

Item # 4

National Historic Preservation Month Proclamation

WHEREAS, historic preservation is an effective tool for communities across the nation, for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the Smithville Historic Preservation Design Standards Advisory Committee was established to protect the character of the historic commercial area of Smithville, to preserve its built history, and to foster economic and community vitality while honoring and protecting the social fabric and community culture of the community; and

WHEREAS, the architectural design standards were created as guidelines for rehabilitation, redevelopment, maintenance, and preservation of its existing historic structures, and providing design standards for the development of new construction projects within the Smithville Historic Commercial District; and

WHEREAS, since 1975, the Smithville Heritage Society has worked to preserve, protect and enrich the stories and histories of Smithville, through their archival records and research, the Heritage House Museum and Archives, special events and programming, and partnerships that showcase and support the historic fabric of the community; and

WHEREAS, the city has a historic marker program that encourages community members to designate their historic properties and/or significant events to recognize contributions from the past; and

WHEREAS, the Smithville Commercial Historic District and the Smithville residential historic district are on the national register of historic places and the Smithville residential historic district is a recorded Texas Historic Landmark; and

WHEREAS, Smithville was once a major passenger hub on the Missouri-Kansas-Texas (M-K-T) railroad and the James H. Long Railroad Park has been temporarily closed since the building was destroyed in a fire, but will reopen this month and continue honoring our unique heritage under the leadership of the Smithville Area Chamber of Commerce; and

WHEREAS, Smithville has a long-standing history and tradition of honors such as the first Film Friendly designation and a vibrant cultural arts district that is an officially designated Cultural Arts District which significantly enhances the historic fabric of our town; and

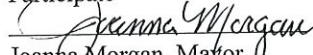
WHEREAS, May is National Historic Preservation Month, co-sponsored by the Smithville Heritage Society, the Smithville Historic Preservation Design Standards Advisory Committee and the City of Smithville,

NOW, THEREFORE, I, Mayor of the City of Smithville, do hereby proclaim May 2022 as Historic Preservation Awareness Month, and call upon the people of Smithville to join their fellow citizens across the United States in recognizing and participating in this special observance.


Passed and approved this 16th day of May 2022

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Smithville to be affixed this 16th day of May 2022.

Participate


Joana Morgan, Mayor

ATTEST:


City Secretary, Jennifer Lynch

PROCLAMATION National Police Week

WHEREAS; The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls, as National Police Week; and

WHEREAS; the members of the law enforcement agency of Smithville Police department agency play an essential role in safeguarding the rights and freedoms of the City of Smithville; and

WHEREAS; all citizens must know and understand the duties, responsibilities, agency hazards, and sacrifices of their law enforcement agency, and that the members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS; the men and women of the law enforcement agency of Smithville Police Department unceasingly provide public service;

NOW, THEREFORE, I, Joanna Morgan, Mayor of the City of Smithville, on behalf of the Smithville City Council, call upon all citizens of Smithville and all patriotic, civil, and educational organizations to observe the week of

MAY 15TH - MAY 21ST 2022, AS POLICE WEEK

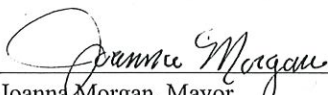
With appropriate ceremonies and observance in which all of our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Smithville to observe Sunday,

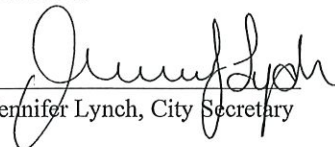
May 15th, 2022 as Peace Officers Memorial Day

In honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of the duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Smithville to be affixed this 16th day of May 2022.


Joanna Morgan, Mayor

ATTEST:


Jennifer Lynch, City Secretary

PROCLAMATION
MOTORCYCLE SAFETY AND AWARENESS MONTH

WHEREAS, today's society is finding more citizens involved in motorcycling; and

WHEREAS, campaigns have helped inform riders and motorists alike to motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, and to obey all traffic laws; and

WHEREAS, motorists are encouraged to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

NOW, THEREFORE, I Joanna Morgan, Mayor of the City of Smithville, Texas, do hereby proclaim the month of May as:

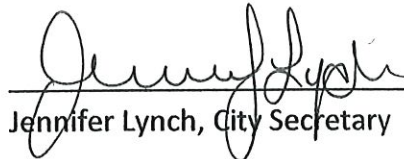
MOTORCYCLE SAFETY AND AWARENESS MONTH

in the City of Smithville and urge all residents to do their part to increase motorcycle safety and awareness in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Smithville to be affixed this 16th day of May 2022.


Joanna Morgan, Mayor

ATTEST:


Jennifer Lynch, City Secretary

Item # 5

CITY OF SMITHVILLE
COUNCIL MEETING AND PUBLIC HEARING MINUTES
APRIL 11, 2022

Present: Mayor Joanna Morgan, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Sharon Foerster, Stan Gerdes, and City Manager Robert Tamble.

Open Meeting: Call to order: Mayor Morgan called the meeting to order at 6:00 p.m.
Invocation and Pledge by Tom Etheredge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – “National Public Safety Telecommunications Week” – Read by Mayor Morgan.
- b) Proclamation – “Recognizing our Freedom Fighting Friends in Voznesensk, Ukraine” Proclamation read by Councilwoman Bruno.
- c) Presentation on "It's Time Texas" Community Challenge – Presented by Jill Strube.

Citizen Comments: None

Approval of the minutes from March 14, 2022, Council Meeting and Public Hearing.
Councilman Gerdes moved to approve the minutes. Councilman Gordon seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning and Developer on:

- a) A variance request to allow less than 240 ft subdivision block width for property ID 49198, 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges. Per ordinance, subdivision block width cannot exceed 300 ft maximum or a minimum of 240 ft. Caroline Noya said that P&Z recommends approving the variance.
- b) A Preliminary Plat for 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property ID 49198, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges. Caroline Noya said that P&Z recommends approving the preliminary plat.

Mitchell Jameson spoke and said he is excited to be here and present a lot of work has gone into this project. He wants to keep the charm and beauty of Smithville. Chase spoke on the facts of the property.

Public Hearing:

Hear citizen's comments on:

- a) A variance request to allow less than 240 ft subdivision block width for property ID 49198, 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property Owner Machs

N Cahoots, LLC, Agent Chase Hodges. Per ordinance, subdivision block width cannot exceed 300 ft maximum or a minimum of 240 ft. No one signed up to speak for or against this item.

- b) A Preliminary Plat for 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property ID 49198, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges. No one signed up to speak for or against this item.

Open Meeting:

Council Discussion and Action on:

- a) A variance request to allow less than 240 ft subdivision block width for property ID 49198, 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges. Per ordinance, subdivision block width cannot exceed 300 ft maximum or a minimum of 240 ft: The Developer is requesting a variance to allow block length < 240' in the Garwood Park subdivision. Per City Ordinance, Chapter 10 – Subdivision Regulation, Article 3, "Minimum Design Standards", Section 4, "Block widths shall not exceed three hundred (300) feet nor be less than two hundred forty (240) feet, except in unusual cases". Councilman Etheredge made a motion to approve the variance request consistent with P&Z and that it will not be contrary to the public interest there are special conditions including unusual case and due to the special condition, it would result in unnecessary hardship. Granting the variance would be consistent with the ordinance. Finally, substantial justice would be done by granting the variance. Councilman Gerdes seconded and the motion passes unanimously.
- b) A Preliminary Plat for 701 NE 9th Street, ABS A46 Lomas. L. 5.111 Acres, Property ID 49198, Property Owner Machs N Cahoots, LLC, Agent Chase Hodges: The City completed (and approved) a thorough administrative review of the preliminary plat on 3/7/22. The preliminary plat complies with all requirements except block width as required by the City of Smithville Code of Ordinances, Chapter 10 – Subdivision Regulation, Article 3, "Minimum Design Standards", Section 4, which states: "Block widths shall not exceed three hundred (300) feet nor be less than two hundred forty (240) feet, except in unusual cases". The Developer is seeking a determination of an "unusual case" by the City Council due to the parcel's irregular shape, proximity to existing develop plats, and location of existing streets. Councilwoman Bruno made a motion to approve the preliminary plat. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Responding to the Application of CenterPoint Energy Resources Corp., South Texas Division, to Increase Rates Under the Gas Reliability Infrastructure Program (GRIP) Suspending the Effective Date of this Rate Application for Forty-Five (45) Days: CenterPoint Energy is asking the Texas Railroad Commission for a Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment (IRA) to their base rate(s). Under Texas law (re: Gas Utilities Regulatory Act), we do not have the ability to oppose the rate increase. However, we can postpone the effective date of the proposed increase for 45-days. The rate will be increased by

\$2.11/month for residential service and \$4.37/month for small commercial service. The adjusted monthly charge (base rate) will be \$27.03 and \$41.42 respectively. This represents an average increase between 6-9%. The rate increase will help recover incremental spending for capital infrastructure improvements in its South Texas Division during the 2022 calendar year. The proposed IRA will become effective on May 2, 2022 unless the City chooses to suspend the IRA effective date until June 16, 2022. Councilman Gordon made a motion to approve the resolution suspending the effective date for 45 days. Councilman Gerdes seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the Annual Audit for the 2020-2021 Fiscal Year Budget: Singleton, Clark & Company, PC completed the annual audit of the City of Smithville's 2020-2021 financial statements during the month of March. The results of the audit indicate that assets exceeded liabilities and by \$15,592,733 at the close of the past fiscal year. The total net position of the city increased by \$2,725,809. The City's governmental fund reported a combined fund balance of \$2,256,932, an increase of \$441,394 in comparison with the prior year. In 2018, the City issued certificates of obligation for \$2.975 million for water, wastewater, street, and drainage improvements. The City's total debt decreased by \$617,130 during the fiscal year. The reason for the overall decrease was the City making its scheduled principal payments on time. The debt at the end of the fiscal year was \$8,944,693. This includes bonded debt from the issuance of certificates of obligation, Qualified Energy Conservation Bonds (QEBC), and leased capital equipment. Overall, the City received a "clean" financial audit. Jack Clark (of Singleton, Clark & Company) will be presenting the results of the audit. Councilman Etheredge made a motion to approve the resolution. Councilwoman Foerster seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on renewing an agreement between the City of Smithville and PHI Air Medical to provide air ambulance service to the citizens of Smithville: The City of Smithville is considering renewing its contract agreement with PHI Air Medical to provide "no cost" emergency medical air transport of citizens with life-threatening injuries / illnesses that reside within the Smithville City Limits. The proposed annual fee of \$11,935 is based on providing coverage to approximately 1705 households (as identified by the most current list of residential utility customers). The plan will cover all Smithville citizens while they are in PHI Service Area (i.e., Bastrop County) at a cost of \$7.00 per household. For those citizens with insurance (including Medicare patients), the agreement will cover all co-pays, deductibles, and remaining balances for PHI transports. For those without insurance, the agreement will cover payment in full. For those citizens on Medicaid, PHI will receive a payment from the state. Citizens can upgrade to a full national household membership for \$45 per year that will provide coverage outside of the Bastrop County service area. On average, the cost for medical air transport in large metropolitan areas is \$10-15k per flight. However, the average cost for citizens in Bastrop County for medical air transport is \$45-50k. In 2020 and 2021, there were five (5) and fourteen (14) PHI Air Medical transports in Smithville respectively. If approved, the contract will be valid through April 30, 2023. Councilwoman Bruno made a motion to approve the agreement with PHI Air Medical. Councilman Gerdes seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on the approval of the Financial Report. Councilwoman Foerster made a motion to accept the Financial Report. Councilman Etheredge seconded and the motion passed unanimously.

Adjourn 6:57 p.m.

Joanna Morgan, Mayor

Attest:

Jennifer Lynch, City Secretary

Item # 6

STATE OF TEXAS
CITY OF SMITHVILLE
COUNTY OF BASTROP

RESOLUTION# 2022-05-489

**A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING
THE RESULTS OF A CITY OFFICER'S ELECTION**

Whereas, a general election was held on the 7th day of May 2022, to elect the hereinafter officials; and

Whereas, it appears for, said return, duly and legally made that there were cast at said election 673 valid and legal votes; and

Whereas, each of the candidates in said election received the following votes:

Name	Absentee	Early Voting	Election Day	Total
Mayor (a two-year term)				
Tom Etheredge	22	178	112	312
Sharon Foerster	25	207	129	361
Alderman Place 4 (a two-year term)				
Cassie Barrientos	24	202	110	336
Dane Garrison	22	164	119	305
Alderman Place 5 (a two-year term)				
Janice Bruno	38	322	191	551

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

That said election was duly called; that notice of said Election was given in accordance with the law, and that Sharon Foerster was duly elected Mayor; Cassie Barrientos was duly elected Councilmember Place 4; and Janice Bruno was duly elected Councilmember Place 5 and said named parties are hereby declared duly elected to say respective offices, subject to taking their oaths by the law of the State of Texas.

Passed and Approved this 16th day of May 2022.

Joanna Morgan, Mayor

Attest:

Jennifer Lynch, City Secretary

Item # 7

Form #2201 Rev. 05/2020

Submit to:

SECRETARY OF STATE

Government Filings

Section P O Box 12887

Austin, TX 78711-2887

512-463-6334

512-463-5569 - Fax

Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Janice Bruno, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Alderman Place 5, City of Smithville

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: May 16, 2022

Signature of Officer

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Janice Bruno, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Alderman Place 5 of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of Texas
County of Bastrop

Sworn to and subscribed before me on this 7th day of May, 20 22.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

Submit to:
SECRETARY OF STATE
Government Filings
Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



Form #2204 Rev 9/2017

This space reserved for office use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Sharon Foerster, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Mayor of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of Texas
County of Bastrop

Sworn to and subscribed before me on this 7th day of May, 20 22.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

Form #2201 Rev. 05/2020

Submit to:

SECRETARY OF STATE

Government Filings

Section P O Box 12887

Austin, TX 78711-2887

512-463-6334

512-463-5569 - Fax

Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Cassie Barrientos, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Alderman Place 4, City of Smithville

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: May 16, 2022

Signature of Officer

Form #2204 Rev 9/2017

This space reserved for office use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Cassie Barrientos, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Alderman Place 4 of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of Texas

County of Bastrop

Sworn to and subscribed before me on this 7th day of May, 2022.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

Item # 8



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on
the 7th day of, May 2022

Sharon Foerster
was duly elected Mayor

In testimony whereof, I have hereunto
signed my name and caused the Seal of
Smithville to be affixed at the City
of Smithville, this the 16th day of May
2022.

**Signature of Presiding Officer of
Canvassing Authority**



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on
the 7th day of, May 2022

Cassie Barrientos
was duly elected Alderman Place 4

In testimony whereof, I have hereunto
signed my name and caused the Seal of
Smithville to be affixed at the City
of Smithville, this the 16th day of May
2022.

**Signature of Presiding Officer of
Canvassing Authority**



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on
the 7th day of, May 2022

Janice Bruno

was duly elected Alderman Place 5



In testimony whereof, I have hereunto
signed my name and caused the Seal of
Smithville to be affixed at the City
of Smithville, this the 16th day of May
2022.



Signature of Presiding Officer of
Canvassing Authority

Item # 11

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, _____, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of City of Smithville Alderman Place 1 unexpired term of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of Texas
County of Bastrop

Sworn to and subscribed before me on this 16th day of May, 2022.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Jennifer Lynch, City Secretary

Printed or Typed Name

Form #2201 Rev. 05/2020
Submit to:
SECRETARY OF STATE
Government Filings
Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: City of Smithville Alderman Place 1 unexpired term

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

Signature of Officer

Item # 12

CITY OF SMITHVILLE

PLANNING & ZONING APPLICATION

APPLICATION TYPE

Zoning Change
Request:

- ☐ Change in Zoning Class
☐ Change in Ordinance
☒ Variance
☐ Special Use Permit
☐ Minor Plat/Subdivision
☐ Other _____

Number of
Requests:

- ☒ Single
☐ Multiple

PROPERTY IDENTIFICATION

Street Address 106 Les Lane Smithville Tx. 78957

*** Applicant must submit an accurate location map and site plan for application to be considered ***

Legal description

- ☒ Platted Land (please provide subdivision, block and lot information below)
☐ Unplatted Land (please submit the metes and bounds description from deed)

Subdivision Name: Hurta River Estates Lot 12

Property Tax Code: 8713236 Block Number: HRE Lot Number: 12

Property Owner
(as listed on Deed):

TTH Enterprises LLC

Property Owner
Mailing Address:

202 Two Mile Lane Smithville Tx. 78957

Owner's Phone No:

Owner's Email:

Agent's Name
(if applicable):

Jimmy Taylor

Agent's Mailing
Address:

Same as above

Agent's Phone No:

Agent's Email:

Same as above Same as above

DESCRIPTION OF VARIANCE / EXCEPTION REQUEST

Current Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>	Proposed Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>
	MR <input type="checkbox"/>	C-1 <input type="checkbox"/>		MR <input type="checkbox"/>	C-1 <input type="checkbox"/>
	C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>		C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>
	MHS <input type="checkbox"/>	MF <input type="checkbox"/>		MHS <input type="checkbox"/>	MF <input type="checkbox"/>
	CF <input type="checkbox"/>	PD <input type="checkbox"/>		CF <input type="checkbox"/>	PD <input type="checkbox"/>
	PD-Z <input type="checkbox"/>	I <input type="checkbox"/>		PD-Z <input type="checkbox"/>	I <input type="checkbox"/>
	CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>		CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>

Describe variance requested:

encroachment of ten foot set back line on north / west corner of lot

Describe special use requested:

Reason for Request:
(explain why special exception is sought or why a variance has been requested)

north / west corner of house slab is over the 10 foot side set back by 3 tenths of a foot, this is the front left corner, the lot has a small taper from front to back, all other set back requirements meet the restrictions.

PETITION

As Owner/Agent, I hereby petition the City of Smithville for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City. I understand and agree that the Petition fee is non-refundable and that I must attend the Planning & Zoning meeting and subsequent City Council meeting in order for my application to be considered for approval.

Signature: _____

Date: 2/10/2022

OFFICE USE ONLY:

Fee Amount: 675

Fee Payment: 675

P&Z Date: April 5, 2022

Council Date: May 16, 2022

Accepted By: [Signature]

Date Submitted: 2-14-22



Notice sent to property owners within 200 feet of proposed property

3-11-2022



Planning and Zoning Variance Criteria: Ordinance and Request for Variance

Ordinance Related to Variances

5.1.1. Considerations by the City Council

- A. The City Council may authorize a variance from these regulations if and only if the City Council determines all of the following:
- (1) the variance will not be contrary to the public interest;
 - (2) there are special conditions affecting the property;
 - (3) because of the special conditions literal enforcement of the ordinance would result in unnecessary hardship;
 - (4) the spirit of the ordinance will be observed; and
 - (5) substantial justice is done.
- B. For land being used or developed for a reason other than a homeowner building or improving the homeowner's residence, there is no unnecessary hardship unless:
- (1) Without the variance, the Smithville Code of Ordinances does not permit any reasonable use of the land;
 - (2) The hardship complained of is not self-created; and
 - (3) The hardship complained of is not a financial hardship only.
 - (4) the cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; or
 - (5) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; or
 - (6) compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or
 - (7) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (8) the city considers the structure to be a nonconforming structure.
- C. In granting a variance, the City Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.
- D. In making the findings herein below required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the area, and the probable effect of such variance upon traffic conditions and upon the public health, safety, and general welfare in the vicinity.
- E. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured, and substantial justice be done.
- F. The findings of the City Council made in granting a variance, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted.

317 MAIN STREET
P.O. BOX 449
SMITHVILLE, TEXAS 78957



TEL: (512) 237-3282
FAX: (512) 237-4549
WWW.CI.SMITHVILLE.TX.US

Planning and Zoning Variance Criteria: Ordinance and Request for Variance

Request for Variance

Please answer the following questions as detailed as possible so that the City Council has enough information to consider this request, include information on additional pages if necessary:

Will granting this variance have any negative effect on the good order and functioning of the community and government affairs for the well-being of citizens?

No none

Explain the special condition affecting the property.

The lot has a small slant to the property line on the north side, slab was allready poured and the encroachment of the 10 foot set back in the ammount of 3 thirths of a foot on the front left conor was not found until the slab survey was complete

Explain the unnecessary hardship caused by the special condition.

If variance is not granted it could cause aa significant delays to the closing of the home.

Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice is done. Will substantial justice be done if this variance is granted? Explain.

Yes, will allow the lender of the home to be purchased evidence and satisfaction that the variance has been accepted and will provide sufficient documents to the home buyer, lender, and title company.

For land being used or developed for a reason other than a homeowner building or improving the homeowner's residence, there is no unnecessary hardship unless:

- (1) Without the requested variance, the Code of Ordinances of the City of Smithville does not permit any reasonable use of the land;
- (2) The hardship complained of is not self-created; and
- (3) The hardship complained of is not a financial hardship only.
- (4) The cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll;
or
- (5) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; or
- (6) Compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or
- (7) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (8) The city considers the structure to be a nonconforming structure

Explain how the unnecessary hardship meets all of the above criteria.
There would be no hardship to the adjacent housing in the subdivision.

☒ By checking this box, I affirm that granting this variance will not negatively affect land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the area, and the probable effect of such variance upon traffic conditions and upon the public health, safety, and general welfare in the vicinity.

Other Comments:

Signature: James R. Taylor Print Name: JAMES R. TAYLOR Date: 2-10-2022

Hurta River Estates HOA Variance

February 10, 2022

TTH Enterprises LLC
Lot 12
106 Les Lane

Mr. & Mrs. Taylor,

The Home Owners Association (HOA) of Hurta River Estates subdivision hereby issues our letter of Approval for your proposed Variance requested for **Lot 12**, identified as, **TTH Enterprises LLC, 106 Les Lane**, in Hurta River Estates subdivision.

HOA APPROVAL OF REQUIREMENTS:

4.8. SET BACK REQUIREMENTS. VARIANCE APPROVED: The side set back requirement of restriction 4.8. is 10 feet from property line to structure.

EXCEPTION: The Northwestern side of the residential structure for Lot 12 will extend less than 1' into the 10' side set back requirement. Since the difference is negligible and will not detract from the appearance of the neighborhood, the HOA board has voted to allow this exception.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shafter Williams', with a stylized flourish at the end.

Shafter Williams,
Hurta River Estates HOA
HurtaRiverEstatesHOA@Gmail.com

512-308-2375

MAYOR
JOANNA MORGAN

MAYOR PROTEM
WILLIAM GORDON
COUNCIL MEMBERS
JANICE BRUNO
STAN GERDES
SHARON FOERSTER
TOM ETHEREDGE

CITY MANAGER
ROBERT TAMBLE



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03/09/2022

Dear Property Owner/Current Resident,

Your address is within 200' of one or more of the following proposed agenda items. This notice is to inform you that The City of Smithville Planning and Zoning Commission will hold a Public Hearing on April 5, 2022, at 6:00 p.m. in the Council Chambers located at 317 Main Street, Smithville, TX for:

Discussion and Action on a variance request for an encroachment of the 10 ft. rear yard setback for 106 Les Lane, Hurta River Estates, Lot 12, Property ID 8713236, Property Owners TTH Enterprises LLC, Agent Jimmy Taylor.

The Commission will hear all citizens' concerns for or against the variance. The Planning and Zoning Commission will give the City Council a recommendation to approve or deny the request(s) that will go before City Council on May 16, 2022, at 6:00 p.m.

Please follow us on our YouTube Page: (www.youtube.com/channel/UCN7rJz0wVks4zWV9EvKcH5w).

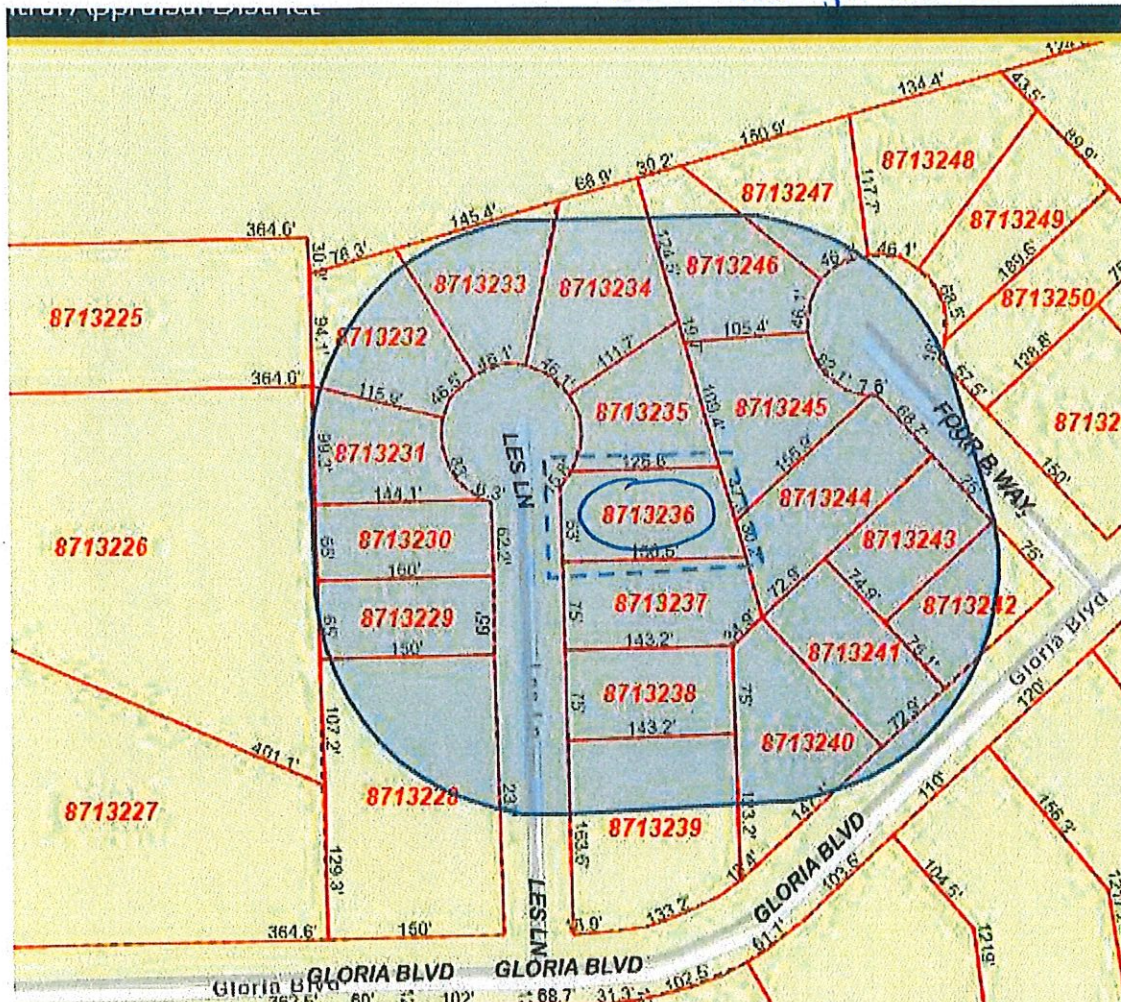
You can also go to the City's website and click the link on the Planning & Zoning page to access our YouTube page. We will go live at 6:00 p.m. so that you can view the live meeting. **If you have any questions or concerns, please reach out to Tracie Dzenowski at 512-237-3282 ext. 2101 and check the City's website for any updates about this meeting.**

Thank You,

Tracie Dzenowski
City of Smithville
512-237-3282 ext 2101

Planning and Zoning Commission: Brian Riewe, Nancy Catherman, Edward Lick, Dianna Ewen, and Caroline Noya.

200' neighbors 8713236



Prop ID	Prop. Owner on File	Legal Description	Physical Address	City	State	Zip	Mailing address	Mall City	Mall State	Mall Zip
8713228	HURTA, BRAD & LESLEY	Hurta River Estates LOT 4, 0.8152 ACRES	101 LES LN	SMITHVILLE	TX	78957	225 HURTA RD	SMITHVILLE	TX	78957
8713229	DLASCHKE, BRANDON & MAEGAN	Hurta River Estates LOT 5, 0.2238 ACRES	103 LES LN	SMITHVILLE	TX	78957	111 W MAUNALUA DR	BASTROP	TX	78602
8713230	PSENCIK, WALTER L JR & SAMANTHA LYNN	Hurta River Estates LOT 6, 0.2237 ACRES	105 LES LN	SMITHVILLE	TX	78957	401 MARBURGER	SMITHVILLE	TX	78957
8713231	JOHNSON, RICHARD & AMY ENGLISH & DAVID PORTER	Hurta River Estates LOT 7, 0.2262 ACRES	107 LES LN	SMITHVILLE	TX	78957	760 FM 2984	LULING	TX	78665
8713232	MARRS, CHAD BRYAN & CADIE S	Hurta River Estates LOT 8, 0.3112 ACRES	109 LES LN	SMITHVILLE	TX	78957	109 LES LN	SMITHVILLE	TX	78957
8713233	WILSON, RICHARD SCOTT	Hurta River Estates LOT 9, 0.2644 ACRES	111 LES LN	SMITHVILLE	TX	78957	111 LES LN	SMITHVILLE	TX	78957
8713234	DUPIUIS, CHASE & MEGAN	Hurta River Estates LOT 10, 0.3415 ACRES	110 LES LN	SMITHVILLE	TX	78957	110 LES LN	SMITHVILLE	TX	78957
8713235	MU2415 PROPERTIES LLC	Hurta River Estates LOT 11, 0.2418 ACRES	108 LES LN	SMITHVILLE	TX	78957	100 LES LANE	SMITHVILLE	TX	78957
8713236	TTI ENTERPRISES LLC	Hurta River Estates LOT 12, 0.2509 ACRES	106 LES LN	SMITHVILLE	TX	78957	202 TWO MILE LN	SMITHVILLE	TX	78957
8713237	OATES AND OATES INVESTMENTS LLC	Hurta River Estates LOT 13, 0.2775 ACRES	104 LES LN	SMITHVILLE	TX	78957	P O BOX 1209	SMITHVILLE	TX	78957
8713238	FRANKLIN, NOAH & CHRISTINA L	Hurta River Estates LOT 14, 0.2472 ACRES	102 LES LN	SMITHVILLE	TX	78957	102 LES LANE	SMITHVILLE	TX	78957
8713239	HANCOCK, MICHAEL & MEGAN	Hurta River Estates LOT 15, 0.5028 ACRES	100 LES LN	SMITHVILLE	TX	78957	100 LES LN	SMITHVILLE	TX	78957
8713240	BURNS, KIMBERLY J	Hurta River Estates LOT 16, 0.346 ACRES	109 GLORIA BLVD	SMITHVILLE	TX	78957	10500 LAKEVIEW MALL DR #5104	AUSTIN	TX	78717
8713241	OATES AND OATES INVESTMENTS LLC	Hurta River Estates LOT 17, 0.2512 ACRES	111 GLORIA BLVD	SMITHVILLE	TX	78957	P O BOX 1209	SMITHVILLE	TX	78957
8713242	GONZALEZ, LUIS F & SUZANNE	Hurta River Estates LOT 18, 0.2169 ACRES	101 FOUR B WAY	SMITHVILLE	TX	78957	8024 ARREN TERRACE	VOLENTE	TX	78641
8713243	HURTA, BRAD & KONNOR HURTA	Hurta River Estates LOT 19, 0.2169 ACRES	103 FOUR B WAY	SMITHVILLE	TX	78957	225 HURTA ROAD	SMITHVILLE	TX	78957
8713244	BLAKE, MELISSA ANN & CARL ALLEN	Hurta River Estates LOT 20, 0.3097 ACRES	105 FOUR B WAY	SMITHVILLE	TX	78957	105 FOUR B WAY	SMITHVILLE	TX	78957
8713245	QUINTILIANI, FRANK J & SANDRA D	Hurta River Estates LOT 21, 0.3066 ACRES	107 FOUR B WAY	SMITHVILLE	TX	78957	107 FOUR B WAY	SMITHVILLE	TX	78957
8713246	TAYLOR, JAMES RICHARD & PAMELA G	Hurta River Estates LOT 22, 0.3159 ACRES	109 FOUR B WAY	SMITHVILLE	TX	78957	202 TWO MILE LN	SMITHVILLE	TX	78957
8713247	SWEENEY, LOGAN D & CARA L HURTA	Hurta River Estates LOT 23, 0.2722 ACRES	110 FOUR B WAY	SMITHVILLE	TX	78957	110 FOUR B WAY	SMITHVILLE	TX	78957

CITY OF SMITHVILLE

PLANNING & ZONING APPLICATION

APPLICATION TYPE

Zoning Change Request:

- ☐ Change in Zoning Class
- ☐ Change in Ordinance
- ☐ Variance
- ☐ Special Use Permit
- ☒ Minor Plat/Subdivision
- ☐ Other _____

Number of Requests:

- ☐ Single
- ☐ Multiple

PROPERTY IDENTIFICATION

Street Address 1201 Hill Road, -

*** Applicant must submit an accurate location map and site plan for application to be considered ***

Legal description

- ☒ Platted Land (please provide subdivision, block and lot information below)
- ☐ Unplatted Land (please submit the metes and bounds description from deed)

Subdivision Name: Riverdale out lot 11 FR, Acres 3.201

Property Tax Code: 44765 Block Number: _____ Lot Number: _____

Property Owner (as listed on Deed): Smithville Hospital Authority

Property Owner Mailing Address: _____

Owner's Phone No: _____ Owner's Email: _____

Agent's Name (if applicable): Jim Wither

Agent's Mailing Address: P.O. Box 758 Smithville, Tex. 78957

Agent's Phone No:  Agent's Email: 

DESCRIPTION OF VARIANCE / EXCEPTION REQUEST

Current Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>	Proposed Zone Class:	SF-1 <input type="checkbox"/>	SF-2 <input type="checkbox"/>
	MR <input type="checkbox"/>	C-1 <input type="checkbox"/>		MR <input type="checkbox"/>	C-1 <input type="checkbox"/>
	C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>		C-2 <input type="checkbox"/>	C-3 <input type="checkbox"/>
	MHS <input type="checkbox"/>	MF <input type="checkbox"/>		MHS <input type="checkbox"/>	MF <input type="checkbox"/>
	CF <input type="checkbox"/>	PD <input type="checkbox"/>		CF <input type="checkbox"/>	PD <input type="checkbox"/>
	PD-Z <input type="checkbox"/>	I <input type="checkbox"/>		PD-Z <input type="checkbox"/>	I <input type="checkbox"/>
	CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>		CBD <input type="checkbox"/>	PD-Z <input type="checkbox"/>

Describe variance requested:

Describe special use requested:

Reason for Request:
(explain why special exception is sought or why a variance has been requested)

PETITION

As Owner/Agent, I hereby petition the City of Smithville for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City. I understand and agree that the Petition fee is non-refundable and that I must attend the Planning & Zoning meeting and subsequent City Council meeting in order for my application to be considered for approval.

Signature: _____

Jim Withers

Date: 4-4-2022

OFFICE USE ONLY:

Fee Amount: 675

Fee Payment: 675

P&Z Date: May 3, 2022

Council Date: May 14, 2022

Accepted By: *[Signature]*

Date Submitted: 4-4-2022

☒ Notice sent to property owners within 200 feet of proposed property

MAYOR
JOANNA MORGAN
MAYOR PROTEM
WILLIAM GORDON
COUNCIL MEMBERS
JANICE BRUNO
STAN GERDES
SHARON FOERSTER
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CITY MANAGER
ROBERT TAMBLE



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04/07/2022

Dear Property Owner/Current Resident,

Your address is within 200' of one or more of the following proposed agenda items. This notice is to inform you that The City of Smithville Planning and Zoning Commission will hold a Public Hearing on May 3, 2022, at 6:00 p.m. in the Council Chambers located at 317 Main Street, Smithville, TX for:

Discussion and Action on a Replat for 1501 Dorothy Nichols Lane, R44765, Riverdale OUTLOT 11FR, Acres 3.201, Property Owner Smithville Hospital Authority, Agent Jim Wither.

The Commission will hear all citizens' concerns for or against the Replat. A recommendation will be given at the City Council meeting by the Planning and Zoning Commission. The City Council will hold a public hearing and Council meeting to discuss and seek action on May 16, 2022, at 6:00 p.m. Please check the city website for any updates about this meeting.

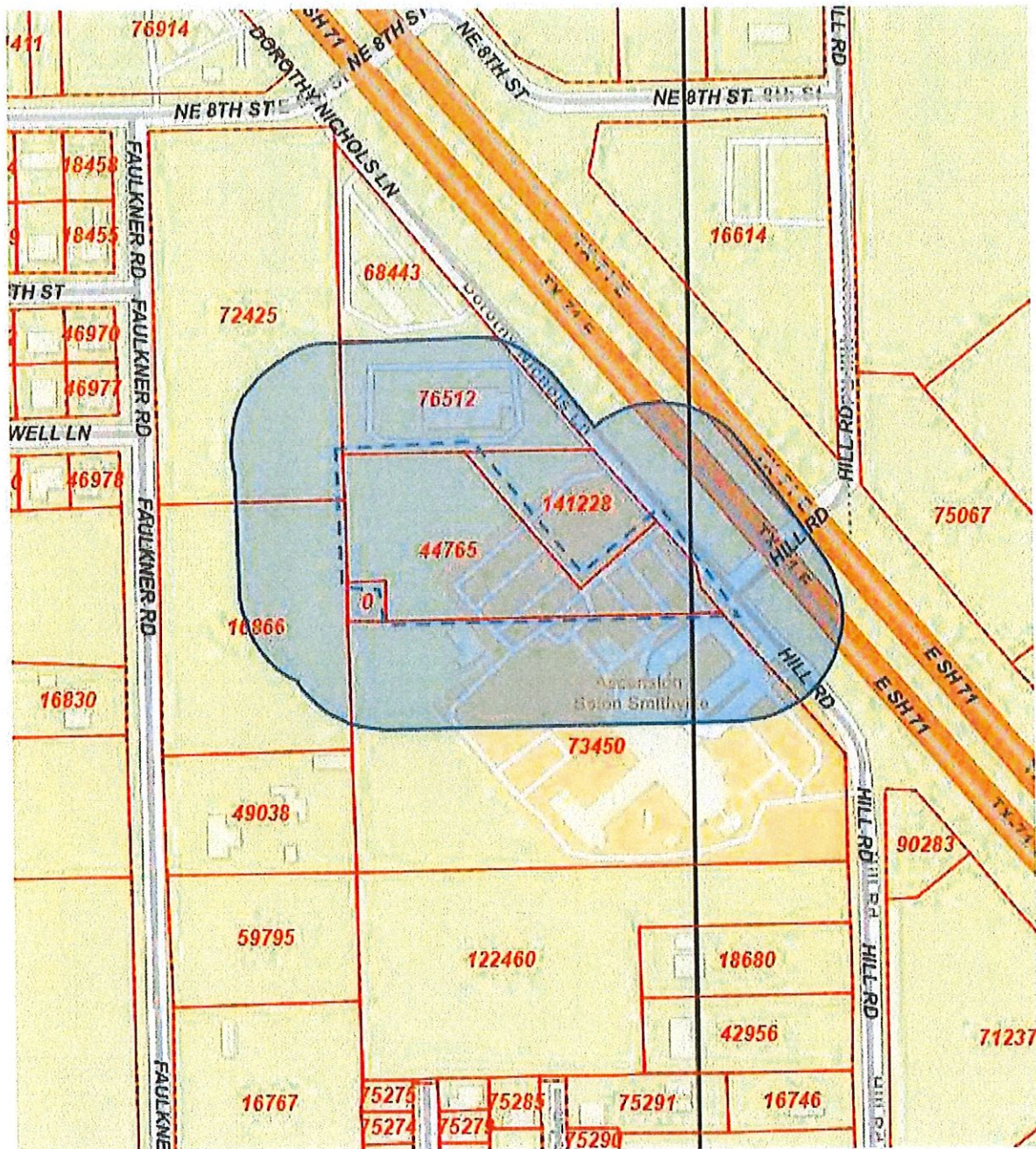
Please follow us on our YouTube Page:

(www.youtube.com/channel/UCN7rJz0wVks4zWV9EvKch5w). You can also go to the City's website and click the link on the Planning & Zoning page to access our YouTube page. We will go live at 6:00 p.m. so that you can view the live meeting. **If you have any questions or concerns, please reach out to Tracie Dzenowski at 512-237-3282 ext. 2101 and check the City's website for any updates about this meeting.**

Thank You,

Tracie Dzenowski
512-237-3282 ext 2101

Planning and Zoning Commission: Brian Riewe, Nancy Catherman, Edward Lick, Dianna Ewen, and Caroline Noya.



200' neighbors of 44765

prop_id	file_as_name	legal_desc	situs_r	situs_street	situs_city	situs_state	situs_zip	addr_line2	addr_city	addr_state	addr_zip
0											
141228	SRHMOB LLC	Riverdale, Lot OUTLOT - 11 FR, ACRES 1.195						145 AXIS TRAIL	BASTROP	TX	78602
16866	BLACKWELL, MARVIN W & GENEVA J	A46 LOMAS, L, ACRES 4.0070						642 FAULKNER ROAD	SMITHVILLE	TX	78957
44765	SMITHVILLE HOSPITAL AUTHORITY	RIVERDALE OUTLOT 11 FR, ACRES 3.201	1501	DOROTHY NICHOLS LN	SMITHVILLE	TX	78957	800 HWY 71 E	SMITHVILLE	TX	78957
68443	29 DEVELOPMENT INC	Riverdale, Lot 10 FR, ACRES 1.335	1509	DOROTHY NICHOLS LN	SMITHVILLE	TX	78957	2047 REINSCH RD	SMITHVILLE	TX	78957
72425	SMITHVILLE HOSPITAL AUTHORITY	A46 Lomas, L, ACRES 5.99						800 HWY 71 E	SMITHVILLE	TX	78957
73450	SMITHVILLE HOSPITAL AUTHORITY	RIVERDALE, OUTLOT 11 FR, ACRES 10.000	1201	HILL RD	SMITHVILLE	TX	78957	800 HWY 71 E	SMITHVILLE	TX	78957
76512	SHRI D & G CORPORATION	RIVERDALE, LOT 10 (FR), ACRES 2.0000	1503	DOROTHY NICHOLS LN	SMITHVILLE	TX	78957		SMITHVILLE	TX	78957

Item # 17



SINGLETON, CLARK
& COMPANY, PC CERTIFIED PUBLIC ACCOUNTANTS

May 6, 2022

To the Honorable Mayor and City Council of the
City of Smithville, Texas

We are pleased to confirm our understanding of the services we are to provide the City of Smithville, Texas for the year ended September 30, 2022.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities (if any), each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of the City of Smithville, Texas as of and for the year ended September 30, 2022.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Smithville, Texas's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Smithville, Texas's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Schedule of the City's Proportionate Share of the Net Pension Liability (if applicable)
- 3) Schedule of City Contributions (if applicable)
- 4) Schedule of the City's Proportionate Share of the Net OPEB Liability (if applicable)
- 5) Schedule of City Contributions (if applicable)

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Smithville, Texas's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Combining Schedules of Non-Major Funds
- 2) Budgetary Schedules
- 3) Schedule of Expenditures of Federal Awards (if applicable)

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

- 1) Transmittal Letter (when applicable)
- 2) Statistical Section (when applicable)

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major programs in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner to achieve fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the City. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs.

However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risks of material misstatement as part of our audit planning:

- 1) Misstatement of revenue
- 2) Misstatement of accrued payroll
- 3) Misstatement of accounts payable
- 4) Miscoding of expenditures by department and object code

Audit Procedures—Internal Control

We will obtain an understanding of the City and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Smithville, Texas's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Smithville, Texas's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the City of Smithville, Texas's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the City of Smithville, Texas in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others.

In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon.

Your responsibilities also include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City of Smithville, Texas; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Singleton, Clark & Company, PC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the entity or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Singleton, Clark & Company, PC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the entity or a federal agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit during the summer or fall months of 2022 from our office and with a preliminary interim fieldwork visit to your office, conduct final fieldwork onsite with you in the winter, and to issue our reports no later than 180 days after your fiscal year end. Robert Gattilia is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these service is estimated to be as follows:

Financial Statement Audit	\$ 22,000
Single Audit – Basic Procedures	2,000
Single Audit – One Major Program	<u>3,000</u>
Total	<u>\$ 27,000</u>

However, given the nature of an audit and the possibility that unexpected circumstances or conditions may be encountered, such as deficient accounting records or indications of fraud or irregularities, professional standards do not allow us to guarantee minimum audit fees. The above fee is also based on anticipated cooperation from your personnel. If we determine that significant additional time will be necessary to complete the audit, we will discuss it with you in advance and arrive at a new fee amount before we incur the additional time and costs. In addition, the above fee is based on the understanding that the City will require only one federal program to be tested, should additional Single Audit major programs be required, the additional fees would be \$3,000 per major additional federal program required to be tested.

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. Our standard progress billing method is as follows: 30% of fee after completion of audit planning and interim fieldwork, additional 50% of fee after completion of final fieldwork, and final 20% of fee after issuance of our audit report. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us through the most recent audit phase completed and any additional time incurred on a phase in progress.

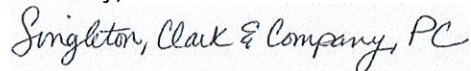
Reporting

We will issue written reports upon completion of our Single Audit when a Single Audit is applicable. Our reports will be addressed to the Mayor and City Council of the City of Smithville, Texas. Circumstances may arise in which our report may differ from its expected form and content based on results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the City of Smithville, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign below and return the letter to us after making a copy for your records.

Sincerely,



Singleton, Clark & Company, PC

RESPONSE:

This letter correctly sets forth the understanding of the City of Smithville, Texas.

Management signature: _____

Title: _____

Date: _____



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Empowering Peace of Mind

Report on the Firm's System of Quality Control

To the Partners of Singleton, Clark & Company, PC
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Singleton, Clark & Company, PC (the firm) in effect for the year ended December 31, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act.

As part of our review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Bumgardner, Morrison & Company, LLP
Certified Public Accountants

Members: American Institute of Certified Public Accountants
Texas Society of Certified Public Accountants
AICPA Private Companies Practice Section
AICPA Employee Benefit Plan Audit Quality Center
AICPA Government Audit Quality Center

1501 E Mockingbird Lane, Suite 300
PO Box 3750
Victoria, Texas 77903-3750
Phone: 361.575.0271
Fax: 361.578.0880
Website: BMCcpa.com

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Singleton, Clark & Company, PC in effect for the year ended December 31, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Singleton, Clark & Company, PC has received a peer review rating of *pass*.

Bumgardner, Morrison & Company, LLP

BUMGARDNER, MORRISON & COMPANY, LLP
May 7, 2020