

**REGULAR MEETING OF CITY COUNCIL
AUGUST 17, 2010 - 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Robert Vinyard Council Member
Marvin Dickson Council Member
Charles Gillingham Council Member

STAFF: Eddie Edwards City Manager
Stella E. Sauls City Secretary
Danny Richards E.O.C. Director
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Ted Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works
Larry Mullenix Director, Planning and Zoning
Scott Radach Director, Finance Department

VISITORS: Jeff Hutchison Calvary Baptist
Judy Mihm
Gary Murrow
Meryl Barnett

NEWS MEDIA: Michelle Berry Borger News Herald

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

No comments were heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of August 3, 2010, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the first half of August were submitted for the consideration of the Council. Following discussion, motion was

made by Council Member DeWeese, seconded by Council Member Dickson, to approve payment of the expenditures for the first half of August as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

PROPOSED FY 2010-2011 OPERATING BUDGET RECEIVED AND PUBLIC

HEARING SCHEDULED: City Manager Eddie Edwards presented the City's proposed budget for 2010-2011. Mr. Edwards said he would have a presentation at the September 7, 2010 meeting and asked the Council to receive the proposed budget and schedule a public hearing to allow for citizen comments. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to receive the proposed FY 2010-2011 Operating Budget and schedule a public hearing for September 7, 2010. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

RESOLUTION R-013-10 RE-APPOINTING ONE MEMBER TO THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY BOARD OF DIRECTORS APPROVED:

City Manager Eddie Edwards explained that the term of Tom Edmonds expired July 31, 2010. Mr. Edmonds has served as one of the City's representatives on this Board since 1998, and has expressed his desire to serve another term. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve Resolution R-013-10 re-appointing Tom Edmonds to a two year term on the Canadian River Municipal Water Authority Board of Directors. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

The resolution reads as follows:

RESOLUTION R-013-10

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF BORGER, TEXAS RE-APPOINTING ONE
MEMBER TO THE BOARD OF DIRECTORS OF THE
CANADIAN RIVER MUNICIPAL WATER AUTHORITY**

ON THIS, the 17th day of August, 2010, the City Council of the City of Borger, Texas, met in regular session with five (5) members present, when among other business transacted, the following action was taken:

The Mayor introduced the following resolution:

WHEREAS, the City Council of this City heretofore appointed Tom Edmonds as a member of the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term ending July 31, 2010, pursuant to the provisions of Chapter 243 of the Laws passed by the Regular Session of the Texas Legislature in 1953, as amended; and,

WHEREAS, such office has now become vacant by reason of expiration of term; and

WHEREAS, in the performance of its duty to do so under said Law, this City Council desires to officially appoint a person qualified to fill the vacancy occasioned as aforesaid, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

1. That, Tom Edmonds, a qualified voter and a property owning taxpayer of the City of Borger who is not a member of the governing body or an employee of said City, be and is hereby re-appointed to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term beginning August 1st, 2010 and ending July 31st, 2012.
2. That, the Director re-appointed as aforesaid shall be certified to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** by the Mayor of this City and shall otherwise qualify in the manner prescribed by the above mentioned law relating to said Authority.

PASSED, APPROVED, AND ADOPTED, on this the 17th day of August, 2010, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

RESOLUTION R-014-10 REQUIRING THE HUTCHINSON COUNTY TAX ASSESSOR-COLLECTOR TO ASSESS AND COLLECT AD VALOREM TAXES FOR THE CITY OF BORGER APPROVED: City Manager Eddie Edwards explained that our ad valorem taxes have been collected by the Hutchinson Appraisal District since 1988; however, due to substantially higher collection costs, it is no longer financially responsible to sustain the current Agreement. The county tax assessor-collector by statute, is required to collect the City's ad valorem taxes if requested. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson to terminate the Assessment and Collection Agreement between the Hutchinson County Appraisal District and the City of Borger and approve Resolution R-014-10, requiring the Hutchinson County Tax Assessor-Collector to assess and collect the City of Borger's ad valorem taxes for the ensuing year. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

The resolution reads as follows:

RESOLUTION NO. R-014-10

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, REQUIRING THE HUTCHINSON COUNTY TAX ASSESSOR-COLLECTOR TO ASSESS AND COLLECT AD VALOREM TAXES FOR THE CITY OF BORGER; PROVIDING FOR A REASONABLE FEE; AND DESIGNATING THE CITY'S AUTHORIZED REPRESENTATIVES TO ACT IN ALL MATTERS PERTAINING TO THE ASSESSMENT AND COLLECTION OF THE CITY'S AD VALOREM TAXES BY THE HUTCHINSON COUNTY TAX ASSESSOR-COLLECTOR

WHEREAS, The City of Borger, a home-rule municipality by State Law (Tax Code, Section 6.22(b)) and the City of Borger Charter is authorized and responsible for the assessment and collection of ad valorem taxes; and,

WHEREAS, to eliminate duplication of services and promote governmental efficiency the City Council of the City of Borger, Texas wishes to require the Hutchinson County Tax Assessor-Collector to assess and collect ad valorem taxes on behalf of the City of Borger pursuant to Texas Tax Code, Section 6.23(a)(3); and,

WHEREAS, it is hereby acknowledged and understood that the Hutchinson County Tax Assessor-Collector is entitled to a reasonable fee which may not exceed the actual cost incurred for assessing and collecting taxes for a taxing unit pursuant to Texas Tax Code, Section 6.27(b); and,

WHEREAS, the City Council of the City of Borger designates the Hutchinson County Tax Assessor-Collector as the City's Tax Assessor-Collector for the purpose of compliance with Texas Tax Code, Chapter 26, as amended; and,

WHEREAS, the City Council of the City of Borger approves the selection of Purdue, Brandon, Fielder, Collins, & Mott for the collection of delinquent taxes and asks that the Hutchinson County Tax Assessor-Collector continue to contract with this firm for delinquent tax collections on behalf of the City of Borger; and,

WHEREAS, the City Manager and/or the Director of Finance be authorized to act as the City of Borger's representatives in all matters pertaining to the assessment and collection of the City's ad valorem taxes by the Hutchinson County Tax Assessor-Collector.

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

Section 1

That, the findings set out in the preamble are in all things hereby approved.

Section 2

That, the City of Borger, Texas wishes to require the Hutchinson County Tax Assessor-Collector to assess and collect ad valorem taxes on behalf of the City of Borger pursuant to Texas Tax Code, Section 6.23(a)(3).

Section 3

That, the Hutchinson County Tax Assessor-Collector is entitled to a reasonable fee which may not exceed the actual cost incurred for assessing and collecting taxes for a taxing unit pursuant to Texas Tax Code, Section 6.27(b).

Section 4

That, the City of Borger designates the Hutchinson County Tax Assessor-Collector as its tax assessor-collector for the purpose of compliance with Texas Tax Code, Chapter 26, as amended.

Section 5

That, the City of Borger approves the selection of Purdue, Brandon, Fielder, Collins, & Mott for the collection of delinquent taxes and asks that the Hutchinson County Tax Assessor Collector continue to contract with this firm for delinquent tax collections on behalf of the City of Borger.

Section 6

That, the City Manager and/or the Director of Finance be authorized to act as the City of Borger's representatives in all matters pertaining to the assessment and collection of the City's ad valorem taxes by the Hutchinson County Tax Assessor-Collector

PASSED, APPROVED, AND ADOPTED, on this the 17th day of August, 2010, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

ANNUAL FINANCIAL STATEMENT RECEIVED: Charles Gary Murrow, CPA, PLLC, submitted an independent auditors report on the governmental activities, business-type activities, and aggregate remaining fund information for the year ending September 30, 2009. The report indicates that the City of Borger's financial statements are free of material misstatement and fairly represent the City of Borger's financial position as of September 30, 2009. Mr. Murrow further indicated that has issued an unqualified opinion and made no recommendations to change internal controls or procedures. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to receive and approve the Annual Financial Statement and Independent Auditor's Report for fiscal year ending September 30, 2009. Motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

CONTRACT BETWEEN THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES, VITAL STATISTICS UNIT AND THE CITY OF BORGER APPROVED:

City Secretary Stella E. Sauls explained the contract between the State and the City concerning the remote system provided by the State and the issuance of vital records. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, that City Secretary Stella E. Sauls be authorized to execute a contract between the City of Borger and the Texas Department of State Health Services. Motion carried by the following votes:

Ayes: All members present voted aye.
Nays: None.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Mayor

ATTEST:

City Secretary