

**Cumby City Council  
Regular Meeting Agenda  
Tuesday, December 10<sup>th</sup>, 2019  
City Hall – 100 East Main Street, Cumby, Texas  
6:30 p.m.**

- I. Call to Order**
- II. Establish quorum**
- III. Invocation**
- IV. Pledge of Allegiance**
- V. Reports**
  - A. Police Department**
  - B. Maintenance Department**
  - C. Fire Department**
- VI. Consent Agenda**
  - A. Approve minutes of November 12<sup>th</sup>, 2019 Regular Meeting**
  - B. Approve minutes of November 18<sup>th</sup>, 2019 Canvass of Election**
  - C. Approve November Financials**

**VII. Announcements**

*Announcements are provided on each agenda so that City Staff, Mayor, Council Members and members of the public may make announcements concerning matters of public recognition or upcoming events of local and regional significance; to advise the public of opportunities for service, recognition or recreation within our community; and to provide community charitable, civic, and philanthropic organizations the chance to broaden their appeal by the timely publication of details of their programs and activities. To utilize this opportunity, members of the public may contact the Mayor, City Secretary or City Council Members with details of their events, or may appear at City Council Meetings and make their own announcements. "Announcements" shall be limited to the recitation of facts about the subject events, congratulatory or approbative statements concerning service to the City or the community, and invitations to participation at various events. No deliberations concerning the details of upcoming events shall be conducted*

**VIII. Presentation by Citizens (Please Limit To 2 Minutes)**

*(At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of two (2) minutes for each speaker. Speakers making personal, unfounded, profane or slanderous remarks may be removed from the room. In accordance with the Open Meetings Act, the Mayor and Aldermen are restricted from discussing or taking action on any items not listed on the agenda. Action can only be taken at a future meeting. When your name is called, please come*

*to the front and state your name and address clearly before making your comments. Thank you for your cooperation).*

**X. Old Business**

- A. Rescind action approving Chris Turner for financial audit.**
- B. Consider possible action on selecting a different auditor.**
- C. Discuss and Consider possible action on forensic audit company.**

**XI. New Business**

- A. Kasey Tomasek of SmpISgnl Communications to discuss network.**
- B. Approve Resolution appointing Barbara Stewart to Hopkins County Appraisal District Board of Directors.**
- C. Discuss and consider approval of a resolution ordering a special election to be held on May 2, 2020, for the purpose of filling vacancy of Alderman Place 1 on City Council for the remainder of the current term ending in November 2020.**
- D. Discuss and consider possible action on Holiday Social for City Council and Employees.**
- E. Discuss and consider possible action on readdressing the north and south sides of I-30 service roads in the Cumby city limits.**

**XII. Executive Session**

**Discussion and Convene in executive session under Texas Government Code 551.074 – Discussion and/or action involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.071 – Consultation with attorney; 551.072 – deliberations regarding real property; 551.087 – Deliberations regarding economic development negotiations.**

- A. Discuss and consider Possible action on employment of Rachel Flatt.**

**Attorney consultation on any regular session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item where counsel's duty to the City conflicts with the Open Meetings Act**

**XIII. Reconvene in regular session**

**Announcement of Executive Session and Consideration of Motions authorizing any necessary action as a result of the Executive Session.**

**XIV. Adjournment**

*If during the course of the meeting, any discussion of any item on the agenda should be held in closed session, the Council will convene in such executive or closed session in*

# Maintenance Report

For the month of November the maintenance department:

Made repairs on Well #3

Completed 17 work orders

Replaced 4 streets signs

Filled 3 potholes

Blew out 2 sewer mains

installed 2 new meters

and repaired 2 main leaks

# Maintenance Report

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Made repairs on Well #3

Completed 17 work orders

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Blew out 2 sewer mains

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MONTH	CITY	COUNTY	ACREAGE	GRASS FIRE	CAR FIRE	STRUCTURE FIRE	MEDICAL	MVA
JAN	4	17	0	2	1	1	5	12
FEB	2	7	0	0	1	1	2	4
MAR	5	12	0	0	0	0	8	6
APR	4	14	0	0	2	1	8	6
MAY	4	15	0	0	2	1	6	9
JUN	0	7	0.2	1	0	1	1	2
JULY	4	8	0	1	2	1	6	2
AUG	3	17	0	5	1	2	9	2
SEPT	2	7	0	0	0	0	4	2
OCT	4	13	0.1	4	1	3	4	3
NOV	7	22	9.5	8	0	3	6	11
DEC	0	4	0	0	3	0	0	1

INVESTIGATION / STAND BY	WATER USAGE	MAN/HOURS
0	0	39.05
0	1000	26.77
4	0	12.67
1	0	31.10
1	250	33.95
2	0	7.88
0	0	12.13
1	920	54.75
3	0	12.63
5	650	34.73
2	2100	78.32
0	0	23.20

Regular Meeting Minutes of the City Council of the City of Cumby

Tuesday, November 12, 2019

Cumby City Hall

PRESENT:

Doug Simmerman          Monty Lackey

Betty McCarter      Julie Morris

- I. Mayor Pro Tem Doug Simmerman called the meeting to order at 6:30p.m.
- II. Invocation and Pledge of Allegiance

Invocation was led by Deidra Maples and the pledge was recited by the mayor, Council, and Citizens in attendance.

- III. Announcements – Doug Simmerman announced the canvass of November 5<sup>th</sup>, 2019 election will be held on November 18<sup>th</sup>
- IV. Citizens addressed the council.  
Sheryl Lackey spoke about the park ordinance. Kyle Pettit addressed Julie Morris in regards to the ethics committee.
- V. Reports
  - A. Monty Lackey submitted the Police Department report.
  - B. David Weatherbee submitted the Fire Department report.
  - C. Mayor Pro Tem Doug Simmerman submitted the Maintenance report.

- VI. Consent Agenda
  - A.) Approve minutes of October 8, 2019 regular Meeting  
Julie Morris motioned to approve the minutes and Betty McCarter seconded the motion. The motion passed 3-0.
  - B.) Approve minutes of October 22, 2019 regular Meeting  
Julie Morris motioned to approve the minutes and Monty Lackey seconded the motion. The motion passed 3-0.
  - C.) Approve September 2019 and October 2019 financials  
Julie Morris motioned to approve the minutes and Monty Lackey seconded the motion. The motion passed 3-0.

- VII. Old Business

- A. Discussion of City of Cumby Manual.  
Monty Lackey stated there are some changes that need to be made. Julie Morris stated the council needed to set up a workshop to finish the manual. No action was taken.
- B. Monty Lackey stated that he Chris Turner is just as qualified as the other auditors that were presented. Betty McCarter motioned to approve Chris Turner starting the 2018-2019 financial audit. Monty Lackey seconded the motion. The motion passed 3-0.
- C. Discuss and consider possible action on Park Ordinance. Kendra Hood with BJB Daughters asked if vendors would be charged a permit fee. She is concerned because the vendors are already charged a fee when they sign up for Black Jack Grove Day paid to BJB Daughters. There could be a clause put into the ordinance that would waive the fee for the vendors that sign up for BJB Day. Monty Lackey's main concern is the liabilities with the bounce houses. Julie Morris wants a clause put in that requires insurance for all bounce houses. City Attorney Jay Garrett will make some changes to ordinance and we will review again. Betty McCarter motioned to table. No action was taken.

VIII. New Business

- A. Monty Lackey motioned to approve ordering 3 new tesla meters per month to replace the direct read meters. Julie Morris seconded the motion. The motion passed 3-0.
- B. Doug Simmerman stated that the cost of the forensic audit is roughly about 20,000.00\$. Doug Simmerman will be speaking with the company that dud Greenville ISD. City Secretary, Codi Reynolds will call the City of Como to see who they used. Doug Simmerman stated that hopefully by next meeting we will be able to move forward and choose a firm to use. No Action was taken.
- C. Julie Morris motioned to approve Ordinance 2019-11-01 declaring Sulphur Springs News Telegram as the official newspaper for the City of Cumby. Betty McCarter seconded the motion. The motion passed 3-0.
- D. John Smith addressed the council about a replatt of 309 Depot Street. He wants to turn it in to 2 lots and build 2 stick houses. These will not be rental properties, he will be selling them. City attorney, Jay Garrett looked over the replatt and said it was done consistent with requirements. Monty Lackey motioned to approve the replatt of 309 Depot Street. Betty McCarter seconded the motion. The motion passed 3-0.
- E. The council discussed making a policy requiring annexation. This would require a property be annexed in to get city services. The council discussed if we have the capacity to supply new residents with water and sewer services. A study can be done to determine whether or not we can meet the demand of new services required. The city is going to be looking into grants available for water/sewer infrastructure. City attorney will put together the policy however there is a lot of consideration that will need to apply. No action was taken at this time.

**CITY OF CUMBY  
CITY COUNCIL MEETING  
CANVASS VOTES CITY ELECTION / SWEAR IN NEW COUNCIL  
NOVEMBER 18, 2019  
6:30 P.M.**

THE CITY OF CUMBY MET ON MONDAY, NOVEMBER 18, 2019, AT 6:30 PM, AT  
100 E. MAIN STREET, CUMBY, TEXAS.

PRESENT: DOUG SIMMERMAN MONTY LACKEY BETTY MCCARTER JULIE MORRIS

1) **CALL TO ORDER:** MAYOR PRO TEM DOUG SIMMERMAN CALLED THE MEETING TO ORDER  
AT 6:30

2) **CANVAS ELECTION 2019:** CITY SECRETARY CODI REYNOLDS READ THE ELECTION  
RESULTS. THEY ARE AS FOLLOWS:

<u>POSITION</u>	<u>NAME</u>	<u>EARLY</u>	<u>ELECTION DAY</u>	<u>TOTAL</u>
<b>MAYOR</b>	DOUGLAS SIMMERMAN	8	63	71
	RYAN HORNE	13	55	68
<b>ALDERMAN, PLACE 3</b>	GUY BUTLER	16	74	90
<b>ALDERMAN, PLACE 4</b>	BETTY MCCARTER	18	56	74
<b>ALDERMAN, PLACE 5</b>	JULIE MORRIS	8	51	59

MONTY LACKEY MADE A MOTION TO ACCEPT THE CANVASED VOTES. BETTY MCCARTER  
SECONDED THE MOTION. THE MOTION PASSED 3-0.

CITY SECRETARY CODI REYNOLDS SWORE IN, MAYOR DOUGLAS SIMMERMAN. MAYOR  
DOUGLAS SIMMERMAN SWORE IN ALDERMAN PLACE 3 GUY BUTLER, ALDERMAN PLACE 4  
BETTY MCCARTER AND ALDERMAN PLACE 5 JULIE MORRIS.

3) **ELECT MAYOR PRO-TEM:** JULIE MORRIS MOTIONED TO OPEN THE FLOOR FOR  
NOMINATIONS FOR MAYOR PRO TEM. GUY BUTLER SECONDED THE MOTION. THE MOTION  
PASSED 3-0.

BETTY MCCARTER NOMINATED GUY BUTLER AS MAYOR PRO TEM. THE MOTION PASSED 3-0.

MAYOR DOUGLAS SIMMERMAN ADJOURNED THE MEETING AT 6:40

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ATTEST:

**MAYOR - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Douglas Simmerman		0	0.00%	8	38.10%	63	53.39%	71	51.08%
Ryan Horne		0	0.00%	13	61.90%	55	46.61%	68	48.92%
Cast Votes:		0	0.00%	21	100.00%	118	100.00%	139	100.00%
Undervotes:		0		0		1		1	
Overvotes:		0		0		0		0	

**ALDERMAN - PLACE 3 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Guy Butler		0	0.00%	16	100.00%	74	100.00%	90	100.00%
Cast Votes:		0	0.00%	16	100.00%	74	100.00%	90	100.00%
Undervotes:		0		5		45		50	
Overvotes:		0		0		0		0	

**ALDERMAN - PLACE 4 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Betty McCarter		0	0.00%	18	100.00%	56	100.00%	74	100.00%
Cast Votes:		0	0.00%	18	100.00%	56	100.00%	74	100.00%
Undervotes:		0		3		63		66	
Overvotes:		0		0		0		0	

**ALDERMAN - PLACE 5 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Julie Morris		0	0.00%	8	100.00%	51	100.00%	59	100.00%
Cast Votes:		0	0.00%	8	100.00%	51	100.00%	59	100.00%
Undervotes:		0		13		68		81	
Overvotes:		0		0		0		0	

Canvass Results

2019 November General Election

Run Time

3:48 PM

Run Date

11/19/2019

HOPKINS COUNTY, TEXAS

JOINT GENERAL AND SPECIAL ELECTION

11/5/2019

Page 29 of 32

Official results

Registered Voters

3683 of 0 = 0.00 %

Precincts Reporting

0 of 38 = 0.00 %

MAYOR - Vote for none or one

Precinct	Douglas Simmerman	Ryan Horne	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
11 - CUSD-CTV	71	68	139	1	0	0	21	119	140	0	0.00 %
Totals	71	68	139	1	0	0	21	119	140	0	0.00 %

Canvass Results

2019 November General Election

Run Time 3:48 PM

Run Date 11/19/2019

HOPKINS COUNTY, TEXAS

JOINT GENERAL AND SPECIAL ELECTION

11/5/2019

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Official results

Registered Voters

3683 of 0 = 0.00 %

Precincts Reporting

0 of 36 = 0.00 %

ALDERMAN - PLACE 3 - Vote for none or one

Precinct	Guy Butler	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
11 - CUSD-CITY	90	50	50	0	0	21	119	140	0	0.00 %
<b>Totals</b>	<b>90</b>	<b>90</b>	<b>50</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>119</b>	<b>140</b>	<b>0</b>	<b>0.00 %</b>

Canvass Results

2019 November General Election

Run Time

3:48 PM

Run Date

11/19/2019

HOPKINS COUNTY, TEXAS

JOINT GENERAL AND SPECIAL ELECTION

11/5/2019

Page 31 of 32

Official results

Registered Voters

3683 of 0 = 0.00 %

Precincts Reporting

0 of 38 = 0.00 %

ALDERMAN - PLACE 4 - Vote for none or one

Precinct	Betty McCarter	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
11 - CISD-CITY	74	74	66	0	0	21	119	140	0	0.00 %
<b>Totals</b>	<b>74</b>	<b>74</b>	<b>66</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>119</b>	<b>140</b>	<b>0</b>	<b>0.00 %</b>

Canvass Results

2019 November General Election

Run Time

3:48 PM

Run Date

11/19/2019

HOPKINS COUNTY, TEXAS

JOINT GENERAL AND SPECIAL ELECTION

11/5/2019

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Official results

Registered Voters

3683 of 0 = 0.00 %

Precincts Reporting

0 of 38 = 0.00 %

ALDERMAN - PLACE 5 - Vote for none or one

Precinct	Julie Morris	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
11 - CSD-CITY	59	59	81	0	0	21	119	140	0	0.00 %
<b>Totals</b>	<b>59</b>	<b>59</b>	<b>81</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>119</b>	<b>140</b>	<b>0</b>	<b>0.00 %</b>

**MAYOR - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Douglas Simmerman		0	0.00%	8	38.10%	63	53.39%	71	51.08%
Ryan Horne		0	0.00%	13	61.90%	55	46.61%	68	48.92%
Cast Votes:		0	0.00%	21	100.00%	118	100.00%	139	100.00%
Undervotes:		0		0		1		1	
Overvotes:		0		0		0		0	

**ALDERMAN - PLACE 3 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Guy Butler		0	0.00%	16	100.00%	74	100.00%	90	100.00%
Cast Votes:		0	0.00%	16	100.00%	74	100.00%	90	100.00%
Undervotes:		0		5		45		50	
Overvotes:		0		0		0		0	

**ALDERMAN - PLACE 4 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Betty McCarter		0	0.00%	18	100.00%	56	100.00%	74	100.00%
Cast Votes:		0	0.00%	18	100.00%	56	100.00%	74	100.00%
Undervotes:		0		3		63		66	
Overvotes:		0		0		0		0	

**ALDERMAN - PLACE 5 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Julie Morris		0	0.00%	8	100.00%	51	100.00%	59	100.00%
Cast Votes:		0	0.00%	8	100.00%	51	100.00%	59	100.00%
Undervotes:		0		13		68		81	
Overvotes:		0		0		0		0	

3:45 PM

12/03/19

Accrual Basis

**City of Cumby**  
**Balance Sheet**  
As of November 30, 2019

Nov 30, 19

**ASSETS**

Current Assets

Checking/Savings

General Bank Accounts

Arson	403.26
General Operating	3,057.87
Municipal Court Security	1,879.61
Municipal Court State Fees	4,316.38
Municipal Court Technology	6.65
Parks & Recreation	1,041.93
Police Training	126.85
Seizure	287.90
General Bank Accounts - Other	-454.39

Total General Bank Accounts 10,666.06

Utility Bank Accounts

Water & Sewer	115.74
Street Maintenance	848.25
Water Deposit Account	2,041.56
Obligation	8,473.26

Total Utility Bank Accounts 11,478.81

Total Checking/Savings 22,144.87

City of Cumby  
**Profit & Loss**  
 November 2019

	Nov 19
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	120.00
Fines	
Service Fee Collected	826.98
Fines - Other	22,228.70
Total Fines	23,055.68
Interest Earned	2.84
Public Safety Department	
Accident Report	8.00
Total Public Safety Department	8.00
Tax & Franchise Fees	
Property Reduction Sales Tax	1,773.42
Property Tax	18,495.74
Sales Tax	7,093.65
Street Sales Tax	1,773.42
Total Tax & Franchise Fees	29,136.23
Water - Sewer	
Water - Sewer Adjustments	-5,977.69
Garbage Revenue	4,555.25
Late Fee	423.01
Sales Tax Collected	366.42
Service Fee Collected	391.43
Sewer Revenue	9,403.79
Tap fee	2,904.74
Water Revenue	
Water Deposits Applied	595.00
Water Revenue - Other	18,688.42
Total Water Revenue	19,283.42
Total Water - Sewer	31,350.37
Water Deposit	100.00
Total Income	83,773.12
Expense	
Administration	
Legal Fees	780.00
Mayor/Council Monthly Fee	350.00
Property Tax Fees	350.82
Telephone	567.16
Utilities	173.20
Total Administration	2,221.18
Municipal Court	
Collection Service Fee	1,702.94
Judge	0.00
Office Expense	68.54
Seat Belt Fee	3,163.72
Security	160.00
Software Update	12,700.00
Technology	300.00
Telephone	125.09
Total Municipal Court	18,220.29
Payroll Expenses	38,770.96
Public Safety	
Police Department	
Auto Repair & Maintenance	329.50

3:44 PM

12/03/19

Accrual Basis

City of Cumby  
Profit & Loss  
November 2019

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	Nov 19
Equipment Repairs	303.75
Fuel	1,061.63
Telephone	189.95
Total Police Department	<u>1,884.83</u>
Total Public Safety	1,884.83
Public Works	
Mowing	2,000.00
Street Repair	931.75
Total Public Works	<u>2,931.75</u>
Seizure Expenditure	
Software	1,200.00
Total Seizure Expenditure	1,200.00
Water Deposit Refund	200.00
Water/Sewer	
Vehicle Purchase	516.62
Chemicals	43.72
Equipment Repairs	342.62
Maintenance	28,694.74
Operating Supplies	549.46
Permit	972.65
Postage	161.20
Software	1,000.00
Testing	55.00
Utilities	20.00
Total Water/Sewer	<u>32,356.01</u>
Total Expense	<u>97,785.02</u>
Net Ordinary Income	<u>-14,011.90</u>
Net Income	<u><u>-14,011.90</u></u>

## City of Cumby Profit & Loss Budget vs. Actual November 2019

	Nov 19	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Subdivision Fees - PD	120.00			
Bank Service	0.00	0.00	0.00	0.0%
Park Funds	0.00	0.00	0.00	0.0%
Credit Card Reward Points	0.00	0.00	0.00	0.0%
Scholarship	0.00	0.00	0.00	0.0%
Accumulated Funds	0.00	0.00	0.00	0.0%
Copies & Faxes	0.00	0.00	0.00	0.0%
<b>Fines</b>				
Service Fee Collected	826.98	0.00	826.98	100.0%
Fines - Other	22,228.70	0.00	22,228.70	100.0%
<b>Total Fines</b>	23,055.68	0.00	23,055.68	100.0%
Insurance	0.00	0.00	0.00	0.0%
Interest Earned	2.84	0.00	2.84	100.0%
License & Permits	0.00	0.00	0.00	0.0%
Permits/Registrations	0.00	0.00	0.00	0.0%
<b>Public Safety Department</b>				
Accident Report	8.00	0.00	8.00	100.0%
Training	0.00	0.00	0.00	0.0%
<b>Total Public Safety Department</b>	8.00	0.00	8.00	100.0%
Road Paving Material	0.00	0.00	0.00	0.0%
Seizure Funds	0.00	0.00	0.00	0.0%
<b>Tax &amp; Franchise Fees</b>				
Franchise	0.00	0.00	0.00	0.0%
Property Reduction Sales Tax	1,773.42	0.00	1,773.42	100.0%
Property Tax	18,495.74	0.00	18,495.74	100.0%
Sales Tax	7,093.65	0.00	7,093.65	100.0%
Street Sales Tax	1,773.42	0.00	1,773.42	100.0%
Tax & Franchise Fees - Other	0.00	0.00	0.00	0.0%
<b>Total Tax &amp; Franchise Fees</b>	29,136.23	0.00	29,136.23	100.0%
<b>Water - Sewer</b>				
Water - Sewer Adjustments	-5,977.69			
Bag Sales	0.00	0.00	0.00	0.0%
Garbage Revenue	4,555.25	0.00	4,555.25	100.0%
Late Fee	423.01	0.00	423.01	100.0%
Reconnect Fee	0.00	0.00	0.00	0.0%
Sales Tax Collected	366.42	0.00	366.42	100.0%
Service Fee Collected	391.43	0.00	391.43	100.0%
Sewer Revenue	9,403.79	0.00	9,403.79	100.0%
Tap fee	2,904.74	0.00	2,904.74	100.0%
<b>Water Revenue</b>				
Bulk Water	0.00	0.00	0.00	0.0%
Water Deposits Applied	595.00	0.00	595.00	100.0%
Water Revenue - Other	18,688.42	0.00	18,688.42	100.0%
<b>Total Water Revenue</b>	19,283.42	0.00	19,283.42	100.0%
<b>Water - Sewer - Other</b>	0.00	0.00	0.00	0.0%
<b>Total Water - Sewer</b>	31,350.37	0.00	31,350.37	100.0%
<b>Water Deposit</b>	100.00	0.00	100.00	100.0%
<b>Total Income</b>	83,773.12	0.00	83,773.12	100.0%
<b>Expense</b>				
<b>Administration</b>				
Office Expense	0.00	0.00	0.00	0.0%
Advertising	0.00	0.00	0.00	0.0%
Insurance	0.00	0.00	0.00	0.0%
Legal Fees	780.00	0.00	780.00	100.0%
Maintenance	0.00	0.00	0.00	0.0%
Mayor/Council Monthly Fee	350.00	0.00	350.00	100.0%
Membership	0.00	0.00	0.00	0.0%
Office Supplies	0.00	0.00	0.00	0.0%
Postage	0.00	0.00	0.00	0.0%
Professional Fees	0.00	0.00	0.00	0.0%
Property Tax Fees	350.82	0.00	350.82	100.0%
Software	0.00	0.00	0.00	0.0%
Technology	0.00	0.00	0.00	0.0%
Telephone	567.16	0.00	567.16	100.0%
Utilities	173.20	0.00	173.20	100.0%
Administration - Other	0.00	0.00	0.00	0.0%
<b>Total Administration</b>	2,221.18	0.00	2,221.18	100.0%
<b>Arson Expenditure</b>	0.00	0.00	0.00	0.0%
<b>Debt Service</b>				
Payment Processing Center	0.00	0.00	0.00	0.0%
De Lage Lange	0.00	0.00	0.00	0.0%
Loan # 1820645	0.00	0.00	0.00	0.0%
TWDB Bond	0.00	0.00	0.00	0.0%
Debt Service - Other	0.00	0.00	0.00	0.0%

## City of Cumby Profit & Loss Budget vs. Actual November 2019

	Nov 19	Budget	\$ Over Budget	% of Budget
<b>Total Debt Service</b>	0.00	0.00	0.00	0.0%
<b>Municipal Court</b>				
Clerk	0.00	0.00	0.00	0.0%
Alarm	0.00	0.00	0.00	0.0%
Collection Service Fee	1,702.94	0.00	1,702.94	100.0%
Convience Fee	0.00	0.00	-0.00	0.0%
Judge	0.00	0.00	0.00	0.0%
Legal Fees	0.00	0.00	0.00	0.0%
Office Expense	68.54	0.00	68.54	100.0%
Postage	0.00	0.00	0.00	0.0%
Report Fee	0.00	0.00	0.00	0.0%
Seat Belt Fee	3,163.72	0.00	3,163.72	100.0%
Security	160.00	0.00	160.00	100.0%
Software Update	12,700.00	0.00	12,700.00	100.0%
State Fees	0.00	0.00	0.00	0.0%
Technology	300.00	0.00	300.00	100.0%
Telephone	125.09	0.00	125.09	100.0%
Utilities	0.00	0.00	0.00	0.0%
Municipal Court - Other	0.00	0.00	0.00	0.0%
<b>Total Municipal Court</b>	18,220.29	0.00	18,220.29	100.0%
<b>Park Improvements</b>				
Back To School	0.00	0.00	0.00	0.0%
BJG Day	0.00	0.00	0.00	0.0%
Equipment	0.00	0.00	0.00	0.0%
Maintenance	0.00	0.00	0.00	0.0%
Park Improvements - Other	0.00	0.00	0.00	0.0%
<b>Total Park Improvements</b>	0.00	0.00	0.00	0.0%
<b>Payroll Expenses</b>				
Child Support	0.00	0.00	0.00	0.0%
Payroll Expenses - Other	38,770.96	0.00	38,770.96	100.0%
<b>Total Payroll Expenses</b>	38,770.96	0.00	38,770.96	100.0%
<b>Permits</b>	0.00	0.00	0.00	0.0%
<b>Public Safety</b>				
Education	0.00	0.00	0.00	0.0%
<b>Police Department</b>				
K-9	0.00	0.00	0.00	0.0%
Auto Repair & Maintenance	329.50	0.00	329.50	100.0%
Equipment	0.00	0.00	0.00	0.0%
Equipment Repairs	303.75	0.00	303.75	100.0%
Fuel	1,061.63	0.00	1,061.63	100.0%
License & Support	0.00	0.00	0.00	0.0%
Office Supplies	0.00	0.00	0.00	0.0%
Telephone	189.95	0.00	189.95	100.0%
Testing Supplies	0.00	0.00	0.00	0.0%
Training	0.00	0.00	0.00	0.0%
Uniforms	0.00	0.00	0.00	0.0%
Utilities	0.00	0.00	0.00	0.0%
<b>Total Police Department</b>	1,884.83	0.00	1,884.83	100.0%
Public Safety - Other	0.00	0.00	0.00	0.0%
<b>Total Public Safety</b>	1,884.83	0.00	1,884.83	100.0%
<b>Public Works</b>				
Equipment Repair	0.00	0.00	0.00	0.0%
Debris Cleanup	0.00	0.00	0.00	0.0%
Lights	0.00	0.00	0.00	0.0%
Mosquito Control	0.00	0.00	0.00	0.0%
Mowing	2,000.00	0.00	2,000.00	100.0%
Street Repair	931.75	0.00	931.75	100.0%
Public Works - Other	0.00	0.00	0.00	0.0%
<b>Total Public Works</b>	2,931.75	0.00	2,931.75	100.0%
<b>Seizure Expenditure</b>				
Software	1,200.00	0.00	1,200.00	100.0%
Seizure Expenditure - Other	0.00	0.00	0.00	0.0%
<b>Total Seizure Expenditure</b>	1,200.00	0.00	1,200.00	100.0%
<b>Training Expenditure</b>	0.00	0.00	0.00	0.0%
<b>Water Deposit Refund</b>	200.00	0.00	200.00	100.0%
<b>Water/Sewer</b>				
Vehicle Purchase	516.62	0.00	516.62	100.0%
Automobile Repairs	0.00	0.00	0.00	0.0%
Building Maintenance	0.00	0.00	0.00	0.0%
Chemicals	43.72	0.00	43.72	100.0%
Covenience Fee W/S	0.00	0.00	0.00	0.0%
Equipment Repairs	342.62	0.00	342.62	100.0%
Garbage Collection Fee	0.00	0.00	0.00	0.0%
Lab Fees	0.00	0.00	0.00	0.0%
Legal Fees	0.00	0.00	0.00	0.0%
Maintenance	28,694.74	0.00	28,694.74	100.0%

**City of Cumby**  
**Profit & Loss Budget vs. Actual**

November 2019

	Nov 19	Budget	\$ Over Budget	% of Budget
Office Supplies	0.00	0.00	0.00	0.0%
Operating Supplies	549.46	0.00	549.46	100.0%
Permit	972.65	0.00	972.65	100.0%
Postage	161.20	0.00	161.20	100.0%
Sales Tax Paid	0.00	0.00	0.00	0.0%
Seminars/Training	0.00	0.00	0.00	0.0%
Software	1,000.00	0.00	1,000.00	100.0%
Telephone	0.00	0.00	0.00	0.0%
Testing	55.00	0.00	55.00	100.0%
Uniforms	0.00	0.00	0.00	0.0%
Utilities	20.00	0.00	20.00	100.0%
Water/Sewer - Other	0.00	0.00	0.00	0.0%
<b>Total Water/Sewer</b>	<b>32,356.01</b>	<b>0.00</b>	<b>32,356.01</b>	<b>100.0%</b>
<b>Total Expense</b>	<b>97,785.02</b>	<b>0.00</b>	<b>97,785.02</b>	<b>100.0%</b>
<b>Net Ordinary Income</b>	<b>-14,011.90</b>	<b>0.00</b>	<b>-14,011.90</b>	<b>100.0%</b>
<b>Net Income</b>	<b>-14,011.90</b>	<b>0.00</b>	<b>-14,011.90</b>	<b>100.0%</b>

**cityofcumby@cumbytel.com**

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**From:** "Mike Ward, CPA" <mward@mikewardcpa.com>  
**Date:** Friday, November 08, 2019 11:34 AM  
**To:** <cityofcumby@cumbytel.com>  
**Subject:** RE: Audit Estimate

Hi Codi,

Sorry it took me so long to respond. I took on a County that needed 5 audits completed, if a bond issue passed. I didn't want to plan anything until I learned if the bond issue passed or not. The bond issue failed, so I am doing just one audit for them, so I have some time.

I will get you an official engagement letter, but I would propose \$6,000, and would be able to conduct the audit around the end of January.

Again, I am sorry that it took me so long to respond. Please let me know if you have any questions at all.

I hope you have a great day!

Mike

**Mike Ward Accounting & Financial Consulting, PLLC**  
**903.269-6211**

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**From:** cityofcumby@cumbytel.com <cityofcumby@cumbytel.com>  
**Sent:** Friday, November 8, 2019 11:01 AM  
**To:** Mike Ward, CPA <mward@mikewardcpa.com>  
**Subject:** Audit Estimate  
**Importance:** High

Hello Mike, I was just checking to see if you had a chance to put together the estimate for the financial audit. Our meeting is scheduled for Tuesday and I send agenda packets to council today. Can you let me know if something. Thank you

Codi Reynolds,

City Secretary

City of Cumby

(903) 994-2272

[cityofcumby@cumbytel.com](mailto:cityofcumby@cumbytel.com)

**PROPOSAL TO PROVIDE ANNUAL  
FINANCIAL AUDIT**

**CITY OF CUMBY, TX**

EVANS & KNAUTH, PLLC  
CERTIFIED PUBLIC ACCOUNTANTS  
4433 Punjab Way, Suite 102  
Frisco, Texas 75033  
(972) 335-9754

CONTACT PERSON: KIRK EVANS

Date: October 18, 2019



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**EVANS & KNAUTH, PLLC**  
CERTIFIED PUBLIC ACCOUNTANTS  
4433 PUNJAB WAY, SUITE 102  
FRISCO, TEXAS 75033  
972-335-9754/FAX 972-335-9758

**TRANSMITTAL LETTER**

October 18, 2019

Codi Reynolds  
City Secretary  
100 E. Main Street  
Cumby, Texas, 75433

Thank you for the opportunity to submit this proposal to provide financial and compliance audit services for the City of Cumby. Our firm is very experienced in providing audit services as we have been doing so for several years. The majority of our practice is in providing audit and related services to governmental and non-profit organizations that use fund accounting such as that used by the City of Cumby.

Evans & Knauth, PLLC is a firm of Certified Public Accountants. Our firm has been in business over sixty years and has provided governmental audit services for most of those years. All our audit staff are experienced and well trained.

Our audit would be conducted and reported on in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board, the standards for financial audits set forth in the U.S. General Accounting Office's *Governmental Auditing Standards, Audits of States, Local Governments and Non-profit Organizations* as well as other state and local requirements.

Audited financial statements would be issued for the District, which would meet all requirements necessary to apply for the Government Finance Officers Association - Certificate of Achievement for Excellence in Financial Reporting.

As part of our audit, we would perform an in depth review of internal controls. Based upon our review, we may make recommendations on ways to improve the safeguarding of assets. We may also suggest changes in various office procedures. Our recommendations would be made in a positive manner; we purposely try to avoid demeaning anyone. If we decide that it is necessary to make written internal control recommendations, they will be contained in a separate management letter. We maintain our independence and would not hesitate to make disclosures or recommendations that we feel were in the District's best interests.

We understand the timeline for audit fieldwork and reporting as contained in the request for proposal and we believe that we can meet each scheduled date.

We maintain our audit workpapers and reports for a minimum of six years. We allow our audit clients or their designated representatives access to those workpapers during the six-year retention period.

This proposal is a firm and irrevocable offer to provide audit and other necessary services for the City of Cumby.

We believe that our firm is highly qualified to provide the requested services as we have very experienced employees of high moral character whose goal is to provide the best and most efficient services at a reasonable fee. We will provide consistent audit personnel to perform the services which will reduce the time required by District staff. Our work is technically superior as evidenced by our Peer Review reports. Our firm has a long and distinguished record of providing superior audit services to entities the size of City of Cumby.

I am authorized to make representations for our firm and would be available to discuss this proposal with you or designated District officials at their convenience. This proposal is valid for a maximum period of ninety days.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Evans", written in a cursive style.

Kirk Evans, CPA  
Managing Partner  
EVANS & KNAUTH, PLLC

## TECHNICAL PROPOSAL

### INDEPENDENCE

Our firm and individual employees are independent in relation to the City of Cumby and its employees. Our firm complies with the independence standards of the American Institute of Certified Public Accountants and the U.S. General Accounting Office.

Our firm and employees would maintain their independence during the proposed five year audit service period. If for any reason an employee's independence changed, we would immediately remove the employee from the engagement and notify appropriate District staff.

### LICENSE TO PRACTICE IN TEXAS

The firm of Evans & Knauth, PLLC and all Certified Public Accountants employed by the firm are licensed to practice in the State of Texas and meet all requirements of the American Institute of Certified Public Accountants and the U.S. General Accounting Office.

### FIRM QUALIFICATIONS AND EXPERIENCE

Evans & Knauth, PLLC is a firm of Certified Public Accountants located in Frisco, Texas. Our firm has been in business over sixty years and has provided governmental audit services for most of those years. We would assign a team of three full-time staff to perform the audit fieldwork and then have a firm partner review the District's audited financial statements.

Our firm is a member in good standing of the AICPA's Governmental Audit Quality Center. We undergo a Peer Review every three years and an internal review the other two years. Our most recent report was 2016 and we received a grade of "pass" which is the highest you can receive.

We have not had a negative federal or state desk or field reviews and have never been involved in any disciplinary action.

### PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS

Kirk Evans, CPA, Managing Partner- Over thirty years of experience in public and private accounting. Twenty years of experience in Governmental accounting and auditing. He is the firm Manager and oversees all audits. He holds a CPA certificate and license in the state of Texas. He is a graduate of Drury University, a member of AICPA, local Chamber of Commerce, and Texas Society of CPA's.

Chris Knauth, CPA, Partner – has over twenty years of experience in public and private accounting. Beginning his career at Ernst & Young, Chris has worked in various industries and has extensive experience in governmental auditing. He is licensed in the state of Texas and is a member of AICPA and Texas Society of CPAs.

Heather LaPoint, Audit Manager - Heather has over fifteen years of experience in governmental auditing with emphasis in governmental single audits. She is experienced in all aspects of Federal regulations and compliance, as well Federal Audit Clearinghouse requirements. She is a graduate of the University of California - Santa Barbara.

Various other staff all with minimum of 10 years of experience.

All of our CPAs are licensed by the Texas State Board of Public Accountancy.

In addition to being experienced, our staff of accountants are highly qualified and are provided with the most current literature and training available concerning governmental audits. All of our CPAs are provided a minimum of forty hours of continuing professional education annually including the continuing education required by generally accepted government auditing standards.

Our firm does not discriminate with employment or clients served.

**SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES**

**This is a very small sample of our governmental clients**

<u>Entity</u>	<u>Scope of Work</u>	<u>Audit Period</u>
City of Sulphur Springs Ms. Lesa Smith Finance Director (903) 885-7541	Government Wide Audit, GFOA-CAFR OMB Single Audit	Thirty years
City of Alvord Ms. Susan Raines Finance Director (940) 427-2105	Government Wide Audit	Ten years
Town of New Hope Carol King Finance Director 214-578-6152	Government Wide Audit	Three years
South Grayson SUD John Spencer General Manager 903-482-6231	Government Wide Audit	Ten years
Wylie NE SUD Amanda Horst Business Manager 972-442-2075	Government Wide Audit	Four years

Because of our help in preparing the CAFR, several of our clients apply for and receive the Government Finance Officers Association - Certificate of Excellence in Financial Reporting.

During the 2018 year, our firm performed approximately fifty (50) audits of entities that use fund accounting.

Our firm has performed in excess of thirty (30) governmental audits every year for the past 20 years. We also perform in excess of fifteen (15) single audits every year.

Columbus A. Alexander, III, CPA  
15851 Dallas Parkway, Suite 600  
Addison, Texas 75001  
caa@caforensicsllc.com

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## **Experience**

Director, Managing Member  
CA Forensics, LLC  
1990 - Present | Dallas, Texas

Conduct interviews, reconstruct transactions, analyze complex financial records, prepare reports and affidavits for use in court, liaison with law enforcement, legal authorities. Extensive knowledge of generally accepted accounting principles and auditing standards. Substantial experience with financial statement fraud, bankruptcy fraud, forensic accounting, fraud and misconduct investigation, asset recovery, litigation support and dispute resolution.

Audit Director, Vice President  
First Interstate Bank of California  
1987-1989 | Los Angeles, California

Improved audit coverage and efficiency through the use of statistical sampling, cycle processing, and computer-assisted audit procedures to include source compare software for verifying program changes. Analyzed audit approach plans, reviewed internal controls, investigated suspected defalcations and other irregularities involving bank personnel. Advisory member to committees for Demand Deposit Accounting, End-User Computing, and Contingency Planning, Disaster Recover.

Senior Audit Manager  
Hess Corporation  
1985-1986 | Tulsa, Oklahoma

Successfully implemented an integral Information Technology quality assurance program for a Fortune 100, vertically integrated oil and gas company. Evaluated corporate data security, systems development projects to determine areas of risk and ensure compliance with corporate standards. Developed audit approach plans, evaluated internal controls, investigated suspected defalcations and other irregularities. Advisory member for the development of information technology standards, policies and procedures.

Audit Manager, Director, Computer Audit  
Ernst & Young LLC  
1979-1984 | Dallas, Texas

Improved audit coverage and efficiency through the use of statistical sampling, cycle processing, and computer-assisted audit procedures. Analyzed audit approach plans, reviewed internal controls, conducted peer reviews to ensure compliance with auditing standards. Certified Audit Test Specialist (ATS). Designated Director of Computer Audit. Instructor for firm's national training center in Reston, Virginia. Courses taught included Advanced Auditing Techniques, Statistical Sampling, and Computer Assisted Audit Procedures.

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## **Education & Certifications**

Auburn University  
BBA, Accounting, Economics

Certified Fraud Examiner (1996 – present)  
Association of Certified Fraud Examiners

Certified Public Accountant (1989 – present)  
Texas State Board of Public Accountancy

Certified in Financial Forensics (2008 – 2016)  
American Institute of Certified Public Accountants

Certified Information Systems Auditor (1982 – 2012)  
Information Systems Audit & Control Association

Columbus A. Alexander, III, CPA  
Certified Fraud Examiner

## INDUSTRY EXPERIENCE

### ASSET BASED LENDERS

Southern Trust & Mortgage  
Wells Fargo Foothill

### COMPUTER SERVICES

Affiliated Computer Services  
E-Systems Inc.  
EDS Inc.

### CONSTRUCTION

Austin Industries Inc.  
Brigg-Weaver Vinson  
Champion Development Company  
Essential Network Services  
Halstead Construction Company  
Kaymac Welding  
Storm Master Inc.

### ECONOMIC DEVELOPMENT

DeSoto Economic Development Corporation  
Duncanville Economic Development Corporation  
Quinlan Economic Development Corporation

### EDUCATIONAL SERVICES

Dallas Independent School District  
Greenville Independent School District

### FINANCIAL SERVICES

First Interstate Bank of California  
First Interstate Bank of Washington  
First National Bank of Abilene  
First National Bank of Lea County  
First Republic Bank  
Fort Worth National Bank  
Long Beach Savings Bank  
New Mexico Educators Credit Union  
Plano Bank & Trust  
Texarkana National Bank

### FOOD & RESTAURANT

Chaucer's of Lewisville  
Seafood Supply Company

### GOVERNMENT

Alabama Department of Court Mgmt  
Anderson County District Attorney  
City of Dallas  
City of Duncanville  
City of Palestine  
City of Quinlan  
Dallas Housing Authority  
Dallas Police & Fire Pension System  
Fannin County District Attorney

### HEALTHCARE

Columbia HCA Corporation  
Plano Endodontics P.C.  
Trident Corporation  
Woodland Heights Medical Center

### HIGH TECHNOLOGY

Dallas Semiconductor  
NEC Corporation of America  
Texas Instruments Inc.

### INSURANCE

Blue Cross Blue Shield  
Great Southern Life Insurance  
Mutual of Omaha Insurance  
Scottsdale Insurance Company

### MANUFACTURING

Aesco Steel Inc.  
Dal-Tile International  
Haggar Corporation  
Koppers Industries Inc.  
Overhead Door  
PSI Industries Inc.

Steelcase Inc.

### MEDIA & ENTERTAINMENT

Dallas Morning News  
Fort Worth Star Telegram  
Six Flags Corporation  
Screen Actors Guild

### NON-PROFIT

Amigos Library Services  
Rockwall Women's League  
Southern Baptist Annuity Board  
Young Men's Christian Association

### OIL & GAS

Atlantic Richfield Corporation  
Callon Petroleum Company  
Gulf Oil Corporation  
Hess Corporation  
Mobile Oil Corporation  
Sun Oil Corporation  
Tex-Star Water Services

### PUBLIC ACCOUNTING

BDO Seidman LLP  
PricewaterhouseCoopers  
Ernst & Young  
Miller Kaplan Arase & Company

### REAL ESTATE

Main Station Duncanville  
Mallick Custom Homes

### RETAIL

Mary Kay Corporation  
Nikko America Inc.

### TRANSPORTATION

American Airlines Inc.  
American President Line  
Frozen Food Express Industries  
Southwest Airlines Company



## HOPKINS COUNTY APPRAISAL DISTRICT

P O Box 753 • 109 College Street • Sulphur Springs, TX 75483

Phone (903) 885-2173 • Fax (903) 885-2175

E-mail: [HopkinsCAD@bluebonnet.net](mailto:HopkinsCAD@bluebonnet.net) • Website: [www.hopkinscad.org](http://www.hopkinscad.org)

November 5th, 2019

City of Cumby  
P O Box 349  
Cumby, TX 75433

To Whom It May Concern:

Please be advised, Barbara Stewart's term on the Hopkins County Appraisal District Board of Directors will expire on December 31<sup>st</sup>, 2019. Please complete the resolution appointing your new member or reappointing your current member by **December 15th, 2019** and return it to our office.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Cathy N. Singleton".

Cathy N. Singleton, R.P.A., C.C.A.  
Chief Appraiser  
Hopkins County Appraisal District

/cns

# RESOLUTION

**WHEREAS**, in compliance with Section 6.031 and 6.032, Texas Tax Code, all taxing units entitled to vote on the appointment of members to the Hopkins County Appraisal District Board of Directors unanimously agreed by resolution to change the method or procedure for appointing members to the Hopkins County Appraisal District Board of Directors and to create staggered terms for the members of the Appraisal District Board of Directors;

**WHEREAS**, the City Council for the City of Cumby approved on September 26<sup>th</sup>, 1989 a resolution to change the method or procedure for appointing members to the Hopkins County Appraisal District Board of Directors and the creation of staggered terms for the Appraisal District Board of Directors;

**NOW THEREFORE BE IT RESOLVED** that the City Council for the City of Cumby casts its one-half (1/2) vote for \_\_\_\_\_ to serve on the Hopkins County Appraisal District Board of Directors, representing Hopkins County for the term beginning January 1<sup>st</sup>, 2020 and ending December 31<sup>st</sup>, 2021.

Approved by a majority vote of the City Council for the City of Cumby on the \_\_\_\_\_ day of \_\_\_\_\_ in a public meeting, a quorum present.

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, CALLING FOR A SPECIAL ELECTION TO FILL A CITY COUNCIL VACANCY FOR ALDERMAN, PLACE 1, TO BE HELD ON MAY 2, 2020; AND MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION; AND AUTHORIZING A CONTRACT WITH HOPKINS COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.**

**WHEREAS**, Douglas Simmerman, who was at the date of the most recent election serving as City Council Alderman for Place 1, with his term not to expire until November 2020, has been elected to serve as Mayor of the City of Cumby; and

**WHEREAS**, such election of Douglas Simmerman has created a vacancy in the City Council of the City of Cumby for the office of Alderman, Place 1; and

**WHEREAS**, the Texas Election Code, Section 201.052, provides that a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the election is ordered; and

**WHEREAS**, May 2, 2020, is the first authorized uniform election date occurring on or after the 46th day after the date of this order; and

**WHEREAS**, the City Council has determined that the holding of the special election to fill the unexpired term of City Council Alderman, Place 1 on May 2, 2020 is in conformity with applicable laws and is in the best interest of the citizens of Cumby.

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

**SECTION 1 – VACANCY, ALDERMAN, PLACE 1**

The City Council of the City of Cumby, Texas, does hereby declare a vacancy in the position of City Council Alderman, Place 1, and orders a special election for the City of Cumby, Texas, to be held on Saturday, May 2, 2020, for the purpose of electing a City Council Alderman to serve for the unexpired term of Alderman, Place 1.

Such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote. The candidate receiving a majority of the votes cast for City Council Alderman, Place 1 shall be declared elected to such office.

Such election shall be held at the precincts and the polling places as is customary and designated by the election code or such other locations as may be designated prior to the election by the City Secretary, attached hereto and made a part

hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

## **SECTION 2 – ELECTION SERVICES CONTRACT WITH COUNTY**

The Mayor of the City of Cumby is hereby authorized to execute a contract with the Hopkins County Clerk for the purpose of having Hopkins County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

## **SECTION 3 – EARLY VOTING CLERK**

Tracy Smith, Hopkins County Clerk, 128 Jefferson St., Suite C, Sulphur Springs, Texas 75482, is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be received no later than the close of business on April 20, 2020, sent to the address listed above in this section.

## **SECTION 4 – EARLY VOTING**

Early voting by personal appearance shall be conducted at the Hopkins County JP #2 Courtroom located at 128 Jefferson St., Sulphur Springs 75482. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the Hopkins County Clerk and posted at City Hall by the City Secretary. The locations and hours for early voting by personal appearance shall be authorized for such election as is customary and designated by the election code.

In addition, mobile voting stations may also be authorized and used for early voting at publicly owned buildings in the City as established by the Hopkins County Clerk. The City Secretary is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the Hopkins County Clerk. The City Secretary is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with Hopkins County.

#### **SECTION 5 – FILING FOR PLACE ON BALLOT**

Applications for candidacy to the office of City Council Alderman, Place 1 shall be made to the City Secretary of the City of Cumby beginning January 15, 2020 and ending on February 14, 2020 at 5 p.m., in manner and form as prescribed by law.

The names of eligible and qualified candidates for such office shall be placed on the ballots for such election by the City Secretary at the time and in the manner prescribed by law.

#### **SECTION 6 – VOTING MACHINES AND ELECTION RESULTS**

Voting machines used for the conduct of the election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

#### **SECTION 7 – NOTICE OF ELECTION**

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the state and local laws. A substantial copy of this resolution shall serve as proper notice of said election.

The City Secretary shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Secretary as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law, not later than December 16, 2019.

The City Secretary shall deliver notice of this election to the county clerk and voter registrar of Hopkins County, as required by law.

#### **SECTION 8 – RUNOFF ELECTION**

Any runoff election required for the election of City Council Alderman, Place 1, following the special election of May 2, 2020, shall be held on a date that is permitted by and in accordance with Section 2.025 (a) Election Code of the State of Texas. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

#### **SECTION 9 – COMPLIANCE WITH APPLICABLE LAWS**

The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the

# MEMO

The Cumby Post office is requesting that the street names for the North and South side of the service road be changed inside the city limits. It does not pull up properly with gps and makes it difficult to deliver mail to the proper locations. This could also cause issues for 911 if not able to pull up properly. The north side of the service road would be changed to North Cole and would have odd numbers. The south side of the service road would be changed to South Cole and have even numbers.

provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Douglas Simmerman, Mayor

**ATTEST:**

\_\_\_\_\_  
Codi Reynolds, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Edgar J. Garrett, Jr., City Attorney