

**SPECIAL CALLED CITY COUNCIL MEETING  
August 8, 2015**

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON August 8, 2015 AT 8:00 AM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor  
Philip Cox, Mayor Pro Tem  
Pat Beets  
Jerry Clark  
John Posey  
Lawrence Davis

ABSENT:

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary and Clyde Carter, Chief of Police.

**I. CALL TO ORDER** –Council meeting was called to order by Mayor Evans at 8:00 A.M.

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

**II. CITIZEN FORUM**

None

**III. CONSENT AGENDA**

No consent agenda items

**IV. NEW BUSINESS (CONSIDER AND/OR ACTION)**

1. Consider and schedule a Town Hall Meeting on August 18, 2015 at 7:00 p.m. at the Community Center to discuss a Tax Rate to fund Cemetery Operations and Maintenance and proposed increases in Water and Sewer Rates for FY 2015 – 2016.

*City Manager Cunningham made a presentation to Council stating that he felt a Town Hall Meeting should be scheduled by the Mayor and City Manager to explain the proposed Cemetery Tax to cover operation and maintenance expenses for the cemetery and the proposed water & sewer rates for the FY 2015-2016. Cunningham went on to say that he wanted to have full transparency on these issues and to give the citizens the opportunity to express any questions or concerns they may have. The following will be done to advertise the Town Hall Meeting.*

- *Prepare a Door Hanger to be distributed to all residents by Public Works*
- *VFW Sign at the four way*
- *DQ Sign*
- *Facebook Post*
- *City Website*
- *Press Release to all newspapers and TV Stations.*

**Mayor Pro Tem Cox made a motion to schedule the Town Hall Meeting to discuss the proposed cemetery tax and the proposed water & sewer rates and**

**infrastructure conditions with the Overton Citizens on Tuesday, August 18, 2015 at 7:00 P.M. at the Overton Community Center Building. Councilman Davis seconded the motion.**

**Mayor Evans called for discussion; no discussion.**

**Mayor Evans called for a vote. Motion carried 5 – 0.**

2. Consider and propose an *Ad Valorem* Tax Rate for Fiscal Year 2015 -2016 by record vote and schedule two (2) public hearing dates on the Tax Rate.
3. Consider and schedule a public hearing date on Budget Fiscal Year 2015 - 2016

***Mayor Evans explained that the next two items on the agenda would be handled together.***

*City Manager Cunningham presented Resolution No. 2015-08-08A; a Resolution of the City of Overton, Texas, to record council vote to consider a proposed Ad Valorem Tax Rate of \$0.628000 per \$100.00 of taxable valuation for Fiscal Year 2015-16 for the City Of Overton; making findings of fact; and providing for related matters, along with a tax rate comparison chart handout showing that the same tax rate will provide additional revenue in the new FY due to the increase in the appraisal values and new construction added to the tax roll.*

**Mayor Pro Tem Cox made a motion to approve Resolution No. 2015-08-08A; a Resolution of the City Of Overton, Texas, to record council vote to consider a proposed Ad Valorem Tax Rate of \$0.628000 per \$100.00 of taxable valuation for Fiscal Year 2015-16 for the City Of Overton; making findings of fact; and providing for related matters. Councilman Beets seconded the motion.**

**Mayor Evans called for discussion; no discussion.**

**Mayor Evans called for a record vote.**

Council Member	FOR	AGAINST
Mayor Pro Tem Philip Cox, Place # 1	X	
Councilman John Posey, Place # 2	X	
Councilman Jerry Clark, Place #3	X	
Councilman Lawrence Davis #4	X	
Councilman Pat Beets, Place # 5	X	

**Mayor Evans present and not voting. Motion carried 5 – 0.**

*City Manager Cunningham presented Resolution No. 2015-08-08B; a Resolution of the City of Overton, Texas, to schedule two public hearings to consider an Ad Valorem Tax Rate and a schedule a Public Hearing on the proposed Budget; making findings of fact; providing for publication and providing for related matters.*

**Mayor Pro Tem Cox made a motion to approve Resolution No. 2015-08-08B; a Resolution to schedule two public hearings (on August 27<sup>th</sup>, 2015 at 7:00 p.m. and September 10<sup>th</sup>, 2015 at 7:00 p.m.) to consider an *Ad Valorem Tax Rate*; and to schedule the public hearing on the Proposed Budget for Fiscal Year 2015 – 2015 on September 10<sup>th</sup>, 2015 at 7:00 p.m. Councilman Clark seconded the motion.**

**Mayor Evans called for discussion; no discussion.**

**Mayor Evans called for a record vote.**

Council Member	FOR	AGAINST
Mayor Pro Tem Philip Cox, Place # 1	X	
Councilman John Posey, Place # 2	X	
Councilman Jerry Clark, Place #3	X	
Councilman Lawrence Davis #4	X	
Councilman Pat Beets, Place # 5	X	


**Mayor Evans present and not voting. Motion carried 5 – 0. (Attachment B)**

**V. ADJOURNMENT**

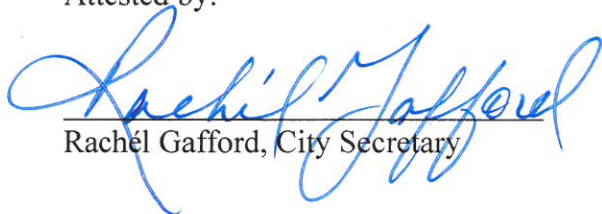
**Councilman Posey made a motion that the meeting be adjourned.  
Councilman Clark seconded the motion. Motion carried 5 – 0**

With no further business, the meeting was adjourned at 8:23 A. M.

Minutes approved and submitted and/or corrected this 20<sup>th</sup> day of August, 2015.

  
C. R. Evans Jr., Mayor

Attested by:

  
Rachel Gafford, City Secretary



ATTACHMENT A

RESOLUTION NO. 2015-08-08A

A RESOLUTION OF THE CITY OF OVERTON, TEXAS, TO RECORD COUNCIL VOTE TO CONSIDER A PROPOSED AD VALOREM TAX RATE OF \$0.628000 PER \$100.00 OF TAXABLE VALUATION FOR FISCAL YEAR 2015-16 FOR THE CITY OF OVERTON; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Texas Tax Code, Section 26.06, requires that prior to holding the required public hearings on the tax rate, the governing body must take a record vote by an ordinance or resolution, as appropriate, showing how each member of the governing body voted on the proposal to consider the tax increase, and

WHEREAS, this Resolution complies with the provisions of the Texas Tax Code. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, RUSK COUNTY, THAT:

Section 1. Findings. As required by the Texas Tax Code, Section 26.06, the City Council of the City of Overton, Texas, has on this day considered the proposal to retain the ad valorem tax rate to \$0.628000 per \$100 valuation for Fiscal Year 2015-16 and recorded the vote on the tax rate proposal to be as follows:

Council Member	FOR	AGAINST
Mayor Pro Tem Philip Cox, Place # 1	X	
Councilman John Posey, Place # 2	X	
Councilman Jerry Clark, Place # 3	X	
Councilman Lawrence Davis #4	X	
Councilman Pat Beets, Place # 5	X	

PRESENT AND NOT VOTING: Mayor C.R. Evans, Jr.

ABSENT:

In addition, the following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. This Resolution of the City of Overton, Texas, is hereby adopted in compliance with the requirements set forth in Section 26.06 of the Texas Tax Code.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the rules governing General Law Cities.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

FINALLY PASSED AND APPROVED on this the 8<sup>th</sup> day of August, 2015.

THE CITY OF OVERTON, TEXAS

*[Signature]*  
Mayor C.R. Evans, Jr.  
8-8-15  
Date



ATTEST:

*[Signature]*  
Rachel Garford, City Secretary  
8-8-15  
Date

ATTACHMENT B

Section 2. Schedule of Public Hearings. The City Council has set August 27<sup>th</sup>, 2015 at 7:00 p.m. as the date for the first Public Hearing to consider the proposed Tax Rate and Budget for 2015-16 and September 10<sup>th</sup>, 2015 at 7:00 p.m. as the date for the second Public Hearing to consider the proposed Tax Rate and the Public Hearing for the Budget for the Fiscal Year 2015-16.

Section 3. Authorization. This Resolution of the City of Overton, Texas, is hereby adopted in compliance with the requirements set forth in Section 26.06 of the Texas Tax Code.

Section 4. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the rules governing General Law Cities.

Section 5. Publication. The City Secretary is hereby authorized and directed to cause the publication of the "Notice of the Proposed Ad Valorem Tax Rate (exceeds the Effective Tax Rate)" which shall announce the dates and times of two (2) public hearings on the proposed ad valorem tax rate and the publication of the "Notice of Budget Hearing" on the proposed budget which shall announce the date and time of the budget hearing as provided by law.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

FINALLY PASSED AND APPROVED on this the 8<sup>th</sup> day of August, 2015

THE CITY OF OVERTON, TEXAS

*[Signature]*  
Mayor-C.R. Evans, Jr.  
8-8-15  
Date



ATTEST:

*[Signature]*  
Rachel Gafford, City Secretary  
8-8-15  
Date

RESOLUTION NO. 2015-08-08B

**A. RESOLUTION OF THE CITY OF OVERTON, TEXAS, TO SCHEDULE TWO PUBLIC HEARINGS TO CONSIDER AN AD VALOREM TAX RATE AND A SCHEDULE A PUBLIC HEARING ON THE PROPOSED BUDGET; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION AND PROVIDING FOR RELATED MATTERS.**

WHEREAS, the Texas Tax Code, Section 26.06, requires that prior to holding the required public hearings on the tax rate, the governing body must take a record vote by an ordinance or resolution, as appropriate, showing how each member of the governing body voted on the proposal to consider the tax increase, and

WHEREAS, the Texas Tax Code, Section 26.06 requires that the governing body publish a "Notice of Public Hearing on Tax Increase" showing how each member of governing body by name voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences by name, and

WHEREAS, this Resolution complies with the provisions of the Texas Tax Code.

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

Section 1. Findings. As required by the Texas Tax Code, Section 26.06, the City Council of the City of Overton, Texas, has on this day considered the proposal to retain the ad valorem tax rate to \$0.628000 per \$100 valuation for Fiscal Year 2015-16 and recorded the vote on the tax rate proposal to be as follows:

Council Member	FOR	AGAINST
Mayor Pro Tem Philip Cox, Place # 1	X	
Councilman John Posey, Place # 2	X	
Councilman Jerry Clark, Place #3	X	
Councilman Lawrence Davis #4	X	
Councilman Pat Beets, Place # 5	X	

PRESENT AND NOT VOTING: Mayor C.R. Evans, Jr.

ABSENT:

In addition, the following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.