

CITY OF CUMBY
SPECIAL SESSION CITY COUNCIL MEETING
MONDAY, SEPTEMBER 19, 2011
6:00 PM

AGENDA

The special session called meeting of the City of Cumby City Council will be held at 6:00 pm on Monday, September 19, 2011 in the City Hall Council Room located at 100 E. Main Street, Cumby, Texas. The following items will be discussed:

SPECIAL SESSION WILL BE HELD IN ACCORDANCE WITH TEXAS GOVERNMENT CODE 551.071

1. CALL TO ORDER
2. DISCUSS / ACTION REIMBURSEMENT RESOLUTION
3. DISCUSS / ACTION ENGINEERING CONTRACT – SOUTHWEST ENGINEERS
4. DISCUSS / ACTION CONSULTING CONTRACT – BLITCH ASSOCIATES, INC.
5. DISCUSS / ACTION LEGAL COUNCIL CONTRACT – BILL CORSBIE, P.C.
6. DISCUSS/ACTION APPLICATION FILING AND AUTHORIZED REPRESENTATIVE RESOLUTION – TWDB
7. APPLICATION AFFIDAVIT
8. ADJOURN

CITY OF CUMBY
SPECIAL SESSION
MONDAY, SEPTEMBER 19, 2011
6:00 PM

THE CITY OF CUMBY, TEXAS, MET IN SPECIAL SESSION ON MONDAY, SEPTEMBER 19, 2011, AT 6:00 PM, 100 E. MAIN STREET, CUMBY TEXAS.

THE FOLLOWING WERE PRESENT: MAYOR JEFF STRICKLAND, ALDERMAN CHUCK TUGGLE, ALDERMAN BILL JENKINS, ALDERMAN CODY TALLEY, ALDERMAN KATHY HALL CARTER, ALDERMAN LARRY WHITE, CITY SECRETARY ANGIE ALLEN.

1) MAYOR STRICKLAND CALLED THE MEETING TO ORDER AT 6:00 PM.

2) DISCUSS / ACTION REIMBURSEMENT RESOLUTION: THIS RESOLUTION STATES:

WHEREAS, the CITY OF CUMBY, TEXAS, (the "Issuer"), operates and exists under the Constitution of the State of Texas and the laws of the State of Texas , and is in the process of selling bonds to finance certain utility system improvements in the City (the "Project"), and

WHEREAS, at this time it is anticipated that the bonds will be sold to the Texas Water Development Board (the "TWDB"), and

WHEREAS, the Issuer will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the Project prior to closing on the sale of the proposed bonds to the TWDB, so that the Project can move forward prior to the closing on the bond sale, and

WHEREAS, the Issuer has determined that it should fund the Expenditures prior to receipt of the bond sale proceeds with money from the Issuer's reserves, provided, however, that the money advanced to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer's reserves for the Expenditures from the proceeds of the pending bond issue (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CUMBY AS FOLLOWS:

SECTION 1: This declaration is made for the purposes of complying with the Internal Revenue Code Sections 103 and 150 and IRS Regulations 1.150-2 relating to such reimbursements, and the City Secretary shall keep an original copy of this Resolution on file with the City's records available for public inspection during regular office hours as provided in the Texas Open Records Act.

SECTION 2: The Issuer hereby declares that it satisfies the small issuer exception to rebate under IRC section 148(f)(4)(D)(i), and that it expects to reimburse its reserves from the bond sale proceeds not later than three years from the date of the original expenditure or the date the Project is either placed in service or abandoned, and at the time of any such reimbursement the Issuer will document same in its written financial records.

SECTION 3: Each Expenditure will be of the type allowed for reimbursement under Treas. Reg. Section 1.150-2(d)(3), and of a type not exempted from the Reimbursement Resolution Requirements.

SECTION 4: The maximum cost of the Project is expected to be \$ 675,000.00.

PASSED this the 19th day of September, 2011.

ALDERMAN JENKINS MADE A MOTION TO ACCEPT THE REIMBURSEMENT RESOLUTION AS READ. ALDERMAN TALLEY SECONDED THE MOTION. ALL APPROVE. MOTION PASSED. THE RESOLUTION WILL BE NUMBERED 3-2011.

3) DISCUSS / ACTION ENGINEERING CONTRACT – SOUTHWEST ENGINEERS:
THE CITY OF CUMBY DESIRED TO IMPLEMENT A FM 275 WATER AND WASTEWATER RELOCATIONS PROJECT ; AND WHEREAS THE CITY DESIRES TO ENGAGE SOUTHWEST ENGINEERS, INC TO RENDER ENGINEERING SERVICES IN CONNECTION WITH ITS SAID PROJECT.

ALDERMAN WHITE MADE A MOTION TO ACCEPT SOUTHWEST ENGINEERS AS THE ENGINEERING FIRM . ALDERMAN CARTER SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.

4) DISCUSS / ACTION CONSULTING CONTRACT – BLITCH ASSOCIATES, INC.:
THE CITY OF CUMBY DESIRED TO SELL BONDS FOR THE FM 275 WATER AND WASTEWATER RELOCATIONS PROJECT. ALDERMAN WHITE MADE A MOTION TO ACCEPT THE CONTRACT SUBMITTED BY BLITCH ASSOCIATES, INC FOR FINANCIAL ADVISORY SERVICES. ALDERMAN JENKINS SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.

5) DISCUSS / ACTION LEGAL COUNCIL CONTRACT – BILL CORSBIE, P.C.:
THE CITY OF CUMBY DESIRED TO SELL BONDS FOR THE FM 275 WATER AND WASTEWATER RELOCATIONS PROJECT. ALDERMAN TUGGLE MADE A MOTION TO ACCEPT THE CONTRACT SUBMITTED BY BILL CORSBIE, P.C. FOR LEGAL COUNCIL SERVICES. ALDERMAN TALLEY SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.

6) DISCUSS/ACTION APPLICATION FILING AND AUTHORIZE REPRESENTATIVE RESOLUTION – TWDB:

THIS RESOLUTION STATES:

A RESOLUTION by the City Council of the City of Cumby requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY:

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$675,000.00 to provide for the costs of the FM 275 Water and Wastewater Improvements Project.

SECTION 2: That Jeff Strickland is hereby designated the authorized representative of the City of Cumby for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of Cumby before any hearing held by the Texas Water Development Board on such application, to wit:

Financial Advisor: Blitch Associates, Inc.
Bill Blitch
11111 Katy Freeway, Suite 820
Houston, Texas 77079-2118

Engineer: Southwest Engineers
John Littlefield
307 Saint Lawrence Street
Gonzales, Texas 78629

Bond Council: Bill Corsbie, P.C.
Attorney and Counselor at Law
3708 Clawson Road
Austin, Texas 78704-7802

PASSED AND APPROVED, this the 19th day of September, 2011.

ALDERMAN JENKINS MADE A MOTION TO ACCEPT THIS RESOLUTION.
ALDERMAN TALLEY SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.
THIS RESOLUTION WILL BE NUMBERED 4-2011.

7) APPLICATION AFFIDAVIT: THIS AFFIDAVIT STATES:

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Jeff Strickland as the Authorized Representative of the City of Cumby, who being by me duly sworn, upon oath says that:

1. the decision by the City of Cumby (Authority) to request financial assistance from the Texas Water Development Board ("Board") was made in a public meeting held in accordance with the Open Meetings Act (Government Code §551.001, et seq.) and after providing all such notice as required by such Act as applicable to the Authority;

2. the information submitted in the application is true and correct according to my best knowledge and belief;

3. the Authority has no pending, threatened, or outstanding judgments, orders, fines, penalties, taxes, assessment or other enforcement or compliance issue of any kind or nature by the Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Comptroller, Texas Secretary of State, or any other federal, state or local government, except for the following (if no such outstanding compliance issues, write in "none"): NONE.

4. the Authority warrants compliance with the representations made in the application in the event that the Board provides the financial assistance; and

5. the Authority will comply with all applicable federal laws, rules, and regulations as well as the laws of this state and the rules and regulations of the Board.

MAYOR STRICKLAND STATED THAT FOR THE FM 275 WATER AND WASTEWATER RELOCATIONS PROJECT, THE CITY WILL NEED TO TAKE A SHORT TERM OPEN END LOAN FROM ALLIANCE BANK. THE LOAN MONIES WILL BE USED TO PAY INVOICES THAT ACCRUE BEFORE THE BONDS ARE SOLD. THE LOAN WILL BE PAID IN FULL WHEN TWDB DISBURSES THE FUNDS. THE CITY IS REQUESTING \$100,000. ALDERMAN TALLEY MADE A MOTION TO TAKE A SHORT TERM OPEN END LOAN FROM ALLIANCE BANK. ALDERMAN JENKINS SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.

WITH ALL BUSINESS COMPLETE THE MEETING WAS ADJORNED AT 7:15 PM.


MAYOR JEFF STRICKLAND

ATTEST:



