

CITY OF CUMBY
CITY COUNCIL MEETING BOOK
REGULAR MEETING
April 12, 2022

**AGENDA
NOTICE OF REGULAR MEETING
OF THE
CITY COUNCIL OF
CUMBY, TEXAS**

This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the City Council of the city of Cumby, Texas will conduct a Regular Meeting on April 12, 2022, at 6:30 p.m., at 100 East Main Street, Cumby, Texas, City Council Chambers.

If the public desires to speak during a specific agenda item, they must email secretary@cityofcumby.com by 4:00 pm on the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. You may also communicate and send your comments to the City Councilmembers directly by emailing alderman1@cityofcumby.com; alderman2@cityofcumby.com; alderman3@cityofcumby.com; alderman4@cityofcumby.com; alderman5@cityofcumby.com.

The meeting agenda and agenda packet are posted online at <https://www.cityofcumby.com/index.shtml>

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL & QUORUM REPORT

4. PRESENTATION BY CITIZENS

The City Council welcomes "Presentation by Citizens." If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow guidelines posted at the bottom of this Agenda.**

- o Mrs. Calhoun would like to present adding a Little Library Box for residents of City of Cumby for consideration.

5. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV'T CODE 551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. "Items of Community Interest" include items posted at the bottom of this Agenda

- o April 15th – City Hall will be closed in honor of Good Friday
- o April 16th @ 3:00pm - Easter egg hunt in City Park
- o April 17th @ 7:00a.m. - Sunday Sunrise Services City Park

6. CONSENT AGENDA & DEPARTMENT REPORTS

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

- 6.1. Approval – City Council Minutes, Regular Meeting, March 8, 2022
- 6.2. Approval – 2022 March Financials
- 6.3. Approval – 2021-2022 Vendor Balance Detail
- 6.4. Public Works Department Activity Report
- 6.5. Police Department Activity Report
- 6.6. Municipal Court Activity Report
- 6.7. Building Permit Activity Report
- 6.8. Fire Department Activity Report

7. EXECUTIVE SESSION

- 7.1. In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:
- 7.1.1.1. § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) Police Chief Hundley
 - 7.1.1.2. § 551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: Police Chief Hundley (Alderman Wayne Mobley)
 - 7.2. **Discussion/Action:** § 551.089 Deliberation regarding Security Devices for Municipal Court Proposed Security System. (Alderman Ryan Horne)
 - 7.3. **Discussion/Action:** § 551.089 Deliberation regarding Security in place and retention of email for Alderman laptops and process in which they are transitioned to (next) incoming Alderman / council member. (Alderman Sheryl Lackey)
 - 7.4. **Discussion/Action:** § 551.071(2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) Resolution R-2022-04-1006 Modifying and Approving an Alternate Design for a Storm Shelter Under Section 423.4, of the 2015 International Building Code for the Proposed Cumby Independent School District Construction of a High School Campus (2022-2023) (Alderman Ryan Horne)

8. OLD BUSINESS

- 8.1. **Discussion:** Final presentation by Ms. Anna Duckworth regarding not changing City of Cumby name to Blackjack Grove. (Anna Duckworth)
- 8.2. **Discussion/Action:** Bonding for City Secretary, Utility Clerk, Court Clerk (City Secretary at request of Council)
- 8.3. **Discussion/Action:** Ordinance O-2022-04-005 Amending Ordinance 2022-02-005: Amend to include Municipal State Fund; Municipal Security Fund; Municipal Technology Fund with no expiration date. Amend: Ordinance 2022-02-005 An Ordinance of the City of Cumby Texas Establishing a Municipal Court Local Truancy Prevention and Diversion Fund and Municipal Court Jury Fund and Ordinance No: 2002-04 An Ordinance that the City of Cumby, Texas establishing a Municipal Court Technology Fund; providing for the assessment and collection of a municipal court technology fee; providing for publication and effective date; providing for expiration date. (Alderman Ryan Horne)

9. NEW BUSINESS

- 9.1. **Discussion/Action:** Resolution R-2022-04-1002 Approving Building a Permanent Stage to be Constructed in Cumby City Park by Daughters of Blackjack Grove, a 501c3 nonprofit organization. (Alderman Ryan Horne)
- 9.2. **Discussion:** Daughters of Blackjack Grove 501c3 nonprofit organization intention to donate funds raised from events held in support of City Park in the City of Cumby Texas to the City of Cumby City Park Fund. (Alderman Ryan Horne)
- 9.3. **Discussion/Action:** 2022 Spring Clean Day for City of Cumby residents. A discussion regarding how long to offer Spring Clean 2022: based on number of trash receptacles and length of time (receptacles available) offered at no fee by Republic; as well as City of Cumby Maintenance staff availability to assist on-site and a staff member available during the complete the Spring Clean event. (Alderman Ryan Horne)
- 9.4. **Discussion/Action:** Ordinance O-2022-04-003 to Renew Franchise Agreement with Atmos Energy. (Mayor Doug Simmerman)

- 9.5. **Recognize:** Petition presented by Ms. Sharon Ward-Hart during February 8, 2022, Presentation by Citizens, City Council Meeting in which she presented a request of the residents of the Black Grove Addition, City of Cumby requesting that once the work on the Cumby school track is completed, M&R Drive will be repaired as promised. Second: M&R Drive remain a dead-end street; Third: No parking signs to be placed along all private property; Fourth: a speed limit sign be posted.. (Alderman Cocker)
- 9.6. **Discussion/Action:** Resolution R-2022-04-1003 Appointing an Auditor for the City (Alderman Crocker)
- 9.7. **Discussion/Action:** Ordinance O-2022-04-006 - Amending Ordinance 2022-02-06 costs for Building Plan review to capture fees from Building Inspector consulting firm. (Mayor Doug Simmerman)
- 9.8. **Discussion/Action:** A request by Council Member to add agenda items to the Consent Agenda each month for City of Cumby City Council meeting. (Alderman Lackey) (Addendum 1 attached)
- 9.9. **Discussion/Action:** A request by City of Cumby City Council Member to add policies to City of Cumby Employee & Policy Manual. (Alderman Lackey) (Addendum 1 attached)
- 9.10. **Discussion/Action:** Resolution R-2022-04-1004 –Move ARPA grant funds from basic Water/Sewer checking account into an interest-bearing (30-60-90-day) account and held until funds are required for projects as determined by City Council. (City Secretary)
- 9.11. **Discussion/Action:** Resolution R-2022-04-1007 – Establishing a Permit Fund Checking Account (City Secretary)

10. ADJOURNMENT

Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV’T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy TEX. GOV’T CODE 551.144(c) and the meeting is conducted by all participants in reliance on this opinion. The Council may vote and/or act upon each of the items set out in this agenda. In addition, the city Council for the City of Cumby has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations related to Real Property); 551.073 (Deliberations related to prospective gifts or donations); Section 551.074 (Personnel Matter); 551.076 (Deliberations regarding the deployment of security devices or the implementation of security policy); and 551.087 (Deliberations regarding Economic Development negotiations).

Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM: It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commission and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also notices as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Presentation by Citizens Guidelines:

- The Mayor will recognize those citizens who have signed up prior to the start of the meeting.
- Pursuant to Resolution No. 2020-12 Citizens are given three minutes (3:00) to speak during “Presentation by Citizens.”
- Members of the public may only speak once and cannot pass the individual’s time allotment to someone else.
- Direct your comments to the entire Council, not to an individual member.
- Show the Council members the same respect and courtesy that you expect to be shown to you.
- The Mayor will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of City Council may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)

City Council Comment Guidelines:

- Expressions of thanks, congratulations, or condolences.
- Information regarding holiday schedules

- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person's public office or public employment is not honorary or salutary recognition for purposes of this subdivision.
- A reminder about an upcoming event organized or sponsored by the governing body.
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body or an official or employee of the municipality or county; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the April 8, 2022, at a place convenient and readily accessible to the general public at all times, and to the city's website, <https://www.cityofcumby.com>, in compliance with Chapter 551, Texas Government Code.



Betty Jo Hardman

Betty Jo Hardman, City Secretary

City Secretary

From: Cumby Alderman 1
Sent: Monday, April 04, 2022 4:34 PM
To: City Secretary
Cc: Doug Simmerman
Subject: Items for Consent Items of EVERY Regular City of Cumby Council Meetings and items for the April 12, 2022

Good afternoon.

I am requesting that starting on April 12, 2022, and **EVERY** month following these items be placed on the Consent Items of the Agenda; especially with the financial, meter, and billing issues the city is facing this is a way to be transparent for not only council members but citizens alike:

Financials:

- Profit/loss Detail Report
- Unpaid Detail Report
- Vendor Detail Report
- Check Detail Report

Maintenance (Along with what is currently being provided.

- Workorder Spreadsheet (Completed Workorders for the previous month and any Open/Incomplete Workorders, again since September 1, 2021.
- Unread meter report from RG3 and AVR.
- AVR Billing Error report.

Items I am requesting to add to new business of the April 12, 2022, Agenda: **(WORDING WILL NEED TO BE CHANGED FOR CLARITY AND LEGALITY. Or possibly combine some if it makes it flow better and easier.)**

- Policy of quarterly inventory of maintenance equipment or upon new purchases being added immediately.
- Policy of a receipt written for ALL forms of monies for collection to the City of Cumby. (Doug and I had already discussed this months ago, and he agreed this should be being done. Courtside already does this.)
- Cash acceptance policy for Utilities and any "city-side" business; necessity of 2 signatures on receipt. (Courtside already does this.)
- Policy of \$150.00 left in the "city-side" money drawer at the end of the business day, requiring 2 people to sign the cash reconciliation form.
- Policy of vault/safe; necessity of 2 people required to go into the vault/safe. (Has been an unwritten policy already.)
- Policy for placement, retrieval of money going in and out of the vault/safe; necessity of 2 people to count and list currency amounts with grand total, seal and sign envelope for placing in vault/safe and requiring 2 people to verify when money is retrieved matches. (I'm sure BJ will be able to word this much better than I have.)
- (This maybe a legal clarification.) Addition to the Employee Handbook with a clause of "workday begins at 8 a.m. for all City Employees (except for PD); you may clock in before; however, you will not start getting paid until 8 a.m. (This is something that most places I have spoken with follows, again, this may require checking with the City Attorney. I am requesting I am to be included in any correspondence with the legal team if so.)

(AGAIN, WORDING WILL NEED TO BE CHANGED FOR CLARITY AND LEGALITY. OR POSSIBLY COMBINE SOME IF IT MAKES IT FLOW BETTER AND EASIER.)

Again, the first part are items I am requesting to be added to the Consent Agenda **EVERY MONTH**, second part is just for this meeting.

If you should have any questions, or need clarification, please feel free to email me and I will try to clarify as best as I can; however, most of these items are things that Doug and I have discussed for better checks and balances as well as the protection of the employees and the city.

Thanking you in advance,
Sheryl

CONSENT AGENDA & DEPARTMENT REPORTS

- **City Council Regular Meeting Minutes March 8, 2022**
- **March 2022 Financials**
 - **Unpaid Bills Detail (as of April 11, 2022)**
 - **P&L (10/2021 – 03/2022)**
- **March 2022 Public Works Department Activity Report and Meter Report**
- **March 2022 Police Department Activity Report**
- **March 2022 Municipal Court Activity Report**
- **March 2022 Building Permit Activity Report**
- **March 2022 Fire Department Activity Report**

**MINUTES OF THE REGULAR MEETING
OF THE
CITY COUNCIL OF
CUMBY, TEXAS
MARCH 8, 2022**

Attending the meeting:

Mayor Douglas Simmerman
Mayor Pro Tem & Alderman 5, Ryan Horne
(Holdover) Alderman 2, Amber Hardy
Alderman 3, Wayne Mobley
Alderman 4, Aly Crocker

Absent from meeting:

(Holdover) Alderman 1, Sheryl Lackey

A Quorum was established

1. CALL MEETING TO ORDER – Mayor Simmerman called the meeting to order at 6:30pm

2. PLEDGE OF ALLEGIANCE AND INVOCATION – was led by Mayor Simmerman and Mayor Pro Tem, Ryan Horne, led the invocation

3. PRESENTATION BY CITIZENS

The City Council welcomes “Presentation by Citizens.” If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.**

- The Mayor will recognize those citizens who have signed up prior to the start of the meeting.
- Pursuant to Resolution No. 2020-12 Citizens are given three minutes (3:00) to speak during “Presentation by Citizens.”
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- Direct your comments to the entire Council, not to an individual member.
- Show the Council members the same respect and courtesy that you expect to be shown to you.

- Jodie and Brandon Phipps – If required, requesting a (Temporary) Waiver of Ordinance 2021-12-015 regarding Manufactured and Mobile Homes during new residential build. Documents were presented by Mrs. Jodie Phipps 207 W Main Street; 51 Denton Street, where they have intention of building a permanent residence. To provide shelter during new build, the Phipps purchased and brought into the city an RV Cottage home. They contacted city to make sure they could move an “RV” home for temporary residency. Ms. Phipps further noted that Park Model Recreation Vehicle (PMRV) is an RV; they poured a concrete slab; purchased the PMRV home and had it delivered. PMRV is intended as temporary living; it does not exceed 400SF; certified by RV standards; PMRV titled through motor vehicles. State of Texas PMRV travel plates; inspection; operate on highways; not a mobile nor manufactured home. She stated that she doesn’t believe this PMRV is in violation of City of Cumby Manufactured and/or Mobile Home Ordinance 2021-12-015. Their goal is to eventually move the PMRV to an area for recreation. They wish and want to comply with City of Cumby ordinances and have tried to do so. Their intention is good and do not want to raise future

concerns when they have permanent residence. Package of documents and licenses pertaining to the PMRV were emailed February 23, 2022, to the City.

- Ms. Anna Duckworth, update regarding Cumby name change to historical Blackjack Grove – no new update, waiting for public hearing and response regarding interest level of the City Residents and Council.
 - Citizens then spoke to the issue of Name Change from Cumby to Blackjack Grove.
 - Ms. Amber Hardy, speaking as a citizen and not council expressed concern regarding name change;
 - Ms. Susan Tremor spoke to the name change from Cumby to Blackjack Grove: thank you for allowing me to speak; on behalf of the citizens of Cumby we have concerns about the name change. Most of us have roots in Cumby; my family built and ran the round-up café; granddaddy lived in one of the homes on Frisco Street; Ms. Tremor gave history of family and roots in Cumby. Cumby is the only place we have called home. We have raised our children and now they are raising their children; we have life-long friendships. Cumby Cemetery committee: family members and friends who are all buried here. Cumby is where they lived and died; not Blackjack Grove. Consider changing name of the town after the name has been Cumby for 126 years is upsetting and causing stress to citizens. Memories are of Cumby and not Blackjack Grove. Work in unity versus discord. Most of local people she has talked to are against the name change. Celebrate Blackjack Grove Day each year. We have 150 names on a petition asking that we not change the name and will stand in disagreement if it comes to a vote
 - Ms. Niki Pettit spoke to the name change from Cumby to Blackjack Grove. Back in the day it was Blackjack Grove, it was a completely different idea; rowdy settlement with a couple of bars; the only incorporated city; Cumby name proud to celebrate; incorporated in 1811. Friendship and Blackjack Grove – expressed concern and family history for name of Cumby. Small piece of small-town life; our home, our memory, and our heritage. There are also address issues when Interstate 30 service road addresses were updated. The Post Mistress, Nita Jo, did everything she could. The name (of the road) changed in 2018 – recently consistently use legal address; most businesses are run through on-line databases; on-line forms; ordering anything; doctor appointments; on-line map databases. Mine still doesn't pop up as an on-line address. Difficulty with receiving anything and google – I don't exist. County doesn't recognize on Property tax; once converts – it isn't as easy to change something. Her last point is the potential costs and headaches for Cumby independent school district.
 - Adam Kenney – spoke regarding name change from Cumby to Blackjack Grove. His wife has lived in Cumby whole life; don't see it being a feasible option. Always knew as Cumby; logistics nightmare; remember what all the citizens would have to change: driver's license; known addresses; etc. Why would the city be spending grant funds for this when city streets are in bad shape; need to apply monies to better the town instead of a name change. This would make it difficult for citizens.
- Ms. Kendra Hood – Daughters of Blackjack Grove build a stage @ City Park – renting a space; borrowing trailers; stolen; found someone that could build a platform 16x24 metal that quote and use at Xmas and other programs; stay in same spot; years and years the trailer sat there. Daughters would pay for it; can put on the April 12, 2022, agenda – give him enough time.
- Mr. Monty Lackey – business statement. Requested a meeting packet which he received, thank you. He stated he had a hard time following January 14, 2022, the unpaid bills detail; it did not yet

include the monies owed to IRS nor to Constellation Energy. If you back up to \$vendor balance as of February 28; these are included.

4. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV'T CODE 551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. "Items of Community Interest" include:

- Expressions of thanks, congratulations, or condolences.
- Information regarding holiday schedules
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person's public office or public employment is not honorary or salutory recognition for purposes of this subdivision.
- A reminder about an upcoming event organized or sponsored by the governing body.
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body or an official or employee of the municipality or county; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

Mayor Simmerman stated that he went to the Hopkins County NETLSA Livestock show and Cumby was well represented in the sale. FFA is very near and dear to my heart; always participate – thank you for what they did; Grand Champion Steer came out of Cumby; Tatum White.

Alderman Crocker stated that she liked the turn out of citizens tonight. Recommended that for those that are really concerned; show up and voice your opinion. Council can't make decisions when the room is empty; pick up the phone; check Facebook and call us. Makes me proud that you're interested in the city.

Alderman Mobley also stated he also liked the turnout and everyone being here; we need input.

Mayor Simmerman recognized the school board in attendance.

Alderman Hardy stated that she appreciated Officer Painter came out and cleared fallen trees so she could "escape"; last year was Alderman Horne. She also asked if she could query: Ms. Duckworth what is the reason behind the name change?

Ms. Duckworth spoke and expressed her love of the place; it's history and the respect I have for people that lived here. She has an historical building on her property. Keenly interested in history; including the Native American culture; town has been recorded in the State of Texas Historical records since before 1830; oldest named place in Texas – predates the Alamo and everything in Texas History. Why? Who is Cumby – a man who never lived here; confederate soldier; historical reasons to change name back to Blackjack Grove.

Alderman Horne stated citizens are allowed and would like to participate in all conversation; with name change; welcome to come and talk about whatever they want; that doesn't mean an action is taking place. No action is being taken; citizen has been doing research; I know what has been talking about; come to your city council meeting's. No time, effort, grants are being done on our

end. Regarding Grants, three (3) city council members not getting paid – citizens reallocated to road maintenance. By end of year and next election, no city council / mayor will be paid. We still have two that are paid due to the election cycle. You're being heard; things take time; streets didn't crumble overnight; won't get repaired overnight. Stay informed and come out. Appreciate you coming out tonight and being respectful of comments.

5. CONSENT AGENDA & DEPARTMENT REPORTS

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

- 5.1. Approval – City Council Minutes, Regular Meeting, February 8, 2022
- 5.2. Approval – City Council Minutes, Special Meeting, February 10, 2022
- 5.3. Approval – 2022 February Financials
- 5.4. Approval – 2021-2022 Fiscal Year Vendor Balance Detail (Alderman Lackey)
- 5.5. Public Works Department Activity Report
 - 5.5.1. Public Works Department: The Unread meter reports from RG3 and AVR, i.e., if the meeting is in March, Council would need these for the bills due for the 2 previous months. (Bills due March and February) (Alderman Lackey)
 - 5.5.2. The Error Report when processing billing from AVR, i.e., if the meeting is in March, Council will need these for the bills due for the 2 previous months. (Bills due March and February) (Alderman Lackey)
 - 5.5.3. Spreadsheet of all completed work orders from the previous month's preparation of monthly meetings packets to the current monthly meetings including any incomplete work orders. With the exception of this meeting, any completed work orders and any incomplete work orders from September 1, 2021, to the day you are finalizing the council packets. (Alderman Lackey)
 - 5.5.4. New form for maintenance with the report for meters that are not working, and specific work orders done. That is all, and I am sure maintenance is doing a great job. I know he has done a lot for the city. This is for Informational purposes only. (Alderman Crocker)
- 5.6. Police Department Activity Report
- 5.7. Municipal Court Activity Report
 - 5.7.1. Spreadsheet of the Court Totals for the current and last Fiscal Year (Alderman Lackey)
- 5.8. Building Permit Activity Report
- 5.9. Fire Department Activity Report

Alderman Ryan Horne made motion to accept Consent Agenda as presented
Alderman Mobley, 2nd
4/1; with Alderman Crocker voting against, motion carried

6. OLD BUSINESS

- 6.1. Request from Cumby ISD Superintendent Shelly Slaughter for deletion in its entirety, Section 423.4 of the International Building Code, Section 423.4, adopted by the City of Cumby (Date) with specific reference to Storm Shelters Education. ISD is asking the city to consider:
 - 6.1.1. AN ORDINANCE OF THE CITY OF CUMBY, AMENDING THE INTERNATIONAL BUILDING CODE ORDINANCE BY AMENDING SECTION 423.4 GROUP E OCCUPANCIES, AND PROVIDING FOR A PENALTY AS

PROVIDED BY THE GENERAL PROVISIONS OF THE CODE OF ORDINANCES.

- 6.1.2. Cumby ISD is seeking this action so that the district can move forward with building a safe and structurally sound high school that will still have a "safe room" that is constructed to withstand 200 mph winds and accommodate the high school occupancy of 140, and up to 250 people. This action will ensure that the district is in the best position to eliminate portable building classrooms as well as move forward with the currently planned number of classrooms in the new high school. In no way is the district making an unrealistic request, nor is the District seeking special consideration. In surrounding towns and districts, these codes are not in place; therefore, these buildings do not have "safe rooms", nor are they required to. These buildings in other towns are still safe and structurally sound buildings, as are Cumby ISD's current buildings.

The ISD Board was present. President Jason Hudson opened their meeting. Six (6) members attended the meeting, and a quorum of the School Board were present: Secretary David Tremor; Vice President Marsha Krotky, and Members: Kyle Pettit and Kenny Campbell were present; as well as Superintendent Shelly Slaughter.

Public comments – no one signed up.

- Mr. Hudson opened with a statement:
 - School Attorney; superintendent; legal advisor Mr. Rick Lambert, we appreciate you being at the last school board meeting. What we want to do regarding the code change for the City of Cumby.
 - Intent is to be as transparent as possible. Believe Rick (Lambert) can explain better than I:
 - Mr. Rick Lambert the spoke: I'm here to provide information about the legality of the city waiving or amending Section 423.4 of the IBC Code. I'm with the Powell Law Firm and am Attorney for Cumby School District. I'm here to specifically address the legality and what the district is proposing to build a very safe structure for the kids at school. I'm not going to go through the safety issues; but Mr. Aggen, architect of the project, is here to talk more specifically to the structure. Perhaps relating to the legality of the action may be helpful.

- According to the local government code statute, IBC 2012 adopted for these types of structures; city's had an option to adopt later version and that are more stringent; statutory provision allows for amendments to the code; as long as they are done so by ordinance and they are done so after public hearing before the council. Since the version of the code adopted is not a required statutes and is allowed to be amended if council is to adopt as amended it would be lawful. Lawful authority and you, the council, would have immunity as well as the city and individually as alderman and mayor for your actions under the states court claim act. Acting in your governmental function – you have immunity except as peculiarly waived by the tort claim act. Cities, school districts or other governmental – all have immunity. Two instances would have a waiver under section 101.021 governmental unit that is acting within its governmental functions would be liable if there is injury or damage to an employee or omission if there is negligence if an employee is

operating a motor vehicle. Not talking about a motor vehicle and this code is specifically for, schools. 2nd provision if there is personal injury caused by real property use – but it's not the city's use and operation; potentially if anything the school district may have – adoption of its development code would not have liability for that Short presentation regarding the liability.

- If we do this- we are asking for a waiver – there is no repercussions for the city? City is liable for actions; but you don't have liability discretionary decisions – by exercising its discretion waiver to its code would not have liability under the tort claim act – liability is only under the two provisions listed. No liability to the city nor to its officers nor employees.

Mr. Heath Aggen, Architect for the project then gave a brief outline of the “Ask”: Requesting that Council change from 250 mph to 200 mph – 2015 IBC adopted; requires a storm shelter that meets the safety level of a 250 mph IBC 500 code – has to be designed and are very expensive; single line item; what proposing and what asking is to go from 250 mph to 200 mph. In that one little step can save a lot of money and still provide a safe place. The code is only for the NEW structure. It is not intended to service the entire campus of kids, only the kids in the new structure. Designated one area of building to withstand up to 200 mph winds. Hits the school – space is there – kids would be safe – slightly lower level.

Alderman Hardy asked if Council decreased the requirement to the requested 200mph winds, would it meet the 2012 code? Mr. Aggen replied that there is no provision in the 2012 code at all; the requirement for the 250MPH wind and other restrictions occurred in the 2015 code – one line – back of the ICC 500. If City of Cumby had the 2012 IBC code in force, we wouldn't be having this discussion. He further stated that that's what we've done in Miller Grove; any community that does not have a code in place we were required to adopt code to 2012; changed that to go to 2013 IBC code; Texas Board of Education believes it is safe for the students.

Superintendent Slaughter reiterated that many don't have the IBC code at all; and this would be the only school in our area that has that room.

Discussion with the Council followed:

Alderman Hardy asked if the expense of the room is a problem; got the bond passed; was this expense not known at the time requested? City of Cumby as things progressed, code changed through-out the process.

Mr. Aggen: Code; 2018 is more prohibitive, provides entire safe space to the entire school adding two rooms. If Council agrees to change, it would be a cost savings: \$300-\$400K.

Alderman Horne: Hypothetically, should the Council agree, is this going to be the only issue comes before the council? E.g., changing any other part of the 2015 IBC?

Alderman Crocker: What happens if Council votes “no”; what impact on the school building?

Mr. Aggen: Take classrooms out of the building and would have to have portable outside buildings.

Alderman Horne: losing the portable buildings or keep? I would be “no” about this if we lower a code for kids; with that new information – talking to multiple firms; pulled out a lot of numbers and schools and towns meeting with Ms. Slaughter to talk to her about this; code is ridiculous, but they must deal with it. Very few cities have changed ordinance. I have a kid out there; want the best school; don’t want to cut corners where kids’ safety is involved.

Mr. Aggen: Difference is space SF for the 200-mph structure; smaller room doesn’t take up as much space – can still build classrooms; 250mph they would have to have bathroom; HVAC; generator – significant space; structure of the cap; foundation; incrementally gets higher – structure changes when you go from one to another.

Ms. Slaughter: We’re not giving up safety; at no time are we going to put kids in a building that is not safe; I also have grand kids in the elementary school. Never been a huge safety concern until this; not cutting corners.

Ms. Marsha Krotky stated: It is and will still be the safest building around.

Alderman Horne: If we took out the HVAC; generator; could the walls still meet the 250 MPH versus 200 MPH?

Mr. Aggen: We are fighting commodities and supplies; no penny to spare currently; trying to give them a facility that they need and deserve. I’ve given everything in this building as efficiently and cost effectively as possible. Put their kids in and grow into; elementary school next; and get them a safe room also. Working hard on this project; put this out tomorrow. We are trying to provide this community with a brand-new safe space they can get; and at a budget they can afford.

Alderman Horne: We still have a concern about other aspects that will impact the city: roads; gates; etc.

Mr. Aggen: Goal is to get those kids off the street running and back on a track; and is already safer. This is one of the best boards I’ve worked with. Community related board – loves this community.

Alderman Horne: I will always ask questions. Nice enough to sit down and answer and want everyone to hear the same information.

Mr. Aggen: If Council does not approve this request, we’ll have to lose space. We will have to seek another bond and we’re not going to achieve the desired completion.

Mr. Bobby Yarborough: get the smaller kids out of the portables; get them in the main building would be one of the main achievements for their safety.

Alderman Mobley: if we do this; keep the classrooms. Not be in portables? Three main structures?

Mr. Aggen: Remove Portables and push them into one the solid structures. Move to the existing high school. Three different campus' and all would be in a building and out of portables.

Walls- still a cost thing – very pleased with it; given great information; getting rid of portables; safest for the kids.

Ms. Marsha Krotky: All things I'm hearing is the things that we were pushing the bond and almost all promised were still included. We're having to adjust not only this room; we're bringing the project in budget We're talking about an administrative change to give all that was promised.

Mr. Sullivan - The of HVAC must be designated for that room only; functioning classroom – good question.

Mayor Simmerman then called for a vote.

Alderman Ryan Horne made the motion to accept the amending of IBC Code Ordinance 423.4.

Entertain a motion:

Alderman Mobley 2nd

4/0 none against,

Motion carried unanimously.

There being no other business for the ISD Board, President Hudson thanked the City Council for meeting with them and adjourned the ISD Board meeting at 7:23p.m.

OLD BUSINESS CONT'D:

- 6.2. Discussion/Action:** City of Cumby Filing Authority (City Secretary) declares Alderman 1 and Alderman 2 positions unopposed in the upcoming May 7, 2022, election; and/or no candidate to governing body (City Council) A Certification of Unopposed and/or No Candidates for Other Political Subdivisions (not county) in accordance with Section 2.051 – 2.053; Texas Election Code was signed by the City Secretary and presented to the council.

Alderman Crocker made the motion to accept the Certification of Unopposed and/or No Candidates for Other Political Subdivisions.

Alderman Amber Hardy 2nd

4/0 none against; Motion carried unanimously

- 6.3. Discussion/Action:** City Council Cancels the Special Election scheduled for May 7, 2022, due to no or unopposed candidates for Alderman Place 1 and/or Alderman Place 2. Order of Cancellation in accordance with Section 2.053(a) of the Texas Election Code.

Alderman Crocker made the motion that the City of Cumby cancel the May 7, 2022, election for Alderman Place 1 and Place 2 due to no or unopposed candidates.

Alderman Mobley 2nd
4/0 none against; Motion carried unanimously

- 6.4. Discussion/Action:** City Council accepts Alderman Place 1, Sheryl Lackey, resignation letter of August 13, 2021, submitting resignation effective immediately after adjournment of the City of Cumby's meeting, August 17, 2021, with effect following canvassing of May 7, 2022, election, on the 5th day following the election, May 13, 2022, when new Alderman Place 1 and Place 2 will be seated.

Alderman Aly Crocker made motion to accept the motion as read;
Alderman Mobley 2nd
4/0 none against; Motion carried unanimously

- 6.5. Discussion/Action:** Resolution R-2022-03-001 A Resolution of the City Council of the City of Cumby, Texas, to Appoint a City Attorney for the City of Cumby, Texas.
- Public Notice was posted on Texas Municipal League job board as well as in Sulphur Springs News Telegram.
 - RFP's received are attached for review and potential approval/selection.

City Secretary confirmed, there were 4 responses to received. Mayor Simmerman asked if anyone could speak to any of these?

Alderman Mobley stated that although he does not know the attorney's, one of the people that is in the firm of Scott, Ray Pemberton, he does know them well. They are part of his family; and, do not want nepotism. Complete transparency – don't want to cause a rift. Mayor Simmerman thanked him for providing this information and coming forward.

Mayor Simmerman stated: He has communicated with Messer Fort and McDonald on different occasion and communicated with Julie Ford in this Law firm. They are based out of Frisco. A college roommate of his went on to be a lawyer and when he had a question; Mayor Simmerman called him and he told me that he had worked with Julie Ford. Mayor Simmerman has communicated with her; never met her; she was very informative and gave direction when we did not have a city attorney. They do have degrees in city planning before they became attorney's and something city of Cumby will need in planning. Mayor Simmerman stated that when we need, they can be here.

Alderman Horne asked if this was the firm out of Frisco that we discussed before- Mayor Simmerman confirmed, they sent in an RFP when the city hired Ms. Thompson.

Alderman Mobley: I like local people; if I didn't know Trina, I would have recommended Ray, Pemberton. With Messer Fort McDonald being the nearest, the other is in Sherman.

Alderman Horne: I say no to Jay Garret. He was fired.

Mayor Simmerman: Speaking regarding Messer, their client list are cities that are similar to Cumby and size even though based out of Frisco and Sherman.

Alderman Hardy: Inquired as to the attorney fees?

Mayor Simmerman responded that we're likely looking at around \$200/hour; noted in their application that we would have access to legal aids; counsel; if just needed to come sit in paralegal one has a law degree one doesn't

Wolfe @ \$175; paralegal \$60

Messer @ \$210 / hour

Discussion was then held regarding experience of firms:

- Land development and
- Wolfe or Messer – one or the other; water is not listed; water sewer road land development special attorney on their board;

Alderman Mobley: Moved that we take Wolfe, Tim & McCoy

Mayor Simmerman: Motion on the floor

Mayor Simmerman: Died for lack of a 2nd

Alderman Horne: I'm not opposed; don't want to hop on cheapest one; city of Cumby; big flag is annexation – not marked on here and that is an area we need to look into.

The mayor stated that we can ask for clarification from all firms and table until we get some answers from each regarding specific experience. We would then need to have a "special meeting" of the council to vote on this item.

Alderman Hardy made the motion that City of Cumby appoint Messer, Fort and McDonald as city attorney for the city of attorney

Alderman Crocker 2nd

4/0 none against; Motion carried unanimously.

- 6.6. Discussion/Action:** Take the necessary action for the City Secretary to become the City's Notary. (Alderman Lackey).

Mayor Simmerman asked if Ms. Hardman was already a Notary? Response: Yes. When renewal comes, the city will pay for renewal.

Alderman Hardy made the notion to appoint the City Secretary as City's Notary.

Alderman Crocker 2nd

4/0 none against; the Motion carried unanimously

- 6.7. Discussion/Action:** City Secretary take the Open Meetings Act training; as well as ALL City employees take the Public Information Act Training (if they have not yet); and

Appoint the City Secretary as the Officer of Public Information for the "City Side" (As the Court Clerk serves as the Officer of Public Information for the "Court Side" and the Chief of Police, serves as The Officer of Public Information for the "PD".) (Alderman Lackey)

Alderman Crocker made the motion to appoint the City Secretary as the Officer of Public Information for the City Side; and that she must complete Open Meetings as well as Public information Act training; further that ALL employees complete the Public Information Act Training

Alderman Mobley 2nd

4/0 none against; the Motion carried unanimously

- 6.8. **Discussion:** Bonding of Court Clerk; Utility Clerk and City Secretary. Any employee that handles funds for the City of Cumby. Review costs and “actions” if bonded or if not bonded. (Alderman Lackey).

This was an item requested by Alderman Lackey; she is not present so can only surmise the reason for this request. Bond ensures specific incident acting as an employee covered up to \$1M; this coverage would go through a risk management bonding service; it is not held within other liability coverage with TML.

The City Secretary was asked to come back with costs / rates and more information.

- 6.9. **Discussion/Action:** Ordinance No. 2021-11-10, Section 2, Fees, Deposits, & Notices, Service Calls; recommend that City add Maintenance start and end date / time on Work Order forms. (Alderman Lackey)

City Secretary provided a recap provided was that Order Forms; and it was easy enough to add; Mayor Simmerman said he will talk to Maintenance supervisor

7. NEW BUSINESS

7.1. NONE

8. **ADJOURNMENT** – There being no other business, the meeting was adjourned at 7:57pm on March 8, 2022.

Douglas Simmerman, Mayor

ATTEST:

Betty Jo Hardman, City Secretary

**City of Cumby
Unpaid Bills Detail
As of April 11, 2022**

Type	Date	Num	Due Date	Aging	Open Balance
7-H Construction Company					
Bill Pmt -Check	04/26/2021	1003			-44,059.00
Bill Pmt -Check	04/28/2021	1007			-5,000.00
Bill Pmt -Check	06/02/2021	1008			-30,316.50
Bill Pmt -Check	08/20/2021	1010			-126,179.00
Bill Pmt -Check	08/31/2021	1012			-3,545.50
Total 7-H Construction Company					-209,100.00
Alliance Document Shredding, Inc.					
Bill	03/30/2022	Inv 54...	04/29/2022		59.95
Total Alliance Document Shredding, Inc.					59.95
Ana Lab Corporation					
Bill	03/31/2022	Inv A0...	04/30/2022		83.00
Total Ana Lab Corporation					83.00
AT&T Mobility					
Bill	03/06/2022	28725...	04/05/2022	6	184.77
Total AT&T Mobility					184.77
Atmos Energy					
Credit	05/11/2021	30326...			-386.38
Bill	12/08/2021	Acct 3...	12/08/2021	124	463.22
Bill	12/08/2021	1/2 py...	12/18/2021	114	835.00
Total Atmos Energy					911.84
AVR, Inc.					
Bill	04/04/2022	Inv 03...	05/04/2022		120.50
Total AVR, Inc.					120.50
Bobkat Enterprises, Inc.					
Credit	10/31/2021	2111-...			-11.79
Credit	10/31/2021	CR st...			-23.48
Bill	02/23/2022	Inv 22...	03/10/2022	32	44.15
Bill	03/09/2022	Inv 22...	03/24/2022	18	52.97
Bill	03/15/2022	Inv 22...	03/30/2022	12	77.77
Bill	03/22/2022	Inv 22...	04/06/2022	5	57.99
Bill	03/24/2022	Inv 22...	04/08/2022	3	49.97
Total Bobkat Enterprises, Inc.					247.58
Card Service Center					
Bill	04/03/2022	02/25-...	04/18/2022		1,629.72
Total Card Service Center					1,629.72
Constellation Energy					
Bill Pmt -Check	02/25/2022	28289			-5,365.32
Bill	02/25/2022	02/22-...	02/25/2022	45	5,365.32
Bill	02/28/2022	2020 ...	02/28/2022	42	133,838.22
Bill	03/28/2022	Stmt 6...	04/15/2022		4,146.87
Total Constellation Energy					137,985.09
Cumby Telephone					
Bill	04/01/2022	04390...	04/11/2022		64.22
Bill	04/01/2022	04390...	04/11/2022		243.09
Bill	04/01/2022	04390...	04/18/2022		131.94
Total Cumby Telephone					439.25
D & E Discount Auto Supply					
Bill	03/24/2022	Inv 14...	04/03/2022	8	28.00
Bill	03/26/2022	Inv 14...	04/05/2022	6	291.84
Bill	03/26/2022	Inv 14...	04/05/2022	6	46.14

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City of Cumby Unpaid Bills Detail As of April 11, 2022

Type	Date	Num	Due Date	Aging	Open Balance
Total D & E Discount Auto Supply					365.98
DPC Industries					
Bill	03/21/2022	Inv 79...	04/20/2022		399.59
Total DPC Industries					399.59
ELLEN BAILEY					
Bill Pmt -Check	08/15/2019	25854			-278.00
Bill	10/04/2021	INV 2...	10/14/2021	179	278.00
Total ELLEN BAILEY					0.00
Griffin Communications & Security					
Bill	04/01/2022	Inv. 12...	04/15/2022		170.00
Total Griffin Communications & Security					170.00
Hall Oil Company					
Bill	03/22/2022	Inv 12...	03/22/2022	20	1,566.63
Bill	04/04/2022	Inv. 12...	04/14/2022		1,064.48
Total Hall Oil Company					2,631.11
i3-Bearcat, LLC					
Bill	04/07/2022	Cumb...	04/15/2022		8,933.34
Total i3-Bearcat, LLC					8,933.34
Leigh Thompson					
Bill Pmt -Check	01/04/2022	28190			-2,225.00
Total Leigh Thompson					-2,225.00
Lower Colorado River Authority					
Bill	03/30/2022	Inv LA...	04/29/2022		491.00
Total Lower Colorado River Authority					491.00
Matheson Tri-Gas, Inc.					
Bill	03/31/2022	Inv 00...	04/30/2022		62.32
Total Matheson Tri-Gas, Inc.					62.32
Northeast Texas Disposal					
Bill	11/27/2018	18800	12/27/2018	1201	3,060.00
Bill	12/04/2018	18641	01/03/2019	1194	2,470.00
Bill	12/05/2018	17233	01/04/2019	1193	420.00
Bill	12/11/2018	18801	01/10/2019	1187	3,415.00
Bill	12/21/2018	18804	01/20/2019	1177	4,020.00
Bill	01/02/2019	21086	02/01/2019	1165	2,900.00
Total Northeast Texas Disposal					16,285.00
O'Reilly Auto Parts					
Credit	11/05/2020	0372-...			-18.00
Total O'Reilly Auto Parts					-18.00
Omnibase Services of Texas					
Bill	04/07/2022	Report...	04/15/2022		1,001.07
Total Omnibase Services of Texas					1,001.07
Pitney Bowes					
Bill	04/04/2022	Inv Cu...	05/04/2022		83.97
Total Pitney Bowes					83.97
Public Management, INC					
Bill Pmt -Check	04/26/2021	1004			-6,000.00
Bill Pmt -Check	03/10/2022	1014			-6,000.00

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City of Cumby Unpaid Bills Detail As of April 11, 2022

Type	Date	Num	Due Date	Aging	Open Balance
Bill	01/20/2022	ARPA...	02/28/2022	42	1,800.00
Total Public Management, INC					-10,200.00
Purchase Power					
Bill	03/16/2022	Feb 2...	04/15/2022		137.37
Total Purchase Power					137.37
Quill Corporation					
Bill	03/10/2022	Inv. 23...	04/09/2022	2	86.97
Bill	03/23/2022	Inv 23...	04/22/2022		286.90
Total Quill Corporation					373.87
Republic Services					
Bill	03/26/2022	Inv 00...	04/05/2022	6	4,652.28
Total Republic Services					4,652.28
Texas Municipal League					
Bill	04/01/2022	2022 -...	04/11/2022		7,597.75
Bill	04/05/2022	Memb...	04/15/2022		591.00
Total Texas Municipal League					8,188.75
Texas Tank Services					
Bill	04/01/2022	Inv 3033	04/16/2022		2,832.17
Total Texas Tank Services					2,832.17
The C T Brannon Corporation					
Bill Pmt -Check	04/27/2021	1005			-5,450.00
Bill Pmt -Check	06/02/2021	1009			-2,050.00
Bill Pmt -Check	08/20/2021	1011			-4,100.00
Bill Pmt -Check	03/10/2022	1015			-3,525.00
Total The C T Brannon Corporation					-15,125.00
Underground Utility Supply					
Credit	02/15/2022	CR 24...			-2,048.00
Bill	11/30/2021	Inv. 24...	12/30/2021	102	255.92
Bill	12/13/2021	Inv 24...	01/12/2022	89	330.34
Bill	12/28/2021	Inv 24...	01/27/2022	74	597.60
Bill	01/04/2022	Inv. 24...	02/03/2022	67	192.83
Bill	01/10/2022	Inv 24...	02/09/2022	61	1,182.10
Bill	01/31/2022	Inv 24...	03/02/2022	40	128.96
Bill	01/31/2022	Inv 24...	03/02/2022	40	505.38
Bill	01/31/2022	Inv 24...	03/02/2022	40	70.00
Total Underground Utility Supply					1,215.13
TOTAL					-47,183.35

59.95 +
83.00 +
184.77 +
911.84 +
120.50 +
247.58 +
1,629.72 +
137,985.09 +
439.25 +
365.98 +
399.59 +
170.00 +
2,631.11 +
8,933.34 +
491.00 +
62.32 +
16,285.00 +
16.00 -
1,001.07 +
83.97 +
137.37 +
373.87 +
4,652.28 +
8,188.75 +
2,832.17 +
1,215.13 +
189,466.656 +
189,466.65 +
137,985.09 -
51,481.566 +
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City of Cumby
Profit & Loss
 October 2021 through March 2022

	Oct '21 - Mar 22
Ordinary Income/Expense	
Income	
Public Grant Funds	34,143.05
Subdivision Fees - PD	990.00
Fines	298,724.12
Interest Earned	8.60
Misc Revenues - Utility	750.00
Property Sale	14,700.00
Public Safety Department	
Accident Report	40.00
Training	725.85
Total Public Safety Department	765.85
Tax & Franchise Fees	
Property Tax	53,630.00
Sales Tax	34,264.41
Tax & Franchise Fees - Other	4,083.53
Total Tax & Franchise Fees	91,977.94
Water - Sewer	
Garbage Revenue	17,968.48
Late Fee	2,971.97
Sales Tax Collected	1,515.49
Service Fee Collected	70.00
Sewer Revenue	27,274.78
Water Revenue	
Water Deposits Applied	240.00
Water Revenue - Other	51,038.40
Total Water Revenue	51,278.40
Water - Sewer - Other	496.47
Total Water - Sewer	101,575.59
Water Deposit	3,109.60
Total Income	546,744.75
Gross Profit	546,744.75
Expense	
Jury Duty	168.00
CDBG	39,075.50
Reconciliation Discrepancies	-0.01
Administration	
Fire Dpt utilities	0.00
Late Fees & Interest	1,526.60
Reimbursement for Travel/Gas	56.00
Office Expense	831.85
Election	4,423.34
Insurance	9,162.44
Legal Fees	2,525.00
Maintenance	62.50
Mayor/Council Monthly Fee	1,290.99
Membership	144.84
Office Supplies	3,840.81
Postage	192.69
Property Tax Fees	2,961.44
Public Notice	995.95
Software	266.09
Subscription	61.99
Technology	4,440.76
Telephone	620.60
Utilities	28,333.42

City of Cumby
Profit & Loss
 October 2021 through March 2022

	Oct '21 - Mar 22
Total Administration	61,737.31
Debt Service	
Payment Processing Center	200.00
TWDB Bond	69,975.50
Total Debt Service	70,175.50
Municipal Court	
Legal Reference Material	312.48
Collection Service Fee	34,351.69
Judge	1,306.48
Legal Fees	1,600.00
Office Expense	661.61
Postage	230.90
Security	1,020.00
Software Update	5,500.00
State Fees	43,864.34
Technology	2,829.40
Telephone	1,436.83
Travel & Training	100.00
Utilities	25,320.13
Municipal Court - Other	-72.62
Total Municipal Court	118,461.24
Park Improvements	
Utilities	33.98
Maintenance	1,606.25
Total Park Improvements	1,640.23
Payroll Expenses	
PENSION EXPENSE	11,348.48
Payroll Expenses - Other	218,362.30
Total Payroll Expenses	229,710.78
Public Safety	
Utilities	0.00
Education	150.00
Police Department	
Postage	5.00
Technology	9,918.49
Reimbursement	1,047.86
Legal Fees	184.50
Auto Repair & Maintenance	12,485.93
Automobile Purchase	17,370.00
Equipment	2,516.51
Equipment Repairs	167.48
Fuel	13,265.07
License & Support	40.63
Office Supplies	541.34
Telephone	1,647.74
Testing Supplies	78.00
Training	22.43
Uniforms	78.19
Utilities	20,320.13
Police Department - Other	-4.07
Total Police Department	79,685.23
Total Public Safety	79,835.23
Public Works	
Debris Cleanup	650.00
Street Repair	2,775.00

City of Cumby
Profit & Loss
 October 2021 through March 2022

	Oct '21 - Mar 22
Total Public Works	3,425.00
Training Expenditure	30.42
Water Deposit Refund	125.59
Water/Sewer	
Technology	164.58
Bank Fee	12.00
Public Notice	336.85
Membership	866.00
UTILITY Cash Drawer	71.96
Lift Station	550.00
Water Meters	1,000.00
Mowing	227.99
Office Assitance	31.98
Automobile Repairs	1,102.70
Chemicals	2,253.29
Deposit Refund	786.49
Equipment Repairs	0.00
Fuel	972.60
Garbage Collection Fee	28,971.62
Lab Fees	426.92
Legal Fee	125.00
Maintenance	26,037.47
Mileage	44.80
Office Supplies	1,154.83
Operating Supplies	5,141.12
Permit	2,963.45
Postage	1,088.60
Sales Tax Paid	2,621.28
Software	1,211.35
Telephone	834.75
Testing	982.00
Uniforms	18.80
Utilities	84,176.93
Water/Sewer - Other	1,681.16
Total Water/Sewer	165,856.52
Total Expense	770,241.31
Net Ordinary Income	-223,496.56
Net Income	-223,496.56

Public Works

MARCH 4 2022 - APRIL 4 2022

* Daily ROUTINES

READ WELLS Daily Pump checks
and documentation CHECK CHLORINE
Residuals

Check LIFT stations an WWTP
Clean bar screen an document

* WATER

Repair 4 inch water main contractor
bored into. close to bamboo Road + I-30
~~meet~~ meet Kurt Hanson about Leak 200 Mill
St.

Finish material list an working on Permit
for boring underneath JTS^s appx 400 Block

TRYING to locate water line for
Phipp. Tap. water + SEWER

APPX 23 hours on Reports for city
Council. - for meters

Generator P.M.

* WASTE WATER

Clean up at Plant

Pick up New 2 in Pump for LISA

Raid DIFFERENT SEWERS

Ran line on 1st an FRISCO looking for collapse.

~~Called in~~ called in for Locates.

Generator P.M.

* WORK ORDERS

Completed 30 Daily work orders

17 meter work order

11 work orders issued through city Hall
mow + weed eat. Green Lift Stat. Mt R. Lift stat

well 2+3+4+5

working on sewer Plant today.

Leak investigation + Locates on Barker St.

Flush valves + Documentation

METER Report for city Council
for month of March

RG3 - Read meters	356
RG3 un Read meters	51
Manual Reads * (will increase by me)	24
TRASH	30
Duplicate Accounts	2 - minimum
Churches	4 - no bills
March 1 to March 31	19 19 Repaired meter
acct's That need to be deleted.	2
radio Reads that ARE actual manual	1
city meters	6?
vacant That are on List - un Read.	6

4-7-22. Y.D.

FYI
(one hour) +/-
to prepare...
each month



Cumby Police Department

March 2022 Activity Report

Calls for Service	253
Warning Citations	64
Citations	68
Total Traffic Contacts	133
Crash Reports	3
Incident Reports	1
Offense Reports	9
Arrests	3

- We still have 2 fulltime Police Officer vacancies
 - Interviews are scheduled for this week
- The numbers on this monthly report are inaccurate due to the loss of service by AT&T for 3G network and hotspot capability. New hotspot cards are due in any day now.
 - Officers are using personal cell phones as hotspots in order to use some of our electronic capabilities and ease the load on the court.
- Awaiting updated list of active city ordinances, several residences have been observed for possible violations.

- Two patrol vehicles that have been in the shop, are now back and will be placed into active duty soon. This will allow for some much-needed maintenance on remaining vehicles.
 - I was able to save a lot of money by getting some equipment donated to us by my agency contacts.
- National Night Out packet has arrived, and we are registered again for this year. Amanda Horne has agreed to assist with this again and I expect it to be an even larger success than last year.

Should anyone have any questions, comments, or concerns regarding the Police Department, please visit with Chief Hundley directly to avoid any here say and/or rumor control. Thank you.

CUMBY MUNICIPAL COURT DEPOSIT REPORT

DEPOSIT DATE March 2022 DATE RANGE 3.1 - 3.28 - 2022
monthly

TOTAL OF ONLINE PAYMENTS =	TOTAL OF MONEY ORDERS =	TOTAL PAYMENTS=
41,824.12	13,136.40	54,960.52
- GHS 8,805.42	- SECURITY 628.87	
- STATE 12,990.25	- TECHNOLOGY 582.30	
- OMNI 312.06		
- JUVY/TRUANCY FUND 498.02		
- JURY FUND 9.91		
= TRANSFERABLE TO GENERAL 19,208.46	= DEPOSIT TO GENERAL 11,925.23	TOTAL DEPOSIT= 31,133.69
	= % 56.6 %	

PROCESSED BY R. Crahan

DATE 4.1.2022

CITY OF CUMBY
BUILDING PERMIT REPORT
APRIL 12, 2022

1. Commercial Building Permit Issued: Our agent for BV had surgery which put City behind on tracking this project. We spent time tracking; discussing the project with BV Plan personnel; and then catching the actual newly assigned inspector up to date.
 - a. BV issued follow-up and requirements outstanding to builder 03/28/2022. Remaining Permits to be filed: Mechanical, Electrical, Plumbing, and other finish-out per information communicated to owner / builder. Code Enforcement as well as Maintenance will continue to watch this project as it progresses.
2. Residential Permit:
 - a. Residential Permit Packet provided to: Mr. Sergio Mendez. He submitted building plans (one copy and will bring another), completed the application and will send in his MEP Contractors to complete permit forms. Permit Package fee pending (\$50.00)
 - b. Residential Permit Packet provided to: Ms. Cindy Makovicke, purchased the 228 Commerce property (old ag farm area); plans are to build a Bardominium;
 - c. Residential Permit Packet provided for Remodel scheduled at 401 Mill Street, City of Cumby
3. Contractor Registration:
 - a. Received one complete package for Electrical Engineer
4. Many calls:
 - a. permits that City of Cumby does not yet have in place:
 - i. Boring Permit: Right of way for Spectrum contractor(s) laying fiber cable (nothing needed as they had permits from State / Federal.
 - ii. Solar Panel: Instructed them to use 2015 ICC International Building Code Electrical requirements (minimum)
 - b. Determine location of 5 properties (city or not city) to then relay information as to City Limits or not City Limits.
 - i. Maintenance has assisted in this and responded to Work Orders tracking down “where locations are”
5. Process:
 - a. Prepared a new Contractor Registration Form (attached)

*Time requirement on City Secretary is increasing and now at approximately one-day (+/-) each week. I will track and keep City Council apprised as to time requirement as these continue to increase.

MONTH	CITY	COUNTY	ACREAGE	GRASS FIRE	CAR FIRE	STRUCTURE FIRE	MEDICAL	MVA	INVESTIGATION / STAND BY	WATER USAGE	MAN/HOURS
JAN	11	25	34.5	11	1	4	13	3	4	3150	150.43
FEB	13	38	32.1	10	1	5	10	8	17	3849	151.37
MAR	10	30	71.75	15	0	4	11	8	2	9120	151.58

EXECUTIVE SESSION

OLD BUSINESS

Recommend: \$10,000 (minimum)

The \$10K is the lowest bond that can be purchased.
The surety bond must be on the individual – not on the “position”

The annual cost is based on face value; example \$50 for \$10K; \$1000 for \$100K. The total cost is less if taken out for multiple years.

The surety bond covers the city as well as the individual against fines, wrongful acts, competent performance, performance issues.

Should an employee leave during coverage, the policy can of course be terminated; the city would receive a refund on remaining coverage (if any); and a new bond issued on the next individual taking the position.

NOTARY:

A Notary Public is a public servant with statewide jurisdiction who is authorized to take acknowledgments, protest instruments permitted by law to be protested (primarily negotiable instruments and bills and notes), administer oaths, take depositions, and certify copies of documents not recordable in the public records.

A Notary Public is personally liable for negligence or fraud in the performance of the duties of the office. The bond is to insure that the person injured can recover at least \$10,000.00, but this does not protect the Notary Public from personal liability for the full extent of damages caused by a breach of official duty. In addition to civil liability, Notaries Public may be subject to criminal prosecution and the revocation or suspension of their notary public commission by the Secretary of State's office.

PUBLIC OFFICIAL:

A public official bond guarantees the honesty and faithful performance of a public official's duties as prescribed by law or regulation, including the honest account of all monies entrusted to the official according to the law. Public Official bonds are generally for the protection of the taxpayers and the penalty or amount of the bond should be adequate to protect these interests. In the event that those duties are not fulfilled, the obligation to indemnify the public for any loss, regardless of how the loss occurred, rests solely upon the Public Official, to the point of pledging all of his or her personal assets. It is only when the Public Official fails to meet this obligation that the surety is exposed to loss. The key areas of bond obligation revolve around Competent Performance, Wrongful Acts and Responsibility for acts of subordinates

These bonds assure the recovery of fines, fees, and or expenses, levied by state regulators for non-compliance with state regulations and ordinances. These bonds also assure recovery of losses incurred, that result from a public official's non-compliance with these regulations.

Unlike an insurance policy, the bond does not step in and pay losses for you. The bond guarantees that you will be able to pay any losses up to the face amount of the bond. The bond will only pay in your stead in the event that you are financially unable to meet your obligations.

Respectfully submitted,

Betty Jo Hardman
City Secretary

CITY ORDINANCE NO. O-2022-04-005

AN ORDINANCE OF THE CITY COUNCIL OF CUMBY, TEXAS AMENDING ORDINANCES O-2022-02-005 ESTABLISHING A MUNICIPAL COURT LOCAL TRUANCY PREVENTION AND DIVERSION FUND AND A MUNICIPAL COURT JURY FUND; AND ORDINANCE 2002-4 ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; BY COMBINING ALL MUNICIPAL COURT FUNDS INTO ONE ORDINANCE, ORDINANCE O-2022-04-005 TO INCLUDE: A MUNICIPAL COURT LOCAL TRUANCY PREVENTION AND DIVERSION FUND, A MUNICIPAL COURT JURY FUND; A MUNICIPAL SECURITY FUND (established November 2006); A MUNICIPAL STATE FUND (established November 2006); AND, A MUNICIPAL TECHNOLOGY FUND (established November 2006);; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

WHEREAS, Article 134.103 of the Texas Local Government Code provides for the treasurer to allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages: a courthouse security fund or municipal court security fund 35%, as appropriate; the local truancy prevention and diversion fund 35.7143%; the justice court technology fund or municipal court technology fund, as appropriate 28.5714%, and the county or municipal jury fund, as appropriate 017143%.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CUMBY, TEXAS:

SECTION 1. Establishment of a Municipal Court Truancy Prevention and Diversion Fund, a Municipal Jury Fund, a Municipal Security Fund, a Municipal State Fund and a Municipal Technology Fund. This Ordinance is hereby approved to establish and/or retain existing Municipal Court Truancy Prevention and Diversion Fund, a Municipal Jury Fund, a Municipal Security Fund (established November 2006), a Municipal State Fund (established November 2006) and a Municipal Technology Fund (established November 2006), pursuant to Section 134.103 of Texas Statutes.

SECTION 2. Designated Use of Fund(s) and Administration. The Funds shall be used only for the purpose of Truancy Prevention and Diversion matters, Jury matters, Municipal Security matters, Municipal State matters and Municipal Technology matters respectively.

The Fund(s) shall be administered by or under the direction of the City Council of the City of Cumby, Texas and may at their discretion be deposited into interest bearing account(s), unless otherwise directed by law.

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Cumby, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 4. Publishing and Effective Date. City Ordinance O-2022-04-005 shall be in full force and effect on April 12, 2022, in accordance with the provisions of the Texas Statutes Section 134.103.

SECTION 5. Open Meetings. It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED and APPROVED by the City Council of the City of Cumby the _____ day of _____, 2022.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

APPROVED as to FORM

Charles Anderson, City Attorney

LOCAL GOVERNMENT CODE

TITLE 4. FINANCES

SUBTITLE C. FINANCIAL PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 134. CRIMINAL FEES PAYABLE TO LOCAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 134.001. PURPOSE. The purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in criminal matters by:

- (1) an officer of a court for deposit in a county or municipal treasury; or
- (2) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.002. DEFINITIONS. (a) In this chapter:

- (1) "Fee" means a criminal fee listed under Section 134.003.
- (2) "Treasurer" means the custodian of money in a municipal or county treasury, as appropriate.

(b) In this chapter, a person is considered to have been convicted in a case if:

- (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication, or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.003. CRIMINAL FEES. This chapter applies to the criminal fees imposed under Sections 134.101, 134.102, and 134.103.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CRIMINAL FEES

Sec. 134.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES. (a) A court clerk shall collect and remit to the county or municipal treasurer, as applicable, all fees in the manner provided by this section.

(b) An officer collecting a fee in a case in municipal court shall remit the money to the municipal treasurer for deposit in the municipal treasury.

(c) An officer collecting a fee in a justice, county, or district court shall remit the money to the county treasurer for deposit in the county treasury.

(d) A court clerk collecting a fee shall remit the money to the municipal or county treasurer, as applicable, for deposit in the municipal or county treasury, as appropriate.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.052. ALLOCATION OF DEPOSITED FEES. (a) Money collected under Subchapter C as court costs imposed on offenses committed on or after January 1, 2020, shall be allocated according to the percentages provided by Sections 134.101, 134.102, and 134.103, as applicable.

(b) Money collected under Subchapter C as court costs imposed on offenses committed before January 1, 2020, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

SUBCHAPTER C. LOCAL CRIMINAL FEES

Sec. 134.101. LOCAL CONSOLIDATED FEE ON CONVICTION OF FELONY. (a) A person convicted of a felony shall pay \$105 as a court cost, in addition to all other costs, on conviction.

(b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the

extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the clerk of the court account	38.0953 percent;
(2) the county records management and preservation fund	23.8095 percent;
(3) the county jury fund	0.9524 percent;
(4) the courthouse security fund	9.5238 percent;
(5) the county and district court technology fund	3.8095 percent;
	and
(6) the county specialty court account	23.8095 percent.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.102. LOCAL CONSOLIDATED FEE ON CONVICTION OF CLASS A OR B MISDEMEANOR. (a) A person convicted of a Class A or Class B misdemeanor shall pay \$123 as a court cost, in addition to all other costs, on conviction.

(b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the clerk of the court account	32.5203 percent;
(2) the county records management and preservation fund	20.3252 percent;
(3) the account for prosecutor's fees	16.2602 percent;

(4) the county jury fund	0.8130 percent;
(5) the courthouse security fund	8.1301 percent;
(6) the county and district court technology fund	3.2520 percent;
(7) the court reporter service fund	2.4390 percent; and
(8) the county specialty court account	16.2602 percent.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.103. LOCAL CONSOLIDATED FEE ON CONVICTION OF NONJAILABLE MISDEMEANOR. (a) A person convicted of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, shall pay \$14 as a court cost, in addition to all other costs, on conviction.

(b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the courthouse security fund or municipal court building security fund, as appropriate	35 percent;
(2) the local truancy prevention and diversion fund	35.7143 percent;
(3) the justice court technology fund or municipal court technology fund, as appropriate	28.5714 percent; and
(4) the county or municipal jury fund, as appropriate	0.7143 percent.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CRIMINAL FEES

Sec. 134.151. MAINTENANCE OF FUNDS AND ACCOUNTS. (a) A county or municipal treasurer, as applicable, shall maintain in the county or municipal treasury a fund or account to which money is allocated under Section 134.101, 134.102, or 134.103, to the extent that the fund or account is not required by other law. Money in an account maintained under this section may be used only for the purposes provided by this subchapter.

(b) An account or fund maintained under this section in a county treasury may be administered by or at the direction of the county commissioners court.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.152. CLERK OF THE COURT ACCOUNT. Money allocated under Section 134.101 or 134.102 to the clerk of the court account maintained in the county treasury as required by Section 134.151 may be used by a county only to defray costs of services provided by a county or district clerk.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.153. COUNTY SPECIALTY COURT ACCOUNT. Money allocated under Section 134.101 or 134.102 to the county specialty court account maintained in the county treasury as required by Section 134.151 may be used by a county only to fund specialty court programs established under Subtitle K, Title 2, Government Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.154. COUNTY OR MUNICIPAL JURY FUND. Money allocated under Section 134.101, 134.102, or 134.103 to the county or municipal jury fund maintained in the county or municipal treasury, as applicable, and as required by Section 134.151 may be used by a county or municipality only to fund juror reimbursements and otherwise finance jury services.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.155. COUNTY RECORDS MANAGEMENT AND PRESERVATION FUND. Money allocated under Section 134.101 or 134.102 to the county records management

and preservation fund maintained in the county treasury as required by Section 134.151 may be used by a county only to fund records management and preservation services performed by the court clerk.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.156. LOCAL TRUANCY PREVENTION AND DIVERSION FUND. (a) Money allocated under Section 134.103 to the local truancy prevention and diversion fund maintained in the county or municipal treasury as required by Section 134.151 may be used by a county or municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056, Code of Criminal Procedure. If there is money in the fund after those costs are paid, subject to the direction of the governing body of the county or municipality and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

(b) Money in the fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

Sec. 134.157. ACCOUNT FOR PROSECUTOR'S FEES. Money allocated under Section 134.102 to the account for prosecutor's fees maintained in the county treasury as required by Section 134.151 may be used by a county only to defray the costs of services provided by a prosecutor.

Added by Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.05, eff. January 1, 2020.

NEW BUSINESS

RESOLUTION R-2022-04-1002

A RESOLUTION MADE BY THE CITY COUNCIL OF THE CITY OF CUMBY TEXAS AUTHORIZING DAUGHTERS OF BLACKJACK GROVE TO INSTALL A PERMANENT STAGE IN THE CITY PARK OF THE CITY OF CUMBY

WHEREAS, Daughters of Blackjack Grove is a 501c3 community organization holds two to three events each year raising funds in support of the City Park, City of Cumby;

WHEREAS, the City Council of the City of Cumby recognizes that it would be an attribute to add permanent stage to the City of Cumby City Park, creating a permanent space for all events scheduled to hold and is an asset for city residents;

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Cumby authorizes the Daughters of Blackjack Grove to design and have constructed a permanent (metal) stage in the City Park, City of Cumby;
2. The City Council of the City of Cumby understands that the Daughters of Blackjack Grove will hire, pay and work with a contractor to ensure sound construction and installation of the permanent metal stage; and
3. The final Building Design of the permanent (metal) stage will be submitted to City of Cumby City Council for review and approval prior to construction.

PASSED AND APPROVED by the City Council of the City of Cumby this the _____ day _____, 2022.

Douglas Simmerman, Mayor

ATTESTED:

Betty Jo Hardman, City Secretary

ORDINANCE NO: O-2022-04-003

AN ORDINANCE OF THE CITY COUNCIL OR THE CITY OF CUMBY TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF CUMBY, HOPKINS COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS:

SECTION 1. GRANT OF AUTHORITY: The City of Cumby, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2047.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot

otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.

- B. If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. In the event that the City does not provide sufficient written notice to Atmos Energy as set forth in this paragraph, the City

shall be responsible for fifty percent (50%) of the cost of the removal or relocation of Atmos Energy's facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
- D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE: In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or

omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 5. PAYMENTS TO CITY:

A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1st day of November, 2022, and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 1st day of November, 2047, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B. below, received by Atmos Energy during the preceding calendar year.

B. "Gross Revenues" shall mean:

- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
- (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
- (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division,

as reasonably near the time as the transportation service is performed; and

(4) "Gross Revenues" shall also include the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.

(5) "Gross Revenues" shall not include:

- (a) revenues billed but not ultimately collected or received by Atmos Energy;
- (b) contributions in aid of construction;
- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax and franchise fees paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2022, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's

obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

- F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.
- G. City shall within thirty (30) days of final approval, give Company notice of annexations and disannexations of territory by the City, which notice shall include a map and addresses, if known. Upon receipt of said notice, Company shall promptly initiate a process to reclassify affected customers into the city limits no later than sixty (60) days after receipt of notice from the City. The annexed areas added to the city limits will be included in future franchise fee payments in accordance with the sales tax effective date of the annexation if notice was timely received from City. Upon request from City, Company will provide documentation to verify that affected customers were appropriately reclassified and included for purposes of calculating franchise fee payments. In no event shall the Company be required to add premises for the purposes of calculating franchise payment prior to the earliest date that the same premises are added for purposes of collecting sales tax.

SECTION 6. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 7. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of

this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 8. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of July 1, 2022.

PASSED AND APPROVED on this the _____ day of _____, 2022.

ATTEST:

Betty Jo Hardman, City Secretary

Douglas Simmerman, Mayor
City of Cumby, Texas

STATE OF TEXAS §
COUNTY OF HOPKINS §
CITY OF CUMBY §

I, Betty Jo Hardman, City Secretary of the City of Cumby, Hopkins County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Cumby, Texas, at a _____ session, held on the _____ day of _____, 2022, as it appears of record in the Minutes in Book _____, page _____.

WITNESS MY HAND AND SEAL OF SAID CITY, this the ____ day of _____, 2022.

Betty Jo Hardman, City Secretary
City of Cumby, Texas

January 31, 2022
City of Cumby
100 East Main Street

WE the residents of the Black Grove Addition, citizens of

Cumby present the City with this petition requesting that once the work on the Cumby School Track is completed M & R be repaired as promised.

Second M & R Drive remain a Dead-End Street

Third No parking Signs be place along all private property

Fourth a speed limit sign be posted.

Thank you,

Residents of the Black Grove Addition

PETITION REQUEST For

CITY OF CUMBY

Reason for petition

- :
1. M & R Drive be Repaired _____
 2. M & R Drive remain a Dead End Street _____
 3. NO PARKING SIGNS be placed along all private property _____
 4. Speed Limit Sign be placed on M & R Dtive _____
- _____
- _____
- _____
- _____

#	Printed Name	Address	Signature
1.	SHARON R Ward-Haet	105 M+R Drive, Cumby	Sharon R Ward-Haet
2.	Keith Newsom	107 M+R DR Cumby	Keith Newsom
3.	Christ Prueher Newsom	194 Mel Dr. Cumby, Va	Christ Prueher Newsom
4.	Marie Sue Strosser	102 M + R Dr. Cumby, Va	Marie Sue Strosser
5.	Jerry McBarney	103 M+R Drive Cumby	Jerry McBarney
6.	Wendy Ann	161 M3 E Drive Cumby, Va	Wendy Ann
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CITY OF CUMBY, TEXAS

RESOLUTION NO. R-2022-04-1003

A RESOLUTION OF THE CITY OF CUMBY, TEXAS APPOINTING THE AUDIT FIRM OF AS THE CITY OF CUMBY'S AUDIT FIRM; AUTHORIZING _____ TO ACT ON THE CITY'S BEHALF AS ITS AUDITOR.

WHEREAS, the City Council has the authority the City Charter to appoint by the affirmative vote of a majority City Council a competent, duly qualified licensed and practicing Auditor in the State of Texas to serve as the Municipal Auditor;

WHEREAS, the City Council desires that _____ to act on behalf of the City of Cumby as its Municipal Auditor;

WHEREAS, the City Council recognizes the benefits of designating _____ of the Auditing Firm of _____ as the City of Cumby's Municipal Auditor to include liability coverage offered as a result of the City's participation in the Texas Municipal League Intergovernmental Risk Pool;

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

That _____ is now designated as the City of Cumby's Municipal Auditor to serve with full authority in that capacity unless and until a majority of the full membership of the City Council votes otherwise; or their contract is complete.

PASSED AND APPROVED by a majority of the of the City Council of the City of Cumby, Texas, this the ____ day of _____, 2022.

ATTEST:

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

APPROVED as to FORM:

Charles Anderson, City Attorney

ORDINANCE NO: O-2022-04-006

AN ORDINANCE AMENDING ORDINANCE 2022-02-06 PROVIDING FOR CONTRACTOR REGISTRATION, PERMITTING AND YEARLY FEE; PROVIDING FOR RESIDENTIAL PLAN REVIEW AND COMMERCIAL PLAN REVIEW REQUIREMENTS AND FEES; PROVIDING FOR MOVING INSPECTION, NEW RESIDENTIAL PERMIT, RESIDENTIAL REMODEL, NEW COMMERCIAL, COMMERCIAL REMODEL AND/OR ALTERATION OF COMMERCIAL PROPERTY STRUCTURE, DEMOLITION, AND SIGN PERMIT REQUIREMENTS, TERMS AND FEES. ALSO ESTABLISHING THE LOGEVITY OF PERMITS ISSUED UNDER THIS ORDINANCE; ESTABLISHING A PENALTY FOR THE VIOLATION OF THE TERMS OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Mayor and City Council recognize the importance and necessity of amending the existing permit requirements, terms, and fees, and

WHEREAS, as authorized under law, and in the best interest of the citizens of Cumby, Texas, the Mayor and City Council deems it expedient and necessary to adopt this Ordinance amending the existing permit requirements, terms and fees;

WHEREAS, the Council finds that the City of Cumby will incur additional costs in regard to each item, such as setting up and maintaining files, administering proper billing and financial accounting, and having the files available for any needed City follow up inspections, and that these additional costs are at least 15% of the fees charged by the City's consultant.

NOW THEREFORE, BE IT ORDAINED:

SECTION 1, FINDINGS OF FACT. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2, REGISTRATION, LICENSURE, PLAN SUBMITTIONS AND REVW AND PERMIT REQUIREMENTS, TERMS AND FEES. The following is hereby adopted as effective and binding in and for the City of Cumby and is incorporated herein for all purposes.

A. ANNUAL CONTRACTOR REGISTRATION:

No Fee. (Fees are not allowed for Electrical, Plumbing, therefore, we are waiving for all contractors).

Each person who performs electrical, plumbing, heating/AC (HVAC), and general contractors are considered contractors and must register annually with the City of Cumby prior to beginning work. Contractor should be licensed in at least one of these areas; and must also provide copy of Licenses (if applicable); along with copy of driver's license and a Certificate of Insurance (COI).

Fees for all the following are considered to be the cost of service incurred by the City of Cumby, plus 15% administrative fee

- B. PLAN SUBMISSION AND REVIEW:** Residential House Plan and Commercial Plan Review. Two (engineered stamped) copies of Plans must be submitted to the City of Cumby. Plans must be submitted prior to receiving a permit. The Plan must be submitted at least ten (10) business days prior to the date the applicant intends to begin utilizing the permit; and the Plan must be approved by the building inspector prior to issuance of the requested permit(s).
- C. MOVING INSPECTION FEE:** Before any previously-constructed, fabricated, and/or used structure(s) intended for living and/or residential purposes, including but not limited to, homes constructed on-site, mobile homes, modular homes, and/or any other homes partially or totally constructed off-premises, as well as any other residences that are to be moved from either from one premise to another location within the city limits or one premise outside the city limits to inside the city limits of the City of Cumby, Texas, there must first be an inspection from the City of Cumby building inspector with a non-refundable fee as listed above to determine if the structure is structurally sound to move.
- D. PERMITS REQUIRED:** Permits are required for the following:
- i. NEW RESIDENTIAL PERMIT AND RESIDENTIAL REMODEL PERMIT:**
 - i. The permit fee includes one of each of the following inspections listed on Addendum A and attached hereto. This Addendum may be updated and made part of this Ordinance from time to time and will be published as required for City Ordinances.
 - ii. NEW COMMERCIAL PERMIT AND COMMERCIAL REMODEL PERMIT:**
 - i. The permit fee includes one of each of the following inspections listed on Addendum B and attached hereto. This Addendum may be updated and made part of this Ordinance from time to time and will be published as required for City Ordinances.
 - iii. ALTER EXISTING COMMERCIAL STRUCTURE PERMIT:** A determination at the time of Plan submission and review will be made as to the number of inspections, and increase, if any, to cost.
 - iv. DEMOLITION PERMIT:** No Fee for Residential Demolition (Permit is still required). All Plans submitted for issuance of a demolition permit must comply with the Asbestos Survey Requirements as part of Senate Bill 509, and the applicant must also file with the City of Cumby an Asbestos Affidavit Verification of Survey.
 - v. SIGN PERMITS.** In the event any work is started or proceeded without prior obtaining the necessary permit, the applicable above-specific fee shall be doubled to obtain the required permit. If a permit is denied, the sign content permit fee will be refunded.
- E. COST INCREASES:** In the event that additional inspections are required, as determined by the City of Cumby, the permit price will increase accordingly. The increased amount will be determined prior to the final inspection.
- F. LONGEVITY OF PERMITS:** All permits shall be valid for a term of 180 days from the date of the last inspection or from the date the permit was issued.

SECTION 3. PENALTY PROVISION. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00), unless the violation is related to fire safety, zoning, or public health and sanitation, including dumping and refuse, in which case the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Cumby from filing suite to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal laws.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All Ordinances, or other Policies of the City, or portions of those Ordinances and/or Policies, that are in conflict with the Provisions of this Ordinance shall be repealed unto the conflict only and shall otherwise remain in full force and effect.

SECTION 5. SEVERABILITY. Should any paragraph or part or section of this Ordinance be adjudged or held to be illegal or invalid, such severability shall not affect the validity or the remainder of the Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be of full force and effect immediately upon the adoption by the City Council.

ADOPTED AND APPROVED on this 12th day of April 2022.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

APPROVED as to Form

Charles Anderson, City Attorney

RESOLUTION R-2022-04-1004

A RESOLUTION OF THE CITY COUNCIL OF CITY OF CUMBY, TEXAS ESTABLISHING AN INTEREST-BEARING ACCOUNT FOR FUNDS RECEIVED FROM AMERICAN RECOVERY ACT GRANT PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

WHEREAS, the City Council of the City of Cumby recognizes its fiduciary responsibility in regard to managing funds for the City of Cumby;

WHEREAS, 1995 Texas legislature enacted the Public Funds Investment Act, which requires the City Council to adopt a written investment policy. Such policy being Policy _____ passed by the City Council _____

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CUMBY, TEXAS:

SECTION 1. City of Cumby City will establish an interest-bearing CD account for funds issued by the federal government in their ARPA Grant;

SECTION 2. The term of the CD account will be in 30-60-90 day increments as determined by the City Secretary and the Mayor based on when funds will be required honor payments due and payable as associated with approved ARPA “project”;

SECTION 3. Use of Fund(s) and Administration. The Funds shall be used only for the purpose of items approved under the American Recovery Act Plan and as agreed to by a quorum of the City Council of the City of Cumby;

SECTION 4. The Fund(s) shall be administered by or under the direction of the City Council of the City of Cumby, Texas.

SECTION 5. Severability. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Cumby, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 6. Publishing and Effective Date. Resolution R-2022-04-1003 shall be in full force and effect on April 12, 2022.

SECTION 7. Open Meetings. It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED and **APPROVED** by the City Council of the City of Cumby the _____ day of _____, 2022.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

APPROVED as to FORM:

Charles Anderson, City Attorney City of Cumby

3/15/22
 Council
 move to
 interest
 bearing acct

ALLIANCE BANK

CERTIFICATE OF DEPOSITS, SAVINGS AND MONEY MARKETS
BRANCH 05 & 06
EFFECTIVE DATE: 09/02/21
MEMBER FDJ.

RATES FOR CHECKING ACCOUNTS

	<u>CURRENT RATE & APY</u>	
STAR CLUB	0.05	0.05
CHKING W/INT	0.05	0.05
BUS. CHKING W/INT	0.05	0.05
FREEDOM ACCT	0.50	0.50
FREEDOM ACCT (on balances over \$25,000)	0.15	0.15
FREEDOM ACCT (if requirements are not met)	0.10	0.10

RATES FOR BUSINESS AND PERSONAL MONEY MARKET ACCTS

	<u>2,500.00 - 14,999.99</u>		<u>15,000.00 - 74,999.99</u>		<u>75,000.00 - 149,999.99</u>		<u>150,000.00 - 399,999.99</u>		<u>400,000.00 - 4,999,999.99</u>		<u>5,000,000.00 & ABOVE</u>	
	<u>RATE</u>	<u>APY</u>	<u>RATE</u>	<u>APY</u>	<u>RATE</u>	<u>APY</u>	<u>RATE</u>	<u>APY</u>	<u>RATE</u>	<u>APY</u>	<u>RATE</u>	<u>APY</u>
TIERED MM	0.10	0.10	0.10	0.10	0.15	0.15	0.20	0.20	0.25	0.25	0.40	0.40
BUS. TIERED MM	0.10	0.10	0.10	0.10	0.15	0.15	0.20	0.20	0.25	0.25	0.40	0.40

RATES FOR SAVINGS ACCOUNTS

	<u>CURRENT RATE & APY</u>	
VARIABLE SAVINGS	0.10	0.10
SAVINGS MINOR	0.10	0.10

RATES FOR CERTIFICATE OF DEPOSITS

	<u>CURRENT RATE & APY</u>	
3 MOS.	0.10	0.10
6 MOS.	0.20	0.20
12 MOS.	0.30	0.30
18 MOS.	0.35	0.35
24 MOS.	0.40	0.40
30 MOS.	0.40	0.40
36 MOS.	0.45	0.45
48 MOS.	0.45	0.45
60 MOS.	0.55	0.55

RATES FOR IRA CERTIFICATE OF DEPOSITS

	<u>CURRENT RATE & APY</u>	
TRADITIONAL IRA		
12 MOS.	0.30	0.30
18 MOS.	0.35	0.35
30 MOS.	0.40	0.40
60 MOS.	0.55	0.55
ROTH IRA		
12 MOS.	0.30	0.30
EDUCATION IRA		
12 MOS.	0.30	0.30

RESOLUTION R-2022-04-1007

A RESOLUTION OF THE CITY COUNCIL OF CITY OF CUMBY, TEXAS ESTABLISHING A PERMIT FUND CHECKING ACCOUNT FOR FUNDS RECEIVED IN THE PROCESSING OF COMMERCIAL OR RESIDENTIAL BUILDING PERMIT ACTIVITIES AND PURPOSES; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

WHEREAS, the City Council of the City of Cumby recognizes its fiduciary responsibility in regard to managing funds for the City of Cumby;

WHEREAS, Ordinance 2022-02-06 passed by the City Council regulating Building Permits and fees attached thereto;

WHEREAS, this resolution will apply to any future or amended version of Ordinance 2022-02-06 that may be passed by the City of Cumby City Council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CUMBY, TEXAS:

SECTION 1. City of Cumby City will establish a Permit Fund Checking Account for funds received and associated with the execution of Commercial or Residential permitting;

SECTION 2. Use of Fund(s) and Administration. The Funds shall be used only for the purpose of items approved under Building Permit Ordinances for the City of Cumby to pay fees charged to City of Cumby associated with the permitting process; and as agreed to by a quorum of the City Council of the City of Cumby;

SECTION 3. The Fund(s) shall be administered by or under the direction of the City Council of the City of Cumby, Texas.

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Cumby, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 5. Publishing and Effective Date. Resolution R-2022-04-1006 shall be in full force and effect on April 12, 2022.

SECTION 6. Open Meetings. It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED and **APPROVED** by the City Council of the City of Cumby the 12th day of April, 2022.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

APPROVED as to FORM:

Charles Anderson, City Attorney