

**OVERTON MUNICIPAL DEVELOPMENT DISTRICT MEETING  
February 12, 2015**

MINUTES OF THE OVERTON MUNICIPAL DEVELOPMENT DISTRICT MEETING OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **FEBRUARY 12, 2015** AT 6:00 P.M. IN CITY HALL, CITY COUNCIL CHAMBERS LOCATED AT CITY HALL, 1200 SOUTH COMMERCE ST., OVERTON, TEXAS.

PRESENT:

Bob Heath  
Joel Kerby  
Jimmy Jennings

ABSENT:

Mike Piercy  
David Stone

Also in attendance were Charles Cunningham, City Manager, Rachél Gafford (arrived at 6:10 p.m.), City Secretary and representing staff, and C. R. Evans Jr., Mayor, representing City Council.

**ITEM I. The meeting was called to order by acting President Heath at 6:00 P.M.**

1. The invocation was not given.
2. The Pledge of Allegiance was not recited.

**ITEM II. ADMINISTER STATEMENT OF OFFICIAL & OATH OF OFFICE**

Mayor Evans swore in re-appointed Overton Municipal Development District Board Members: Bob Heath, Joel Kerby and Jimmy Jennings.

**ITEM III. CONSENT AGENDA**

Any or all items under Consent Agenda may be removed by the President or any Overton Municipal Development District Board Member for further discussion.

1. None

City Secretary Gafford asked if there were any minutes from the last meeting of the board.

**Acting President Heath stated that he thought the last meeting would have been about three (3) years ago, and that Mike Piercy would have the minutes.**

**ITEM IV. FINANCIAL REPORT**

City Manager Cunningham presented the monthly financial statements to the board.

**ITEM V. OLD BUSINESS**

1. Election of Officers

**Acting President Heath stated that he would prefer that the full board be present prior to electing new officers.**

**No action was taken**

**2. Meeting Dates – Consider setting dates for regular periodic meeting so the OMDD**

City Manager Cunningham discussed having a standard meeting time so that the board could meet on a more regular basis.

**Acting President Heath stated that he did not mind setting a meeting time; however, he did not want to be meeting to just meet. He also stated that he felt the meeting time would need to be prior to the monthly Council meeting so that if the board had a recommendation for spending funds it would have time to be on the Council agenda the same month.**

City Manager Cunningham suggested that the board consider the second Thursday of each month at 6 p.m. as a standard meeting time if a meeting needed to be held.

**No action was taken**

**ITEM VI. NEW BUSINESS**

**1. Hear and Consider for adoption, a set of By-Laws for the OMDD.**

**Motion to table this item until a full board could be present to review and discuss the By-Laws and to determine from Board Member Piercy if Board already has a set of By-Laws in place was made by Board Member Kerby. Motion was seconded by Board Member Jennings. Motion carried 3 – 0,, Board Members Piercy and Stone absent.**

**2. Consider and/or take action on the proposed design of an official seal for the Overton Municipal Development District.**

City Manager Cunningham presented a proposed seal for stamping official agenda's and minutes of the board.

**Motion to approve the proposed seal was made by was made by Board Member Kerby. Motion was seconded by Board Member Jennings. Motion carried 3 – 0, Board Members Piercy and Stone absent.**

**3. Hear and take action on a proposal to reassign authority to sign checks on the OMDD bank account from City Staff to Officers of the OMDD Board.**

**Acting President Heath asked City Manager Cunningham what would satisfy the city auditors in regards to this item.**

City Manager Cunningham stated that the Board needed to appoint which members would have the authority to sign checks and to set up a signature card for the OMDD Board at the bank. That it is not a good financial practice for the City to be in control of the OMDD bank account and funds. The way it is set up now, if the City wanted to they could just transfer funds whenever they felt like it.

**Motion to authorize the following Board Members: Bob Heath, Joel Kerby and Jimmy Jennings, to sign checks or to authorize bank transfers on behalf of the Overton Municipal Development District made by Board Member Jennings. Motion was seconded by Board Member Kerby. Motion carried 3 – 0, Board Members Piercy and Stone absent.**

**4. Hear and Consider for approval, a proposed Agreement between the Overton Municipal Development District and the City of Overton for the latter to provide Administrative and Financial Support Services to the OMDD.**

City Manager Cunningham presented the proposed agreement between the OMDD and the City of Overton to provide the administrative and financial services to the OMDD, recommending that the board members review the proposal and discuss the agreement at the next meeting.

No action taken.

**5. Hear and Review a 12 Year Capital Improvement Program to be considered by the City Council of the City of Overton, which if adopted, will begin to address the Capital needs of the City's Infrastructure which will provide a better environment that promotes economic development.**

City Manager Cunningham presented the proposed twelve (12) year capital improvement plan and handed out a proposed revised plan for what capital improvements would be funded by the OMDD.

**Acting President Heath stated that if the board had known that improvements on the park or the swimming pool were an option, then they would have rebuilt the swimming pool and revamped the park a long time ago. However, the board had always been told that spending any monies in Smith County was not legal since the OMDD is for Rusk County only.**

City Attorney Thompson stated that he had researched it and had not found any such limitation.

**Acting President Heath stated that he remembered that there was a big deal about this issue, and that the OMDD had to be voted on in three (3) different elections to finally be approved. The first two elections had been ruled invalid by the state.**

City Secretary Gafford stated that she would research the elections with the Secretary of State and in the minutes to see if she could find the reasons and possibly the wording of the original proposition for the ballot.

City Manager Cunningham suggested that the board set another meeting date and time to review and hopefully resolve some of the items left open from this meeting.

City Secretary Gafford suggested Thursday, February 26, 2015 at 6:00 p.m.

**The board members agreed to set the next meeting for Thursday, February 26, 2015 at 6:00 p.m.**

**ITEM VII. ADJOURNMENT**

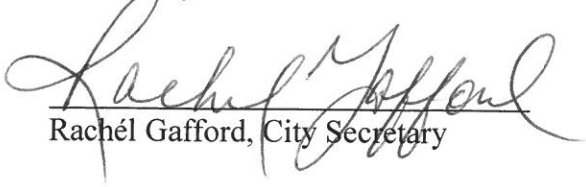
With no further business, Acting President Heath adjourned the meeting at 7:08 P. M.

Minutes submitted and approved this 26<sup>TH</sup> day of FEBRUARY, 2015.



Bob Heath, Acting President

Attested by:

  
Rachél Gafford, City Secretary

