.19 SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

SEC. 86.20 PUBLICATION

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

SEC. 86.21 EFFECTIVE DATE

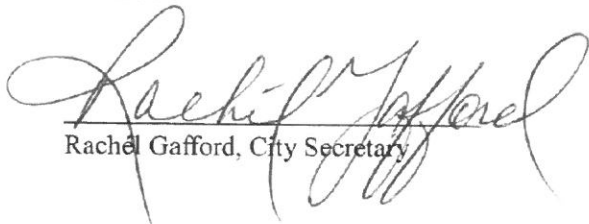
This Ordinance shall be effective immediately upon its passage and approval.

PRESENTED AND APPROVED THIS THE 20th DAY OF November 2014 BY A VOTE OF 5 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

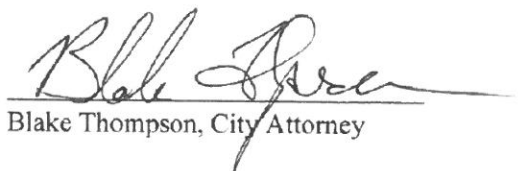

C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney

ATTACHMENT 3

RESOLUTION #: 2014-11-20B

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF OVERTON, TEXAS A
RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF OVERTON, TEXAS CLOSING SEVERAL
OF ITS BANK ACCOUNTS THAT ARE NO
LONGER NECESSARY.**

WHEREAS, In the course of conducting the City's business over numerous years, 24 separate bank accounts have been established for the purpose of managing the finances of specific projects or special funds; and

WHEREAS, the reliance on bank accounts to manage the City's funds has complicated the use of Accounting Software used by the City to provide suitable control over the City's funds; and

WHEREAS, some of the accounts have become obsolete since the funding source has stopped and there are no longer transactions being recorded in those accounts; and

WHEREAS, it is desired to streamline the accounting system and improve its utility for financial management by closing accounts that are obsolete or otherwise no longer needed;

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

SECTION 1: THAT the following City of Overton Texas Bank and Trust bank accounts be closed and any remaining funds be transferred to one of the two Operating Accounts that will serve as pooled cash accounts:

<u>Account Name</u>	<u>Account #</u>
Court Security Fund	548162
Court Tech Fund	548170
Grant Fund	9001182
Construction Fund	9001310
Four Hundred Thousand Fund	9001328
Bluegrass	9001352
Stars and Stripes	9001379
Park Entertainment	8108243
Social Services	8110538
EMS Construction Fund	9001476
Grant W/S	9001472

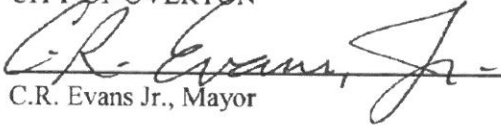
SECTION 2: THAT the name of the City of Overton Texas Bank and Trust bank account # 9000038, "General Fund" is re-named "General Operating Account" and the Water and Sewer Account # 9000275 is re-named Utility Operating Account.

AND IT IS SO RESOLVED.

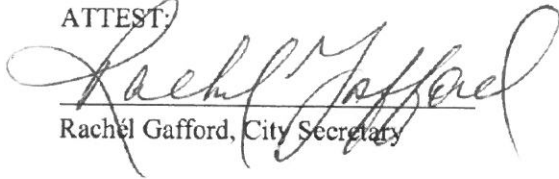
APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 20th day of November, 2014.

CITY OF OVERTON

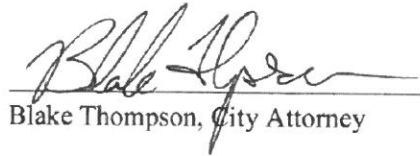
By:


C.R. Evans Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney

