

**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 June 14, 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; alderman4@cityofcumby.com; cumbyalderman5@gmail.com

The meeting agenda and agenda packet are posted online at www.cumbytx.com website.

- 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.**

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 Welcome to new aldermen: Ms. Amber Hardy, Place 1 and Ms. Katherine Flinn, Place 2
- o Thank you!! Sheryl Lackey for serving as Alderman 1 from 11/2021 to 05/2022.
- o November 8, 2022 Election for: MAYOR, ALDERMAN PLACE 1 AND PLACE 2.

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, May 10, 2022
- 6.2. Approval – 2022 May Financials
 - 6.2.1. Review Messer Fort & McDonald March / April 2022 Bill
 - 6.2.2. Repair for City Hall, Air Conditioner, Court-side & restructure vents in attic
- 6.3. Approval – 2021-2022 Vendor Balance Detail
- 6.4. Approval - Public Works Department Activity Report
- 6.5. Approval – Utility / Maintenance Work Order Update Reprot
- 6.6. Approval - Police Department Activity Report
- 6.7. Approval - Municipal Court Activity Report
- 6.8. Approval - Building Permit Activity Report
- 6.9. Fire Department Activity Report

7. OLD BUSINESS

- 7.1. **Discussion:** Alderman 4, Aly Crocker, Committee update regarding review of Ordinances / Resolutions
- 7.2. **Discussion:** Per the direction by Council in May, 2022, meeting, Cumby Municipal Court has connected with County Judge Newsom's office; inner-local agency agreement is in place; they will forward a copy of the document for Cumby files. Once secured, Cumby will send Truancy prevention diversion fund accumulated funds to Hopkins County auditor's office, Shanna Halsbrook, quarterly. All funds up to March 31, 2022, will be sent.

8. NEW BUSINESS

- 8.1. **Discussion:** New Aldermen seated May 16, 2022: Presentation by City Attorney regarding Open Meetings and (potential) Walking Quorum situations (Charles Anderson, City Atty)
- 8.2. **Discussion/Action:** Notice of Deadline to File Applications for Place on the Ballot (Mayor)
- 8.3. **Discussion/Action:** Resolution R-2022-06-1010 Calling for a General Election and Establishing the Procedure for the General Election for City Officers to be Held on November 8, 2022, in the City of Cumby, Texas; and Providing for Other Matters Related to the Election (Mayor)
- 8.4. **Discussion/Action:** Review Calendar for 2022-2023 Fiscal Year Budget and set Workshop date(s) (Mayor)
- 8.5. **Discussion/Action:** Resolution R-2022-06-1011 Amending City of Cumby Employee & Policy Manual as it Relates to: City of Cumby Participation with TML; Normal Working Hours, City Hall Staff and Maintenance Department Staff; Meal Periods; Overtime during a Week in which there is a City Holiday; Flex-time Work schedule (REMOVED); and Exempt Employees; Costs to the City Associated with Training programs for Staff; and Notification of Accident Incident to City Secretary (Mayor)
- 8.6. **Discussion/Action:** Ordinance O-2022-06-010 Repealing, revoking and replacing Ordinance No. 97-5; Establishing hours and use of Cumby City Park
- 8.7. **Discussion/Action:** Ordinance O-2022-06-011 Amending Drought Contingency Plan – City of Cumby, No. 2016-05-001

9. 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 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.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the June 10, 2022, at a place convenient and readily accessible to the general public at all times, and to the city's website, <https://www.cumbytx.com>, in compliance with Chapter 551, Texas Government Code.



Betty Jo Hardman

Betty Jo Hardman, City Secretary

**MINUTES
REGULAR MEETING
CITY COUNCIL
May 10, 2022.**

1. CALL MEETING TO ORDER @ 6:30pm

2. PLEDGE OF ALLEGIANCE AND INVOCATION by Mayor Simmerman

3. ROLL CALL & QUORUM REPORT – attending the meeting were:

Mayor Douglas Simmerman	(Holdover) Alderman Place 2, Amber Hardy
Alderman Place 3, Wayne Mobley	Alderman Place 4, Aly Crocker

4. PRESENTATION BY CITIZENS

- Don Bloom & Tommy Owens: They have recently purchased property off I-30 West and will be opening Great Outdoor RV. Presentation and brochures left (included as part of this council packet). Currently, have RV Dealership in Canton and sell Coachman and Catalina and Small and Sport Tech travel trailer; 5th wheel for ½ ton trucks and luxury; size: mid-teens to well over 100' – travel; self-contained. The segment of our population now interested in “RV’ing” is really growing. They have seen a boom in last couple of years; particularly with COVID. Once purchased, they will install a security fence; have scheduled to update and have survey of both properties. They will also construct a new-build two-bay shop close to where the Valero is located. They have had an electrician out who checked out electric. Some construction may be delayed but hope to build in the next two-1/2 months. They will also be offering mobile service as well.
- Regarding Signage: Existing is the frame that was at one time attached to hotel on the property. They will get it cleaned up; have a new face placed on the frame and use the existing structure. They wanted to ensure that the existing frame meets today’s ordinances? Once the survey is complete, they will be able to determine and confirm that the signage is on their property. The owner of the Valero, Rubal, has no issues with location. This will also remove the “eye-sore” as one travels down I-30 West.

5. CITY COUNCIL COMMENTS

- A Special Meeting will be held to swear in Alderman Place 1 and Place 2, May 16 @ 5:15 pm
- Thank Utility Clerk for time she put in to prepare the Work Order spread sheet for council
- May 30, 2022, is Memorial Day and City Hall will be closed

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, April 12, 2022

6.2. Approval – City Council Minutes, Special Meeting May 4, 2022

6.3. Approval – 2022 April Financials

6.4. Approval – Vendor Balance Detail (April 2022)

6.5. Public Works Department Activity Report

6.6. Police Department Activity Report

6.7. Municipal Court Activity Report

6.8. Building Permit Activity Report

6.9. Fire Department Activity Report

City Secretary commented regarding Financials: City is searching for a CPA; first one recommended did not have experience in QuickBooks. The problems appear to be associated with the CDBG Checking account not entered properly. All funds have been paid properly; the recordation in QuickBooks was not entered properly. Search continues and goal is to have CPA review / repair prior to next council meeting.

Alderman Crocker made motion to approve the Consent Agenda, with the amendments submitted by Holdover Alderman 1 to the April 12, 2022 Minutes (attached and made part of this report).

Alderman Mobley, 2nd the motion

3/0 none against motion carried

The Mayor broke the Regular Council meeting at 6:45 for Executive Session:

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. § 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: Security Systems for City Hall.

7.1.2. Discussion: § 551.089 Deliberation regarding Security Devices for Municipal Court Proposed Security System. (Alderman Ryan Horne)

7.1.1. Discussion: § 551.071(2) attorney advice on use of funds received into the Municipal Court for fines. (Alderman Lackey)

The Mayor Reconvened into Open Session at 6:56 pm.

7.2. In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

The Council Approved additional funds for the City Hall security update as follows:

Alderman Hardy made the motion to approve funding required to add the camera by the police storage building to the security budget.

Alderman Crocker 2nd the motion;

3/0 none against, the motion carried Aly

8. OLD BUSINESS

8.1. **Discussion/Action:** Resolution R-2022-05-1008 Appointing an Auditor for the City (Alderman Crocker)

Alderman Crocker made motion to approve Resolution-R-2022-05 1008 appointing an auditor for the City of Cumby;

Alderman Mobley 2nd the motion;

3/0 none against, Motion Carried

8.2. **Discussion/Action:** Resolution R-2022-05-1009 Amending Resolution No. 001-2014 A Resolution of the City Council of the City of Cumby, Texas Repealing any Previous Resolution or Investment Policy and Providing for Investment Policy Scope, Standard of Care, Investment Objectives, Delegating of Authority and Appointment of Investment Officer, Ethics and Conflicts of Interest, Authorized Investments, Strategies, Safekeeping and Custody, Diversification, Internal Controls, Market Yield, Reporting, Adopting and Providing an Effective Date. Declaring Investment Officer for City of Cumby (Mayor Simmerman); the Mayor indicated that Holdover Alderman Lackey found the Resolution / Notice for Mayor to act as Investment Officer in past minutes; and it was agreed to table this item.

8.3. Discussion/Action: Ordinance O-2022-5-005 - Amending Ordinance 2022-02-06 costs for Building Plan review to capture fees from Building Inspector consulting firm and amending Move Permit Clause. (City Secretary / Mayor Doug Simmerman) – brought back in May meeting. Alderman Hardy made motion to pass Ordinance O-2022-5-005 Amending ordinance 2022-02-06 costs for Building Plan review to capture fees from Building Inspector consulting firm and amending Move Permit Clause;
Alderman Mobley 2nd the Motion;
3/0 none against, the Motion Carried

8.4. Discussion: Status of Payment plan for IRS outstanding past due amount of \$16,698.78 (City Secretary) – The City Secretary pointed out that the IRS fee / penalty incurred from the December 2018 945 reports was now included in the Financials. We continue to try to contact them to set-up a payout plan as well.

9. NEW BUSINESS

9.1. Discussion/Action: Appointment of committee to review Ordinances / Resolutions to determine which is the “newest” and effective for City of Cumby. Option for discussion is to hire firm to complete codification of City of Cumby Resolutions / Ordinances (fees have been requested from two companies that provide codification services.) (Alderman Crocker)

Discussion: We have so many Resolutions / Ordinances on the books and that may be potentially conflicting. Mayor agreed to appoint Aly Crocker as the Chair of a Committee to Review Ordinances and Resolutions for the City of Cumby to determine what is the most recent and thus what is in force. Alderman Crocker will form her own committee and then report to the council on progress. Alderman Crocker stated that she is currently off on Monday and Tuesday from her full-time job and will start at beginning and go through all of them (Ordinances / Resolutions). Mayor advised that she should be mindful of who selecting to be on the committee to avoid a walking quorum. She further noted that Ms. Duckworth provided excellent reports to the council and perhaps she would be available / have time to join committee.

Review ordinances and report to the council and make a decision. As a committee appointed by the council it is a public body; post when it meets.

City Secretary reported that there are services that could put all in order. Example: Commerce Texas has an effective site on “Municode”. Municode reviews and then places all online and have electronic version available. Cost is \$10K to set-up and then annual fee thereafter. This is a nice to have; however, city does not have funds currently.

The Mayor further advised it will be a lot of reading for the committee; recommends committee meets periodically; likely will be individuals on the committee coming in and reviewing Ordinances and Resolutions at City Hall; not a lot of people free at same time. Each could study Ordinances / Resolutions and then report on what each found. Organizational meeting; assign a certain number of Ordinances to each; then come back with recommendations; Committee Chair would then report back to Council with action items.

9.2. Discussion: AVR billing system; more specifically the current Ordinance for rates and what AVR currently has in our billing system and what we need to do to correct this issue. (Alderman Lackey)

City Secretary reported AVR system is now set-up (or will be as of June 1, 2022) with correct billing rates: A base rate fee is supposed to be charged; and then a usage rate should be charged in addition to base rate. Utility Admin has found errors which has consumed a lot of her time. She continues to research each individual account and see if they are right

Apparently when AVR system was set-up, fees were not set-up properly and the system has never charged water rates on that basis (set-up in 2020).

9.3. Discussion/Action: Ordinance No. 2022-05-006 – An Ordinance amending Ordinance 2021-11-010 and 2021-11-013 setting trash rates, water and wastewater tap fees for City of Cumby Utility customers. (Mayor Simmerman)

Mayor Simmerman reported that when Republic Trash increased rates to the City for Services (due to price of steel and truck manufacturing; gasoline pricing; and personnel costs); we reviewed the trash rates for the City and realized that they should be simplified and consistent. We have set Republic Trash as City of Cumby solid waste vendor; they will also now provide big dumpsters and roll-off. In the past, construction or other customers could schedule this with any company. Republic will now be exclusive in City of Cumby and all will have to use Republic and schedule service through City of Cumby. Republic will take care of the billing and send a % to City of Cumby. We will work with Republic to determine how many cans each customer has; and, ensure people are billed appropriately. There have been gaps in the system and most people are only billed for one (1) trash can.

If a customer requires a 2nd trash can, it will come from Republic. They will start eliminating services of picking up anything except refuse in Republic trash cans. Additionally, customers are allowed “x bulk trash”, e.g., size of a washing machine.

Will this anger customers? Right now, both Cumby and Republic are losing money. Cumby gets charged for every can Republic picks up; if they are not Republic cans, they shouldn’t be picked up. Republic will also provide an App wherein the customer can “follow the trash truck” on trash day to know when it will be by their home / business; they can report that a trashcan was “missed”.

Water tap and Wastewater tap fees are also increasing. The cost to the city has raised exponentially; as well as other cities around us have raised fees. Example: Miller Grove water tap fee is \$2,550. How will this impact residents? If new home build or owner requires a new wastewater or water tap line, the new fee will be charged.

When we break out time and labor and materials; some projects we lose money on and some we gain on. We are waiting on the TCEQ report to see how many additional taps can be added by Cumby for new service.

Alderman Hardy made a motion to accept Amendments to ordinances O-2021-11-010 and O-2021-11-013.

Alderman Mobley 2nd the motion;
3/0 non against, Motion carried

9.4. Discussion/Action: Responsibility and Role of City Secretary (City Secretary & Mayor Simmerman) – Roles and responsibilities assigned to City Secretary and discussion of how the Council / Mayor would advise priorities and scheduling

The Mayor led the discussion regarding responsibilities and roles of City Secretary for City of Cumby. Unless you see what she does on a daily basis; she has so much on her plate; payables; payroll; minutes; permits; council meetings; keeps getting more and more on her plate. What do you give up to keep doing everything? She could work 10-12 hours a day and not keep up. Council needs to think about what we need to do to keep office running efficiently and effectively. We need another office staff member. Other cities have assigned permitting to Ordinance Enforcement Officer. Would need to determine if Painter is willing to take that on but more importantly does he have the time. That added to his responsibilities could also change his work schedule. Perhaps schedule permitting on specific days? (City Hall has already posted – but not enforcing). Police: we have hired another and have a possibility to hire. A part-time person could cross-train and help

where help needed. Utilities could use help; court could use some help. Responses to job posting in the past; four (4) didn't show up for work; most did not have a clue about what city secretary does. We had people with pizza delivery experience responding for the job. Question is: can we afford it? P&L statement; numbers are in line. Things to think about moving forward in 2022-2023 budget planning.

To raise revenues, the City may need to raise Water rates; Texas Rural Water Assn. can take our numbers and tell us if we're losing. How long are we out? Our water should be paying our bills and not the percentage that comes from Court.

Many cities are just like Cumby. Gone 30-40 years without raising water rates and property taxes and no money put back to take care of it. Think about water rates and property taxes... Taxes went up due to school bond. People want streets fixed; but street materials is expensive. Maintain the city; property taxes bring in less than \$100K / year. As we move forward; thinking about City Secretary position and keep in mind to generate that money and keep the city operating efficiently and effectively.

Nothing can take off her plate because all of it is priority. When there is a request for anything – she has to stop doing the city business and do research for items requested: building permits; ordinances; resolutions; laws; record retention; and ion and on which is part of the problem. Mayor feels in his mind that no one is doing anything illegal, and we are not trying to hide anything. Texas statutes and codes are here to protect the residents and the City; however, when we must research and dig through ordinances to justify an answer on how we are doing things; it takes up valuable time.

Before you request something – ask yourself: Are they necessary? Move forward. Be supportive Very knowledgeable about what is going on in that chair. Impressed that has stayed and is a trooper; commend BJ.

9.5. Discussion/Action: Ordinance O-2022-05-007 Amending Ordinance 2020-12-01 Amending Bank Signatures (City Secretary / Mayor Simmerman)
Alderman Crocker made the motion to approve Ordinance O-2022-05-007;
Alderman Hardy 2nd the motion;
3/0 non opposed; Motion carried

9.6. Discussion/Action: Ordinance O-2022-05-008 Amending Ordinance 2020-12-01 – Amending Financial Institution Processes (City Secretary / Mayor Simmerman)
Alderman Hardy made the motion to approve Ordinance O-2022-05-008 Amending Financial Processes;
Alderman Crocker 2nd the motion;
3/0 none against; motion carried

9.7. Discussion: Appointment of Municipal Judge for City of Cumby (Alderman Lackey)

Mayor met Raines County Jenkins Franklin who is their JP. He owns drycleaner; character seems like a good person. Mayor approached him and asked if he would be interested in being the Municipal Judge for Cumby. He is entertaining the thought. Not a local; no connection to the city; clean-cut young man; articulate. High character and elected by Raines County. Council would like to Meet face to face with him. Judge is required one time a month for court. Ms. Rita is an associate judge and can handle many items as well. Affordable and pay for one time a month when comes to court. Raines will send him to judge school versus Cumby paying. Ask him to come during council meeting; Rita schedule for court; have been pushing back and had warrant round-up. Mayor will set-up time with him.

9.8. Discussion and/or Action: Authorizing the Staff and the Mayor to take all reasonable steps to seek out Juvenile Case Manager Services for the City of Cumby and bring back to Council for approval a suitable agreement, including, but not limited to an interlocal agreement, for such services. (Alderman Lackey)


The Mayor said that Ms. Rita Graham contacted case manager for Hopkins county; works in Brad Cummings office. We don't deal with Juvenile cases. We are not big enough. The funds go through the offices; and where to send Truancy; interlocal agreement; they would be here for us.

Alderman Hardy made a Motion to set-up an inner local agreement with Hopkins County case manager for Cumby juvenile cases, if any.

Alderman Mobley 2nd;

3/0 none against, the motion carried.

10. ADJOURNMENT – there being no further business, the meeting adjourned at 8:01pm



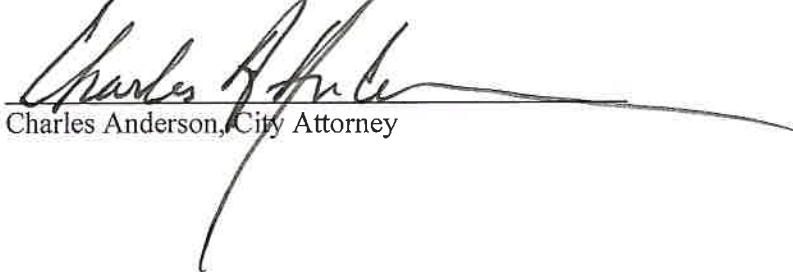
Douglas Simmerman, Mayor

ATTESTED:



Betty Jo Hardman, City Secretary

APPROVED AS TO FORM:



Charles Anderson, City Attorney

City of Cumby
Profit & Loss
 May 2022

	May 22
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	120.00
Fines	49,061.28
Interest Earned	3.23
Permits/Registrations	115.00
Tax & Franchise Fees	
Franchise	23,462.82
Property Tax	1,732.13
Sales Tax	14,385.01
Total Tax & Franchise Fees	39,579.96
Water - Sewer	
New Service Connection Fee	70.00
Water - Sewer Adjustments	66.10
Garbage Revenue	5,246.25
Late Fee	672.35
Sales Tax Collected	438.95
Sewer Revenue	6,700.33
Water Revenue	12,175.38
Water - Sewer - Other	10,000.00
Total Water - Sewer	35,369.36
Water Deposit	20.00
Total Income	124,268.83
Gross Profit	124,268.83
Expense	
Building Inspector Administration	76.92
Late Fees & Interest	100.00
Office Expense	39.99
Insurance	-605.00
Legal Fees	6,604.50
Maintenance	279.41
Mayor/Council Monthly Fee	150.00
Membership	14.99
Office Supplies	45.43
Postage	42.90
Software	37.65
Technology	637.00
Telephone	394.37
Total Administration	7,741.24
Debt Service	
Payment Processing Center	200.00
TWDB Bond	9,277.50
Total Debt Service	9,477.50
Mayor & Council	
Flower Fund	101.99
Total Mayor & Council	101.99
Municipal Court	
Postage	39.86
Security	170.00
State Fees	6,550.77
Technology	438.25
Telephone	136.94

City of Cumby
Profit & Loss
 May 2022

	May 22
Total Municipal Court	7,335.82
Park Improvements	
Utilities	20.00
Total Park Improvements	20.00
Payroll Expenses	
Medical Assistance Expense	353.36
PENSION EXPENSE	2,486.71
Child Support	119.31
Payroll Expenses - Other	33,518.70
Total Payroll Expenses	36,478.08
Public Safety	
Police Department	
Technology	1,920.38
Legal Fees	127.00
Auto Repair & Maintenance	4,805.34
Equipment	42.39
License & Support	1,200.00
Telephone	150.00
Total Police Department	8,245.11
Total Public Safety	8,245.11
Water/Sewer	
Water Sewer Main Repair Materia	850.00
Technology	66.14
Bank Fee	19.00
Automobile Repairs	10.00
Chemicals	1,114.97
Deposit Refund	325.00
Fuel	942.00
Garbage Collection Fee	4,721.26
Legal Fees	588.00
Maintenance	2,832.17
Mileage	64.35
Office Supplies	271.62
Operating Supplies	870.91
Postage	487.91
Software	119.00
Telephone	168.35
Testing	296.92
Uniforms	60.60
Utilities	200.77
Total Water/Sewer	14,008.97
Total Expense	83,485.63
Net Ordinary Income	40,783.20
Net Income	40,783.20

City of Cumby
Profit & Loss
 October 1, 2021 through June 10, 2022

	Oct 1, '21 - Jun 10, 22
Ordinary Income/Expense	
Income	
Public Grant Funds	34,175.00
Subdivision Fees - PD	1,494.00
Fines	457,853.87
Interest Earned	75.72
License & Permits	1,728.03
Permits/Registrations	2,128.65
Property Sale	14,700.00
Public Safety Department	
Accident Report	64.00
Total Public Safety Department	64.00
Tax & Franchise Fees	
Franchise	28,152.75
Property Tax	111,864.14
Sales Tax	92,986.31
Tax & Franchise Fees - Other	725.85
Total Tax & Franchise Fees	233,729.05
Water - Sewer	
New Service Connection Fee	280.00
Water Transfer Fee	140.00
Water - Sewer Adjustments	66.10
Garbage Revenue	42,821.47
Late Fee	3,986.04
Sales Tax Collected	3,413.87
Sewer Revenue	59,477.81
Tap fee	2,500.00
Water Revenue	109,027.69
Water - Sewer - Other	10,750.00
Total Water - Sewer	232,462.98
Water Deposit	4,149.60
Total Income	982,560.90
Gross Profit	982,560.90
Expense	
Education / Classes / Materials	290.00
Jury Duty	168.00
Building Inspector	76.92
Reconciliation Discrepancies	11,222.46
Administration	
Fire Dpt utilities	0.00
Late Fees & Interest	13,798.37
Reimbursement for Travel/Gas	666.82
Office Expense	39.99
Election	4,423.34
Insurance	21,712.25
Legal Fees	10,563.50
Maintenance	341.91
Mayor/Council Monthly Fee	1,752.00
Membership	850.83
Office Supplies	2,049.43
Postage	317.28
Professional Fees	138.58
Property Tax Fees	3,359.63
Public Notice	995.95
Software	181.30
Subscription	61.99
Technology	8,894.91

City of Cumby
Profit & Loss
 October 1, 2021 through June 10, 2022

	Oct 1, '21 - Jun 10, 22
Telephone	1,329.30
Utilities	20,917.93
Administration - Other	1,128.41
Total Administration	93,523.72
Construction In Progress	537.34
Debt Service	
Payment Processing Center	400.00
TWDB Bond	88,828.50
Total Debt Service	89,228.50
Mayor & Council	
Flower Fund	101.99
Total Mayor & Council	101.99
Municipal Court	
State Comptroller-Court	74,052.06
Legal Reference Material	312.48
Collection Service Fee	34,351.69
Judge	1,306.48
Legal Fees	1,621.00
Office Expense	411.19
Postage	298.75
Security	10,139.31
Software Update	5,500.00
State Fees	65,770.23
Technology	4,032.39
Telephone	1,859.55
Travel & Training	100.00
Utilities	15,320.13
Total Municipal Court	215,075.26
Park Improvements	
Utilities	113.98
Maintenance	1,606.25
Supplies	52.99
Total Park Improvements	1,773.22
Payroll Expenses	
Medical Coverage-various City %	1,318.60
Medical Assistance Expense	1,519.16
PENSION EXPENSE	15,632.48
Child Support	357.93
Payroll Expenses - Other	320,892.25
Total Payroll Expenses	339,720.42
Public Safety	
Utilities	0.00
Education	150.00
Police Department	
Postage	5.00
Technology	14,242.71
Reimbursement	1,082.36
Legal Fees	311.50
Auto Repair & Maintenance	27,138.90
Automobile Purchase	17,370.00
Equipment	2,556.08
Fuel	18,429.38
License & Support	3,400.03
Office Supplies	75.97
Telephone	2,533.19
Testing Supplies	78.00
Training	971.53

City of Cumby
Profit & Loss
 October 1, 2021 through June 10, 2022

	Oct 1, '21 - Jun 10, 22
Uniforms	78.19
Utilities	15,320.13
Total Police Department	103,592.97
Public Safety - Other	7.00
Total Public Safety	103,749.97
Public Works	
Debris Cleanup	650.00
Total Public Works	650.00
Water Deposit Refund	-131.48
Water/Sewer	
ARPA Project Expense	3,600.00
Water Sewer Main Repair Materia	4,075.00
Technology	345.51
Bank Fee	335.00
Public Notice	336.85
Membership	567.00
UTILITY Cash Drawer	71.96
Lift Station	30,050.00
Water Meters	1,000.00
Office Assitance	31.98
Automobile Repairs	1,134.70
Chemicals	4,481.21
Deposit Refund	1,237.08
Equipment Repairs	0.00
Fuel	1,914.60
Garbage Collection Fee	14,725.48
Lab Fees	426.92
Legal Fee	125.00
Legal Fees	630.00
Maintenance	33,011.41
Mileage	155.95
Office Supplies	1,664.81
Operating Supplies	8,589.64
Permit	2,963.45
Postage	2,089.09
Sales Tax Paid	4,034.28
Software	1,810.85
Telephone	1,282.39
Testing	1,361.92
Uniforms	79.40
Utilities	112,587.93
Total Water/Sewer	234,719.41
Total Expense	1,090,705.73
Net Ordinary Income	-108,144.83
Net Income	-108,144.83

Date	Description	Hrs	Water /Sewer	Personnel Issue	Council Questions; quorum(?)	Prep & Docs for Council Meeting	Attend Council Meeting	IBC & Bldg Permits; Code Enforcement	City Bs.	PD
4/1/2022	Enforce water bill (Municipal Court)	0.2	\$ 42.00							
	Theft of services (water)	0.2	\$ 42.00							
4/3/2022	Non-payment of Water bill; draft for Mayor	0.9	\$ 189.00							
	Research Charging Criminal Penalties for delinquent water bill	0.4	\$ 84.00							
4/4/2022	Research nonpayment of water bill	0.1	\$ 21.00							
	Amendment to Intl. Building Code (IBC)	0.2						\$ 42.00	\$ 42.00	
	Review Solid Waste Contract (Republic) - quorum reqmt to approve rate increase	0.4		\$ 17.00	\$ 42.00					
	Personnel Matter	0.2		\$ 168.00						
4/4/2022	Personnel Matter - Executive Session Prep	0.8		\$ 42.00						
	Personnel Matter - Action for 4/12/22 Mtg	0.2								
	City Attorney review Ord & Resolutions & Agenda - review materials regarding IBC and draft	1.8				\$ 63.00		\$ 315.00		
4/5/2022	Ordinance for same	1.7				\$ 210.00				
	Review entire agenda; revisions for audit, bldg fees, research utility bill privacy	0.3		\$ 63.00	\$ 147.00					
	Pending Personnel Matter; update Ms. Cross	3.3				\$ 462.00				
4/6/2022	Agenda review; draft resolution for Cumby ISD IBC	0.2		\$ 17.00				\$ 231.00		
	Personnel Matter	0.2								
	Water billing acct info included in Council agenda; submitted late	0.2			\$ 42.00					
	Executive Session Prep - Personnel	0.8		\$ 168.00						
	Conference Call - Personnel Matter	0.7		\$ 147.00						
	Confidentiality of Utility Bill and Public Info requests	0.1			\$ 21.00					
	Ordinance for ISD Shelter	0.4						\$ 34.00		
	Waiver of IBC for ISD; research waivers of IBC modifications and local	2.6						\$ 546.00		
4/7/2022	Approve Modifications/Alternative materials for construction of high school	0.3						\$ 63.00	\$ 21.00	
	Bldg Permit Fund (ck acct);	0.1								
	Review Exec. Session items	0.1								
	Email re: Utility info under PIA	0.3		\$ 21.00	\$ 63.00					
4/11/2022	Correspondence & Mtg Agenda - Personnel Matter	0.4		\$ 84.00						
	Employment Matter	0.6		\$ 126.00						
4/12/2022	Email re: walking quorum -	0.1			\$ 21.00					
	Prepare for; trave to and attend CCM	5.2		\$ 462.00		\$ 210.00	\$ 420.00			
4/13/2022	Labor Lawyer prepare & attend city council	2.5		\$ 525.00						
4/14/2022	Request for Public Info - Bone	0.4								\$ 34.00
4/14/2022	Request for Public Info - Bone	0.3		\$ 63.00						\$ 25.50
4/14/2022	Conference - personnel matter	0.3		\$ 63.00						
4/17/2022	Call regarding personnel matter	0.3		\$ 63.00						
	Special Meeting for 5/13/2022	0.3								
4/18/2022	Release of Police Audit Records - Request for Public Information	0.1			\$ 21.00					

Date	Description	Hrs	Water /Sewer	Personnel Issue	Council Questions; quorum(?)	Prep & Docs for Council Meeting	Attend Council Meeting	IBC & Bldg Permits; Code Enforcement	City Bs.	PD
4/19/2022	Sign documents - electronically	0.2				\$ 42.00				
4/20/2022	Open records - UCR Audit - is this public info	0.2				\$ 42.00				
4/21/2022	Review Uniform Crime Rpt info; legal research and analysis regarding same	0.4		\$ 63.00		\$ 84.00				
	Personnel matter & prep	0.3							\$ 84.00	
	Review Bank signature ordinance; Griffin Security Contract	0.4								
	PD Audit report & public info request	0.2				\$ 17.00				\$ 8.50
	H. Bone Public Info	0.1								
	UCR Research	0.3				\$ 63.00				\$ 42.00
	H. Bone Public Info	0.2								
4/22/2022	Personnel Matter	0.1		\$ 21.00						
4/25/2022	UCR Reporting & Confidentiality Conf Engineering Contract w/Brannon (M&R Drive)	0.1				\$ 21.00				
	Engineering Contract w/Brannon (M&R Drive)	0.4	\$ 84.00							
	Review Lift Station Engineering Design Contracts	0.6	\$ 126.00							
	Employment Matter	0.1		\$ 8.50						
	Conference Call - Personnel Matter	1.5		\$ 315.00	\$ 21.00					
4/25/2022	Police Audit report & Public Info Req	0.1								
4/26/2022	Citizen comments review; Use of Juvenile fees & Traffic Fines	0.5			\$ 105.00					
	Review minutes	0.1				\$ 21.00				\$ 17.00
	H. Bone Public Info	0.2								
	Review DRAFT agenda and prep for upcoming Council Mtg	0.4				\$ 84.00				
	Review DRAFT of special mtg	0.3								
4/27/2022	Request for Records from Council Member - Personnel Matter	1.1		\$ 25.50						
	Review and research re: UCR Research PIR	0.2		\$ 231.00	\$ 42.00					
	Review email prepared for response for PIR Rqst to Council Member	0.2			\$ 17.00					
4/28/2022	Reqst for Public Info from Council Member - Personnel Matter	0.2								
	Labor atty prep for discussions	0.3		\$ 25.50						
	Review correspondence from labor atty regarding request for PIR	0.4		\$ 84.00						
4/29/2022	Special Council Mtg review	0.2		\$ 42.00						
4/30/2022	Email re: assistance on PIR - Personnel	0.1		\$ 17.00						
	Review Code Notices	0.3		\$ 21.00				\$ 63.00		
		36.7	\$ 588.00	\$ 2,882.50	\$ 542.00	\$ 1,319.00	\$ 420.00	\$ 1,294.00	\$ 147.00	\$ 127.00

TOTAL APRIL 2022 - CITY ATTORNEY INVOICE \$ 7,319.50

Lic# TACLB27535C

R & N Contractors, LLC
660 CR 1122
Brashear, Tx 75420
Email: walkertech08@gmail.com



Estimate

Estimate No: 515
Date: 05/11/2022

For: City Hall Of Cumby



Code	Description	Quantity	Rate	Amount
	Estimate to replace 5-ton evaporator case coil. Old coil is leaking Freon. Includes new case coil, labor, drier, drain safety switch, emergency drain pan and welding charge,	1	\$2,457.93	\$2,457.93*
			Parts Subtotal	\$2,457.93

*Indicates non-taxable item

Subtotal \$2,457.93
Total \$2,457.93

Total \$2,457.93

CITY OF CUMBY / GENERAL FUND
R & N Contractors, LLC

Date 5/11/2022
Type Bill
Reference Estimate 515

Original Amt. 2,457.93
Balance Due 2,457.93

5/24/2022
Discount
Payment 2,457.93
Check Amount 2,457.93

28424

General Operating Estimate 515 - Replace 5-ton Evap Coil, labor, et 2,457.93

CITY OF CUMBY / GENERAL FUND
R & N Contrators, LLC

28425

Date: 5/11/2022
 Type: Bill
 Reference: Inv 2466

Original Amt.
279.41

Balance Due
279.41

5/24/2022
 Discount
 Check Amount

Payment
279.41
279.41

General Operating Inv 2466

279.41

increase return air volume also

USA	USA Run Cap 5 mfd	2	\$18.93	\$37.86*
R-410a	R-410A	3	\$43.85	\$131.55*
Fuel fee	Fuel charge	1	\$10.00	\$10.00*
			Parts Subtotal	\$179.41

Code	Description	Quantity	Rate	Amount
Labor	Tech with helper	1	\$100.00	\$100.00*
			Labor Subtotal	\$100.00

*Indicates non-taxable item

Subtotal	\$279.41
TAX 8.25%	\$0.00
Total	\$279.41
PAID	\$0.00

Balance Due \$279.41



May 18, 2022

To the Honorable Mayor and
Members of the City Council
City of Cumby

Re: Oncor Electric Delivery Franchise Payment

In accordance with the provisions of the franchise agreement between Oncor Electric Delivery and the City, Oncor Electric Delivery will make a franchise payment by Automated Clearing House on or before 06/01/2022 for the rights and privileges from 06/01/2022 thru 05/31/2023. This franchise payment is based on the total kWh delivered to retail customers within the city limits as follows:

Basis Period	Total kWh	Factor	Payment Amount
04/01/2021 - 03/31/2022	6,715,174.00	.003494	\$23,462.82

Should you have any questions, please feel free to contact me.


 Larry Willis
 Oncor Electric Delivery

Received by City of Cumby

Name: B. Hartman

Title: City Secretary

Date: 5/31/2022

Affix Official City Seal:



Meter Read Report for City Council
2021-2022 Fiscal Year

(Report begins in March 2022)

	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
RG3 - Read Meters	354	352	352				
RG3 - Unread Meters	51	52	53				
Manual Reads	24	24	24				
TRASH (no meters)	30	28	27				
Duplicate Accounts (Appx)	2	2	2				
CHURCHES (NO BILL)	4	4	4				
(MONTHLY) Repaired Meters	19	- 0 -	6				
Accounts that need to be deleted	2	2	2				
Radio Reads that are actual manual read	1	1	1				
CITY METERS (NO BILL) (appx)	6	6	6				
Vacant that are or listed unread	6	6	6				

Date	W. O. #	Problem	Solution	Date Completed
May				
5/2/22	255	Locate water & sewer line for customer on Tarrant St.	Located water & sewer lines.	5/3/22
5/2/22	256	Customer meter not reading on Black Jack Rd.	Changed out register.	5/2/222
5/3/22	257	Needs water meter reread. Customer not open for business yet.	Ran consumption read.	5/5/22
5/4/22	259	Customer states gray water running from house into back yard.	Washing machine not tied to sewer, Customer needs to contact plumber.	5/5/22
5/5/22	260	Customer moving out.	Turn water off	5/5/22
5/9/22	261	Customer called. Water going everywhere and does not know how to shut off.	Water shut off & turned back on by neighbor.	5/9/22
5/9/22	262	Large pot hole by driveway needs repair.	Filled with crushed concrete.	5/9/22
5/10/22	263	Customer paid billed. Please turn water back on.	Water turned back on.	5/10/22
4/28/22	122	read WTP check lift stations, Prep for Dumpster deliveries. Fix sewer line btwn Main & Denton	prepared for state inspection, replaced broken sewer line	4/28/22

4/29/22	123	Routine maintenance of wells. Work City Clean up. Work on gas issue on Mill St.	Attended mtg on water rates. Picked up backhoe for job.	4/29/22
5/2/22	124	Routine maintenance. Locate water line on Tarrant, check flooding at WWTP.	check A/C at City hall, located water line, Had dumpsters hauled off.	5/2/22
5/3/22	125	Routine maintenance, Change out pump, clear sewer on Tarrant.	Cleared sewer line on Tarrant.	5/3/22
5/4/22	126	Routine maintenance. Cut off and lock 10 meters.	Mowed park. Checked sewer don Tarrant st.	5/4/22
5/6/22	128	Routine maintenance. Recheck pumps at WWTP.	Change register, cleaned mower.	5/6/22
5/9/22	129	Routine maintenance. Check hole on Denton St. Check meter at Cumby Tel Bldg.	Pump water out of hole on Denton. Cleaned bar screens.	5/9/22
5/10/22	130	Routine maintenance. Turn water on for customer. Pump dig out on Denton.	Called A/C man for City Hall, set fire hydrant meter,	5/10/22
5/11/22	131	Routine maintenance. Send state Bac-T sample. Fill holes on Mill & Depot Sts.	Filled holes from Depot, City hall to Post ofc.	5/11/22
5/12/22	132	Routine maintenance. Locate water line on Green & Line. Clean Park & fill holes in street.	Located water lines, cleaned park & filled holes on Depot St.	5/12/22
5/14/22	133	Help out at Park to get ready for Black Jack Grove Day.	Robert helped Kendra at Park.	5/14/22

5/13/22	134	read wells check WTP, check lift stations	mow, weed eat park & police sub station, clean rest rooms @ park.	5/13/22
5/5/2022	127	Morning routine	Consumption read on Frisco, Disc on Commerce, check plumbing on Line..	5/5/2022
5/17/2022	267	Customer moving, would like water turned off.	Did not turn water off bc small children in house & no service disagreement.	5/17/2022
5/17/2022	136	Morning routine	Put together Drought Contingency Plan.	5/17/2022
5/18/2022	137	Morning routine	Pick up new pump & parts for Lisa. Babysat hole in road at Green & Mill. Troubleshoot elec. Issues Well 3.	5/18/2022
5/19/2022	138	Morning routine	Weedeat as much as possible, met /w Jerry about leak at tank.	5/19/2022
5/20/2022	139	Morning routine	start mowing wells.	5/20/2022
5/23/2022	140	Morning routine	Start digging up leak at Mill & Green, will work on repair.	5/23/2022
5/23/2022	269	Customer request water to be turned off.	Turned off & locked.	5/23/2022
5/24/2022	141	Morning routine	Manual read most of meters. Paperwork for TCEQ inspection	5/24/2022

5/24/2022	270	Cust wants water turned back on.	Meter has leaks. Turned off	5/24/2022
5/25/2022	142	Morning routine	Took off chlorinator head & replaced with a loaner, finish manual & radio reads,	5/23/2022
5/25/2022	271	Customer paid reconnect fee.0	Turned water on.	5/25/2022
5/26/2022	143	Morning routine	Moved pump for Lisa & restarted paddle wheel.	5/26/2022
5/27/2022	144	Morning routine	Working on sewer line at Donelton	5/27/2022
5/27/2022	273	New customer paid deposit and would like water turned on.	Turned water on .	5/27/2022
5/28/2022	145	City Park	Pick up trash,clean rest rooms, prepare for Memorial service in Park	5/28 &29
5/31/2022	146	Morning routine	move pumps around, restart paddle wheel. Try to locate leak at tank.	5/31/2022
June				
6/1/2022	147	Morning routine	Repaired main leak on Green & Mill St. Fixed road after repair.	6/1/2022
6/1/2022	275	Customer needs water turned on to do inspection.	Turned water on .	6/1/2022

6/2/2022	148	Morning routine	Checked streets for limbs & debris after storm. Turn water on at Smith St. for inspection.	6/2/2022
6/3/2022	149	Morning routine	Dealing with flood issues.. Checked park. Start weedeating at WWTP.	6/3/2022

Public Works
May 5 2022. June 5 - 2022

* Daily Routines
Read wells ~~check~~ Read Pumps hrs
and check. Pull Chlorine Residual + Document
for the state.
Check lift station w WTP and document
for state.

water
Repair 2 Leaks Locate 1 more.
State Tee @ inspections only had 4-5
Discrepancies. Repair main at Green + Mills
Dug up street on Denton + Line Located
a water line turned out to be well # 3
Line goin to Pump house
Pull + compare meter Reports
Read meters.
Call in Relocates on Denton + Line st.
Still Trying to figure out how to shut SOK
tank off - for Leak

waste
water
sewer Top made for Phipps
Ran 3 clogged sewer mains
hand dug ~~end~~ end of cust service line at for Ci Mc mulher
Ran line from her house to main explain to her
to call Encore to see if the Poked hole in her S.S.
when the Ran elect. service. she want clean out
told her it would be 1-2 months out
Need to Replace Portable Pump + chords at WTP

work orders
- 10 hrs of Park Reservations - Shows O.T.
Clean Park + check 3 days - week
mowing. all City Properties twice except WTP. ~~last~~
Pump solution change Impellers on MTR
Change out 5- meter Registers.
Rain + Flood issues at WTP.
Instal - Loaver Chlorinator at WTP
18- City customer generated work order
30. W.O. Issued by Maint.
Push Release + Document.



Cumby Police Department

May 2022 Activity Report

Calls for Service	236
Warning Citations	156
Citations	111
Total Traffic Contacts	267
Crash Reports	2
Incident Reports	4
Offense Reports	7
Arrests	5

- We still have 1 fulltime Police Officer vacancy
 - One recruit has started. He is very young and inexperienced so he will be in training for 2-3 months with another officer. He is in week #3 of training at this time.
 - I am in the final stages of a background check on a parttime police officer applicant. This will save the city money as benefits will not be offered for part time employees. If I can fill the last fulltime position with 2 part timers, that is my goal.
- The list of active city ordinances were posted on Facebook as well as City of Cumby website (code enforcement); and are official, several residences have

been observed for possible violations; and Officer Painter / City Hall have received many calls / emails regarding violations and questions.

- Chevy truck unit is striped and has seats placed back inside (replacing dog kennel). Still airing out and deep cleaning from the mess it was left in. Again, at no cost to the city. All repairs have been covered by insurance and Seizure funds and our own labor. This unit will be placed back in service in about a weeks' time.
- Silent Sentinel program is active on the city website. The PD Mission statement is also listed on the City of Cumby website.
- National Night Out information has filtered in from the National Headquarters, I will be passing these along to Amanda Horne who is my chairperson for NNO and does a fantastic job.
- Coffee, Cops & Cars is scheduled to be at the City Park on June 11th. This is privately funded by my wife and myself. I have been approached by a couple of residents that want to pitch in and sponsor the event and help buy the donuts and coffee. Mrs. Rebecca Posten has asked to help with this June 11th event. We are going to try to make this a monthly event on a Saturday morning, weather permitting, to increase our community involvement and interactions with the public and our first responders.

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 May DATE RANGE 4.26 | 5.31 - 2022
monthly

TOTAL OF ONLINE PAYMENTS =	TOTAL OF MONEY ORDERS =	TOTAL PAYMENTS=
32,564.85	8989.06	41,553.91
- GHS 5587.25	- SECURITY 551.28	
- STATE 11,290.31	- TECHNOLOGY 497.07	
- OMNI 260.05	- TRUANCY FUND 469.85	
	- JURY FUND 9.41	
= TRANSFERABLE TO GENERAL 15,427.24	= DEPOSIT TO GENERAL 7461.45	TOTAL DEPOSIT= 22,888.69
	= % 55.1%	

PROCESSED BY R. Orshacee

DATE 6.1.2022

CITY OF CUMBY
BUILDING PERMIT REPORT

June 14, 2022

(Reporting May 2022 Activity)

1. Commercial Building Permit:
 - a. Great Outdoor RV – Discussions regarding new build; water meter(s)
 - b. Final inspections For motorcycle shop: Sign / Electrical – still waiting on electrical provider to install the meter!
2. Residential Permit:
 - a. Residential Permit: Stephana Burkett, builder for Stinson 217 Commerce Street
 - b. Residential Permit: Permit details provided to a variety of solar installation companies
 - c. Residential Permit: Remodel / Accessory Bldg – K Greene, 208 Frisco Street
 - d. Residential Permit: Electrical – 111 E. Main, tree fell onto electrical line during storm; had to be replaced from house to meter box
3. Contractor Registration:
 - a. Various Contractor Registrations received for all permitted properties
4. Many calls regarding permitting requirement for various type of build.

*Time requirement on City Secretary is increasing and now at approximately one-day (+/-) each week for building permit and processes.

CUMBY VOLUNTEER FIRE DEPARTMENT

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
APR	8	9	0	2	0	2	9	4	0	0	42.47
MAY	3	27	4.1	5	3	2	9	9	2	850	71.60

§ 551.143. Prohibited Series of Communications; Offense; Penalty

(a) A member of a governmental body commits an offense if the member:

- (1) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
- (2) knew at the time the member engaged in the communication that the series of communications:
 - (A) involved or would involve a quorum; and
 - (B) would constitute a deliberation once a quorum of members engaged in the series of communications.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months;
- (3) both the fine and confinement.

Tex. Gov't Code Ann. § 551.143 (West)

**NOTICE OF DEADLINE TO FILE APPLICATIONS FOR
PLACE ON THE BALLOT (AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES
PARA UN LUGAR EN LA BOLETA)**

Notice is hereby given that applications for a place on the CITY OF CUMBY Regular Election ballot to elect COUNCIL MEMBER PLACE NO. 1 AND PLACE NO. 2; AND, MAYOR FOR TWO (2) YEAR terms each may be filed during the following time:

Por la presente se notifica que las solicitudes para un lugar en la boleta electoral regular de la CIUDAD DE CUMBY para elegir al MIEMBRO DEL CONCEJO LUGAR NÚM. 1 Y LUGAR NO. 2; Y, ALCALDE POR DOS (2) AÑOS plazos cada uno podrá presentarse durante el siguiente tiempo:

Filing Dates and Times:

(Fechas y Horario para Entregar Solicitudes)

Start Date: Saturday, July 23, 2022 End Date: Monday, August 22, 2022 AT 5:00 P.M.
(Fecha Inicio) *(Fecha Límite)*

Office Hours: Monday – Friday: 8:00 A.M. – 5:00 P.M.
(Horario de la Oficina)

Physical address for filing applications in person for place on the ballot:
(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta)

City of Cumby, Texas
100 E. Main St.
Cumby, Texas 75433

La Ciudad de Cumby, Tejas
100 E. Main St.
Cumby, Texas 75433

Address to mail applications for place on the ballot (if filing by mail):
(Dirección a donde enviar las solicitudes para un lugar en la boleta (encase de presenter por correo))

City of Cumby, Texas
100 E. Main St.
Cumby, Texas 75433

La Ciudad de Cumby, Tejas
100 E. Main St.
Cumby, Texas 75433



Betty Jo Hardman, City Secretary / Secretaria de la Ciudad
Printed Name of Filing Officer
(Nombre en letra de molde del Oficial de Archivos)

Betty Jo Hardman
Signature of Filing Officer
(Firma del Oficial de Archivos)

June 16, 2022
Date Posted *(Fecha de publicación)*

**FILED FOR RECORD
HOPKINS COUNTY, TEXAS**

2:49 pm, Jun 23 2022

TRACY SMITH, COUNTY CLERK

Order Election: August 22, 2022 (deadline)

23 June 2022	Deadline to Post Notice of Candidate Filing
23 July 2022	first day to file a place on the general election ballot
22 Aug 2022	Last day to file for a place on the General election ballot
26 Aug 2022	Last day to file declaration of write-in candidacy
24 Oct 2022	First day of early voting
4 Nov 2022	Last Day of early voting
8 Nov 2022	VOTE – we will have location here in Cumby as voting place

RESOLUTION NO. R-2022-06-1010

A RESOLUTION OF THE CITY OF CUMBY, TEXAS, CALLING FOR A GENERAL ELECTION AND ESTABLISHING THE PROCEDURE FOR THE GENERAL ELECTION FOR CITY OFFICERS TO BE HELD ON NOVEMBER 8, 2022, IN THE CITY OF CUMBY, TEXAS; AND PROVIDING FOR OTHER MATTERS RELATED TO THE ELECTION

WHEREAS, the laws of the State of Texas provide that on November 8, 2022, there shall be a general election for municipal officers; and

WHEREAS, the Texas Election Codes applicable to said election, and in order to comply with said Code, a Resolution should be passed calling the election and establishing the procedures to be followed in said election and designating the voting place for said election; and

WHEREAS, the City of Cumby, Texas (the "City") lies within the boundaries of Hopkins County, Texas; and

WHEREAS, the City approves and agrees to conduct the City General Election jointly with other political subdivisions in Hopkins County in accordance with Texas Election Code Chapter 271; and

WHEREAS, The City and other political subdivisions in the area have made provisions to contract with the Hopkins County Election Officer to conduct the City's election, pursuant to Chapter 31, Texas Election Code 791, Texas Gov't Code.

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

Section 1. General Election Ordered. A general election shall be held on November 8, 2022, to elect the following city officers; One (1) Mayor and two (2) Aldermen, being Place 1 and Place 2, of the City of Cumby, Texas; each to serve a term of two (2) years.

Section 2. Filing Period: Candidates for the above offices may file their application beginning at 8:00 a.m. on July 23, 2022 and shall file their applications no later than 5:00 p.m. on August 22, 2022. All candidates for the office to be filed in the election to be held on November 8, 2022, shall file their application to become candidates with the City Secretary of the City of Cumby, Texas on a form as prescribed by the Election Code of the State of Texas.

Section 3. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted in accordance with Section 52.094 of the Texas Election Code.

Section 4. Ballots and Printed Materials. The ballots used for the election shall comply with the Texas Election Code and be on the form provided by the City to the Hopkins County Election Officer (the "Election Officer") for use on the voting devices and ballots used by Hopkins County. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both English and Spanish languages, and shall contain such provisions, markings, and language as required by law.

Section 5. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Election Officer, provided that such political subdivisions hold an election

on November 8, 2022, in all or part of the same territory as the City. The joint election for political subdivisions in Hopkins County will be conducted in accordance with state law, this resolution, and the contract for election services with Hopkins County (“Election Services Contract”).

Section 6. Conduct of Election. The Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Services Contract and the law governing the holding of general elections by general law cities of the State of Texas.

Section 7. Election Precinct and Polling Places. The election precincts for the election shall be the election precincts established by Hopkins County, provided that each shall contain and include geographic area that is within the City. Election Day voting shall be conducted at places, times, and locations authorized and required by state law and the Election Officer. The returns for the precincts in Hopkins County will be provided by the precinct, and the Election Officer shall tabulate and provide the election returns for the election. Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 8. Election Officer. The Election Officer is appointed to serve as the City’s Election Officer, Joint Early Voting Clerk and the Joint Custodian of Records for precincts which may be affected, to conduct the City’s election on November 8, 2022. As the City’s Election Officer and Early Voting Clerk, the Election Officer shall coordinate, supervise, and conduct all aspects of administering voting in the City’s election in compliance with state law and the Election Services Contract.

Section 9. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Election Officer in accordance with the Texas Election Code. Early Voting by personal appearance shall be conducted at places, time, and locations authorized and required by state law and the Election Officer. Early voting shall commence on October 24, 2022 and continue through November 4, 2022. Early voting by City residents may be conducted at any Hopkins County early voting location and any location exclusively designated by the Election Officer for City residents.

Section 10. Election Judges and Clerks. The presiding judges, alternate presiding judges, and clerks for the election shall be selected and appointed by Hopkins County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Hopkins County and its appointees are hereby designated and appointed by the City Council as the election officers, judges, and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges, and clerks shall perform the functions and duties of their respective positions that are provided by state law. The City Council will further confirm and appoint the election judges and alternate election judges that are appointed by Hopkins County for the election.

Section 11. City Secretary. The City Secretary, or designee, is instructed to aid the Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Services Contract. The City Secretary will serve as Regular Early Voting Clerk for the City to receive requests for applications for early voting ballots and forward those applications to the Joint Early Voting Clerk. The City Secretary is further authorized to give or cause to be given notices required for the election and to take such other further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Services Contract between Hopkins County and the City, the Election Officer shall have the duty and be responsibility for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided by the Election Services Contract. The Election Officer shall give the notices required by the Texas Election Code to be given for the election not required to be given by the City under the Election Services Contract.

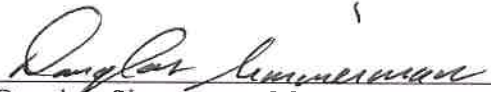
Section 12. Notice of Election. Notice of the election shall be given by posting a notice containing a substantial copy of this resolution on the bulletin board used for posting notices of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation within the City. The notice that is posted and the notice that is published in a newspaper of general circulation within the City will be written in both English and Spanish.

Section 13. General. The Election officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of said City shall be eligible to vote at said election. Returns of election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than the third day after the election (November 11, 2022), nor later than the eleventh day after the election (November 19, 2022).


Section 14. Effective Date; Election Code. This Resolution shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Resolution conflicts with, or is inconsistent with, the Texas Election Code, the Texas Election Code shall govern, and control and the Election Officer shall comply with the Texas Election Code.

Section 15. Open Meetings. It is official found and determined that the meeting at which this Resolution 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 Chapter 551, Texas Government Code.


PASSED AND APPROVED THIS 14TH DAY OF JUNE 2022.



Douglass Simmerman, Mayor




Ryan Horne, Mayor Pro Tem & Alderman 5




Amber Hardy, Alderman 1



Katherine Flinn, Alderman 2



Wayne Mobley, Alderman 3




Aly Crocker, Alderman 4

ATTEST:



Betty Jo Hardman, City Secretary

APPROVED AS TO FORM:



Charles Anderson, City Attorney



R-2022-06-1011

RESOLUTION 2022-06-1012

#

Labeled

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY TEXAS AMENDING THE CITY OF CUMBY EMPLOYEE & POLICY MANUAL AS IT RELATES TO: CITY OF CUMBY PARTICIPATION WITH TEXAS MUNICIPAL RETIREMENT SYSTEM; EMPLOYEES NORMAL WORKING HOURS; MEAL PERIODS; OVERTIME DURING A WEEK IN WHICH THERE IS A CITY HOLIDAY; FLEX-TIME WORK SCHEDULE (REMOVED); AND COSTS TO THE CITY ASSOCIATED WITH TRAINING PROGRAMS FOR STAFF; AND NOTIFICATION OF ACCIDENT / INCIDENT TO CITY SECRETARY

WHEREAS, The City of Cumby has the authority to adopt personnel rules and regulations concerning personnel matters, including but not limited to probationary periods, vacation leave regulations, compensation, professional conduct, performance evaluations, work schedules and other personnel matter; and

WHEREAS, The City of Cumby wishes to amend certain sections of the City of Cumby Employee & Policy Manual adopted by the City Council April 16, 2021,

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Cumby amends **3.3 RETIREMENT**, Section 3.3.1 in which a sentence would be added as follows: Texas Municipal Retirement System. The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. All regular full-time employees are required to join TMRS. ~~EMPLOYEES WILL BE ELIGIBLE TO JOIN ONCE THEY COMPLETE THEIR PROBATION PERIOD AND ARE CONFIRMED AS A FULL-TIME EMPLOYEE.~~
2. The City Council of the City of Cumby further amends **3.3 RETIREMENT**, Section 3.3.1 to ensure that the City meets the TMRS provisions of City Matching contribution; and restates paragraph two as follows:
 - a. Employees covered under TMRS are required to contribute 5% of the employee's pay to the member's account. ~~THE CITY OF CUMBY MATCHES THE EMPLOYEE CONTRIBUTION BASED ON TMRS PLAN PROVISIONS WHICH ARE UPDATED EACH YEAR BASED ON THEIR ACTUARIAL VALUATION. CITY OF CUMBY WILL UPDATE THEIR MATCH RATE ACCORDING TO THE ANNUAL ASSESSMENT BY TMRS. 2022 MATCH RATE IS 2.03% PER TMRS COMMUNICATION DATED JUNE 4, 2021, REGARDING 2022 CITY CONTRIBUTION RATE.~~
3. The City Council of the City of Cumby amends Section 5, 5.1 TIME AND ATTENDANCE and restates first paragraph: Normal working hours for most regular full-time employees, including non-shift employees, are Monday through Friday,

8:00am to 5:00pm, with one-hour for lunch, for a total of forty (40) hours per week. Public Works / Water Department employees' normal working hours are 8:00am to 5:00pm with additional on-call status periods for non-normal working hours as determined by the Department Director. This shall be restated as follows: NORMAL WORKING HOURS FOR CITY HALL STAFF WILL BE DETERMINED BY WORKLOAD OF THE CITY. PUBLIC WORKS / WATER DEPARTMENT EMPLOYEES' NORMAL WORKING HOURS MAY BE ADJUSTED SEASONALLY AT THE AGREEMENT BETWEEN THE MAYOR AND THE PUBLIC WORKS / WATER DEPARTMENT SUPERVISOR. EMPLOYEES WILL WORK A 40-HOUR WEEK, WITH THIRTY TO SIXTY MINUTE (30-60) LUNCH BREAKS. ADDITIONAL ON-CALL STATUS PERIODS FOR NON-NORMAL WORKING HOURS AS DETERMINED BY THE DEPARTMENT SUPERVISOR AND/OR THE MAYOR MAY BE NECESSARY.

4. The City Council of the City of Cumby amends Section 5, 5.2, sub-section "Meal Periods." And REMOVES the last sentence that states: "EMPLOYEES MAY NOT EXTEND MEAL BREAKS BEYOND THEIR ASSIGNED PERIOD."
5. The City Council of the City of Cumby amends Section 5.4 OVERTIME AND COMPENSATORY TIME, Section 5.4.1. Overtime, paragraph 3: Official City Holidays falling during the normal work week, Monday – Friday, are not counted as hours worked towards overtime pay for non-shift employees. Amend by ADDING: HOWEVER, IF AN EMPLOYEE WORKS OVER THE STANDARD WORK WEEK HOURS OF 40-HOURS WHEN A HOLIDAY FALLS WITHIN THE WEEK, OVERTIME WILL BE PAID FOR HOURS WORKED OVER 32 HOURS

Section 5.4.2 Compensatory time. Flex-time Work Schedule is removed in its entirety.

6. The City Council of the City of Cumby recognizes there is not a Section within the Employee & Policy Manual that addresses costs and expenses incurred, either by the employee or by the City, for employee education / training as required by various staff positions, and would add the following SECTION:
 - a. SECTION 5 – TIME AND ATTENDANCE, 5.19. EMPLOYEE EDUCATION / TRAINING LEAVE: TIME AND COSTS ASSOCIATED WITH CONTINUED EDUCATION / TRAINING WILL BE APPROVED BY THE DEPARTMENT DIRECTOR AND THE MAYOR.
 - b. STANDARD HOURLY / OR EXEMPT PAYROLL FOR TIME SPENT IN EDUCATIONAL CLASSES AND/OR TRAINING EXERCISES, UP TO AN EIGHT-HOUR WORKDAY EACH DAY IN ATTENDANCE, WILL BE PAID BY THE CITY OF CUMBY FOR EMPLOYEES IN TRAINING / CONTINUED EDUCATION CLASSES / WEBINARS OR OTHER MODES OR METHODS OF EDUCATIONAL CLASSES AND/OR TRAINING.
 - c. IF THE CLASS IS APPROVED BY SUPERVISOR / MAYOR, EXPENSES ASSOCIATED TO THE COST OF TRAINING / CERTIFICATION CLASS AND FEES, ALONG WITH REIMBURSEMENT OF TRAVEL COSTS (IF ANY), WILL BE PAID BY THE CITY OF CUMBY. THE CITY

SECRETARY WILL WORK WITH STAFF TO DETERMINE THE MOST COST-EFFECTIVE MODE OF TRAVEL. TRAVEL RATES WILL BE PAID AT THE THEN CURRENT GOVERNMENT PER DIEM MILEAGE RATE.

SHOULD A STAFF MEMBER RESIGN FROM CITY OF CUMBY WITHIN SIX (6) MONTHS OF TRAINING, THE EMPLOYEE IS OBLIGATED TO REIMBURSE THE COST OF THE EDUCATIONAL CLASSES AND/OR TRAINING (CLASS, BOOK, AND OTHER RELATED FEES). THIS AMOUNT MAY BE DEDUCTED FROM AN EMPLOYEE'S FINAL PAYROLL CHECK.

7. The City Council of the City of Cumby would further amend SECTION 6 – EMPLOYEE POLICIES, Use of City Vehicles, Item number 10, last sentence to include: Accident reports, along with any law enforcement report, must be filed by the employee with the department director, the Mayor AND THE CITY SECRETARY.

PASSED AND APPROVED by the City Council of the City of Cumby on this the 14th day of June, 2022.

Douglas Simmerman, Mayor

ATTESTED:

APPROVED AS TO FORM:

Betty Jo Hardman, City Secretary

Charles Anderson, City Attorney

City Secretary

From: City Secretary
Sent: Friday, March 25, 2022 4:11 PM
To: Doug Simmerman
Subject: EMPLOYEE HANDBOOK - recommended updates / additions / changes / questions

- **Discussion/Action:** City of Cumby Employee Handbook:
 - **Add:** TMRS contributions will not be made until a person completes the 90-day probationary period and is a full-time city employee. (City Secretary)
 - #1
 - #2
 - **Page 12, Section 3.3**, second paragraph, second sentence: “The City of Cumby matches the employee contribution at a 1 to 1 rate...” does this mean employees (are required to) contribute 5% and the city matches 5%? (That is not the rate the city is matching)
 - Page 18, Section 5.1, Time and Attendance: first paragraph, 2nd sentence referencing “Public Works/Water Department employees’ normal working hours are 8:00 a.m. to 5:00 p.m. with additional on-call status periods for non-normal working hours as determined by the Department Director.
 - CHANGE TO: “Public Works/Water employees’ normal working hours may be adjusted seasonally at the agreement between the Mayor and the Public Works/Water Department Supervisor. Department employees will work a 40-hour week with additional on-call status periods for non-normal working hours as determined by the Department Director and/or the Mayor.
 - Page 18, Section 5.2 Breaks, sub-section “Meal Periods.” Remove/Delete the last line that states: “Employees may not extend meal breaks beyond their assigned period.”
 - Page 19, Section Overtime and Compensatory Time, Section 5.4.1, 3rd paragraph, Official City Holidays falling during the normal work week, Month-Friday, are not counted as hours worked towards overtime pay for non-shift employees. *However, if an employee works over the standard workweek hours of 40-hours when a holiday falls within the week – overtime will be paid for hours worked over 32 hours in that work week. (REFERENCE Section 5.5, 3rd paragraph, Compensation, last sentence: “Holiday leave and jury duty leave count towards the 40-hours worked for 1.5 time call-back compensation.” *Make this a standard for all employees to count towards the 40-hours worked for 1.5 time.*
 - Page 20, Payment of Compensatory Time, Flex Work Schedule and Exempt Employees. The City has employee(s) that are exempt and are tracking “overtime” hours worked over 40 as “flex time”; is this accurate way or why track “hours over 40” for Exempt staff; are they entitled to accumulate and then take this time during the year? States they cannot and will not be paid for Flex time ... anytime I’ve been exempt, “flex-time” was never accumulated, so curious as to how / why this is done here at City of Cumby (?)
 - ~~Section 5.6 Emergency Closings: Define “Essential Personnel” Police Department, other (?)~~
 - The Employee Handbook does not address Education / Training. Add a section to incorporate:
 - Expenses related to training/certification required by city employees’ will be paid/reimbursed by the City of Cumby. This includes paying salary during training and travel-time to/from training event (if any) up to 8/hr/day not to exceed 40-hours per week unless approved by the Mayor. The city will reimburse or pay direct for expenses incurred but not limited to: Training class, meals, and hotel. Hotel will be paid if the training class is more than three-hours (3-hours) one-way from City Hall, 100 E. Main Street, Cumby TX 75433. Travel rates will be paid at the then current government per diem rate. Based

New #7

New #7 #8

on cost of travel, reimbursement will be made for the lessor of travel via employee personal vehicle and/or round-trip airplane flight.

- If the City bears the cost of training and an employee leaves the employment of the city, with or without cause, within 12-months of training, the employee must reimburse the cost of training (class, book and other fees). This amount may be deducted from an employee's final payroll check.
- Page 28, Item 10, last sentence, add: "... and City Secretary."

Thank you,

BJ (Betty Jo) Hardman
City Secretary

City of Cumby
P. O. Box 349 | 100 East Main | Cumby, TX 75433
Main: 903.994.2272 | Direct: 903.994.2083 | Fax: 903.994.2650
secretary@cityofcumby.com

Tabled

~~ORDINANCE O-2022-06-012~~ 010

REPEAL ORDINANCE 97-5

AN ORDINANCE OF THE CITY OF CUMBY TEXAS ESTABLISHING CITY OF CUMBY PARK HOURS; REPEALING INCONSISTANT ORDINANCES, AND ESTABLISHING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cumby, Texas, determines it is in the public interest and welfare to regulate the hours and use of the Cumby City Park;

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

SECTION 1. REPEAL. This Ordinance is adopted as stated herein and shall repeal and revoke the entirety of Ordinance No. 97-5. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 2. Except as otherwise provided herein, no person or persons will be allowed in Cumby City Park on any one day outside the hours of 6:00 a.m. to 10:00 p.m., without a written permit from the City of Cumby and signed by the Mayor.

SECTION 3. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Each day of violation shall count as a separate offense.

SECTION 4. This ordinance shall be effective from and after its date of passage

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

Douglas Simmerman, Mayor

ATTESTED TO:

APPROVED AS TO FORM:

Betty Jo Hardman, City Secretary

Charles Anderson, City Attorney

Update ordinance

Community Lighthouse Baptist Church

ORDINANCE NO. 97-5
TO AMEND ORDINANCE NO. 82-A

DECLARING THE POLICY OF THE CITY OF CUMBY, PROHIBITING THE LOITERING ON THE CUMBY CITY PARK AND ~~FIRST BAPTIST CHURCH~~ PARKING LOT AFTER 10:00 P.M. WITHOUT A PERMIT SIGNED BY THE MAYOR; PROVIDING FOR A PENALTY NOT EXCEEDING \$200.00 AND COURT COSTS.

Park is close 10:00pm-6am permit except by approval by mayor

WHEREAS, THE POLICE DEPARTMENT HAS ADVISED THAT DURING THE PAST YEAR THERE HAVE BEEN NUMEROUS REPORTED CASES OF DRINKING BEER, POSSIBLE SMOKING OF MARIJUANA AND LOITERING, SOMETIMES LASTING UNTIL AFTER MIDNIGHT. THERE HAVE ALSO BEEN INSTANCES OF LEAVING BROKEN GLASS AND CANS ON THE GROUNDS.

WHEREAS, THIS PRACTICE RESULTS IN UNNECESSARY NOISE IN THE PARK AND ON THE BAPTIST CHURCH PARKING LOT, HOT ROBBINGS AUTOMOBILES ON THE STREETS OF CUMBY, AND DESTRUCTION OF PROPERTY; AND

WHEREAS, IT IS IN THE PUBLIC INTEREST AND WELFARE TO REGULATE THE HOURS AND USE OF THE CITY PARK AND ~~FIRST BAPTIST CHURCH~~.
NOW, THEREFORE:

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

SECTION 1. EXCEPT AS OTHERWISE PROVIDED HEREIN, NO PERSON OR PERSONS WILL BE ALLOWED ~~TO LOITER ON OR USE THE~~ CUMBY CITY PARK AFTER 10 P.M., WITHOUT A WRITTEN PERMIT FROM THE CITY OF CUMBY AND SIGNED BY THE MAYOR.

Community Light House Baptist Church

A) THERE WILL BE NO LOITERING AT ~~FIRST BAPTIST CHURCH~~ AFTER 10:00 P.M.

SECTION 2. THE CURFEW PROVISIONS OF SECTION 1 OF THIS ORDINANCE SHALL NOT APPLY TO APPROVED PRIVATE PARTIES, PUBLIC ENTERTAINMENTS AND CIVIC BENEFITS.

SECTION 3. ANY PERSON WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$200.00.

SECTION 4. WHEREAS, AN EMERGENCY IS APPARENT FOR THE IMMEDIATE PRESERVATION OF ORDER, GOOD GOVERNMENT AND PUBLIC SAFETY THAT REQUIRES THIS ORDINANCE TO BECOME EFFECTIVE AT ONCE; THEREFORE, UPON PASSAGE OF THIS ORDINANCE BY A VOTE OF AT LEAST TWO (2) MEMBERS OF THE CITY COUNCIL, IT SHALL BE EFFECTIVE FROM AND AFTER THE DATE OF ITS PASSAGE, AS MADE AND PROVIDED BY IN THE CHARTER OF THE CITY OF CUMBY.

PASSED AND APPROVED THIS 11th DAY OF November, 1997.

La Vernia Battle
MAYOR

Wary Clinic
COMMISSIONER

Carle Betty
COMMISSIONER

ATTEST
Erma Moore

Juvenile curfew

"Loitering" vague

ORDINANCE NO. 82-1A

AN ORDINANCE

DECLARING THE POLICY OF THE CITY OF CUMBY; PROHIBITING THE LOITERING ON THE CUMBY CITY PARK AFTER 10:00 P. M. WITHOUT A PERMIT SIGNED BY THE MAYOR; PROVIDING FOR A PENALTY NOT EXCEEDING \$200.00 AND COURT COSTS.

WHEREAS, the Chief of Police has advised that during the past year there have been numerous reported cases of drinking beer, possible smoking of marijuana and loitering, sometimes lasting until after midnight. There has also been instances of leaving broken glass on the park grounds.

WHEREAS, this practice results in unnecessary noise in the park, hot rodding automobiles on the streets of Cumby, and destruction of property; and

WHEREAS, it is in the public interest and welfare to regulate the hours and use of the city park;
NOW THEREFORE:

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

Section 1. Except as otherwise provided herein, no person or persons will be allowed to loiter on or use the Cumby City Park after 10:00 p.m., without a written permit from the City of Cumby and signed by the Mayor.

Section 2. The curfew provisions of Section 1 of this ordinance shall not apply to approved private parties, public entertainments and civic benefits.

Section 3. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$200.00.

Section 4. WHEREAS, an emergency is apparent for the immediate preservation of order, good government and public safety that requires this ordinance to become effective at once; therefore, upon passage of this ordinance by a vote of at least two (2) members of the City Council, it shall be effective from and after the date of its passage, as made and provided by in the Charter of the City of Cumby.

PASSED AND APPROVED THIS 10th DAY OF February 1982.

James T. Beasley
MAYOR

ATTEST:

Thermit Hagan
Clerk

**ORDINANCE NO. O-2022-06-011
AMENDING ORDINANCE 2016-05-011
AMENDING ORDINANCE 2011-6
AMENDING ORDINANCE 2005-7A**

AN ORDINANCE REGULATING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF CUMBY; PROHIBITING CERTAIN USES OF WATER PROVIDED TO THE CITY'S WATER CUSTOMERS; PROVIDING A PENALTY FOR VIOLATION OF SAID ORDINANCE; REPEALING PROVISIONS OF PRIOR ORDINANCES IN CONFLICT THEREWITH; DECLARING AN EMERGENCY AND MAKING THIS ORDINANCE EFFECTIVE IMMEDIATELY. BE IT ORDAINED BY THE CITY OF CUMBY.

SECTION 1: DECLARATION OF POLICY, PURPOSE AND INTENT.

IN ORDER TO CONSERVE THE AVAILABLE WATER SUPPLY AND PROTECT THE INTEGRITY OF WATER SUPPLY FACILITIES, WITH PARTICULAR REGARD FOR DOMESTIC WATER USE, SANITATION AND FIRE PROTECTION, AND TO PROTECT AND PRESERVE PUBLIC HEALTH, WELFARE AND SAFETY AND MINIMIZE THE ADVERSE IMPACTS OF WATER SUPPLY SHORTAGE OR OTHER WATER SUPPLY EMERGENCY CONDITIONS, THE CITY OF CUMBY HEREBY ADOPTS THE FOLLOWING REGULATIONS AND RESTRICTIONS ON THE DELIVERY AND CONSUMPTION OF WATER.

WATER USES REGULATED OR PROHIBITED UNDER THIS DROUGHT CONTINGENCY PLAN ARE CONSIDERED TO BE NON-ESSENTIAL AND CONTINUATION OF SUCH USES DURING TIMES OF WATER SHORTAGE OR OTHER EMERGENCY WATER SUPPLY CONDITIONS ARE DEEMED TO CONSTITUTE A WASTE OF WATER WHICH SUBJECTS THE OFFENDER(S) TO PENALTIES AS DEFINED IN SECTION X OF THIS PLAN.

SECTION II: PUBLIC INVOLVEMENT

OPPORTUNITY FOR THE PUBLIC TO PROVIDE INPUT INTO THE PREPARATION OF THE PLAN WAS PROVIDED BY THE CITY OF CUMBY BY MEANS OF A COUNCIL MEETING.

SECTION III: PUBLIC EDUCATION

THE CITY OF CUMBY WILL PERIODICALLY PROVIDE THE PUBLIC WITH INFORMATION ABOUT THE PLAN, INCLUDING INFORMATION ABOUT THE CONDITIONS UNDER WHICH EACH STAGE OF THE PLAN IS TO BE INITIATED OR TERMINATED AND THE DROUGHT RESPONSE MEASURES TO BE IMPLEMENTED IN EACH STAGE. THIS INFORMATION WILL BE PROVIDED BY MEANS OF A MEETING, LETTER, PHONE CALL OR FLIERS.

SECTION VIII: CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

THE MAYOR OR HIS/HER DESIGNEE SHALL MONITOR THE WATER SUPPLY AND/OR DEMAND CONDITIONS ON A DAILY BASIS AND SHALL DETERMINE WHEN CONDITIONS WARRANT INITIATION OR TERMINATION OF EACH STAGE OF THE PLAN, THAT IS, WHEN THE SPECIFIED TRIGGERS ARE REACHED.

SECTION IV: COORDINATION WITH TCEQ AND OTHER WATER PLANNING GROUPS.

THE MAYOR OR HIS/HER DESIGNEE SHALL NOTIFY TCEQ OF ANY MANDATORY WATER USE RESTRICTION IMPOSED ON CUSTOMERS. THIS NOTICE, WHICH IS REQUIRED BY TCEQ RULES, MUST BE PROVIDED WITHIN FIVE WORKING DAYS OF THE DAY THE MANDATE WAS ISSUED. THE INITIATION AND CESSATION OF THESE RESTRICTIONS MUST BE MADE KNOWN TO THE TCEQ DROUGHT COORDINATOR AT 512-239-6054.

SECTION V: AUTHORIZATION

THE MAYOR OR HIS/HER DESIGNEE IS HEREBY AUTHORIZED AND DIRECTED TO IMPLEMENT THE APPLICABLE PROVISIONS OF THIS PLAN UPON DETERMINATION THAT SUCH IMPLEMENTATION IS NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE. THE MAYOR OR HIS/HER DESIGNEE, SHALL HAVE THE AUTHORITY TO INITIATE OR TERMINATE DROUGHT OR OTHER WATER SUPPLY EMERGENCY RESPONSE MEASURES AS DESCRIBED IN THE PLAN.

SECTION VI: APPLICATION

THE PROVISIONS OF THIS PLAN SHALL APPLY TO ALL PERSONS, CUSTOMERS AND PROPERTY UTILIZING WATER PROVIDED BY THE CITY OF CUMBY. THE TERM "PERSON" AND "CUSTOMER" AS USED IN THE PLAN INCLUDE INDIVIDUALS, CORPORATIONS, PARTNERSHIPS, ASSOCIATES AND ALL OTHER LEGAL ENTITIES.

SECTION VII: DEFINITIONS

FOR THE PURPOSE OF THIS PLAN, THE FOLLOWING DEFINITIONS SHALL APPLY:

AESTHETIC WATER USE: WATER USE FOR ORNAMENTAL OR DECORATIVE PURPOSES SUCH AS FOUNTAINS, REFLECTING POOLS AND WATER GARDENS.

COMMERCIAL AND INSTITUTIONAL WATER USE: WATER USE WHICH IS INTEGRAL TO THE OPERATIONS OF COMMERCIAL AND NON-PROFIT ESTABLISHMENTS AND GOVERNMENTAL ENTITIES SUCH AS RETAIL ESTABLISHMENTS, HOTELS AND MOTELS, RESTAURANTS AND OFFICE BUILDINGS.

CONSERVATION: THOSE PRACTICES, TECHNIQUES AND TECHNOLOGIES THAT REDUCE THE CONSUMPTION OF WATER, REDUCE THE LOSS OR WASTE OF WATER, IMPROVE THE EFFICIENCY IN THE USE OF WATER OR INCREASE THE RECYCLING AND REUSE OF WATER SO THAT A SUPPLY IS CONSERVED AND MADE AVAILABLE FOR FUTURE OR ALTERNATIVE USES.

CUSTOMER: ANY PERSON, COMPANY OR ORGANIZATION USING WATER SUPPLIED BY THE CITY OF CUMBY.

DOMESTIC WATER USE: WATER USE FOR PERSONAL NEEDS OR FOR HOUSEHOLD OR SANITARY PURPOSES SUCH AS DRINKING, BATHING, HEATING, COOKING, SANITATION OR FOR CLEANING A RESIDENCE, BUSINESS, INDUSTRY OR INSTITUTION.

EVEN NUMBER ADDRESS: STREET ADDRESS, BOX NUMBERS OR RURAL POSTAL ROUTE NUMBERS ENDING IN 0,2,4,6,8 AND LOCATIONS WITHOUT ADDRESSES.

ODD NUMBER ADDRESS: STREET ADDRESS, BOX NUMBERS OR RURAL POSTAL ROUTE NUMBERS ENDING IN 1,3,5,7,9.

INDUSTRIAL WATER USE: THE USE OF WATER IN PROCESSES DESIGNED TO CONVERT MATERIALS OF LOWER VALUE INTO FORMS HAVING GREATER USABILITY AND VALUE.

LANDSCAPE IRRIGATION USE: WATER USED FOR THE IRRIGATION AND MAINTENANCE OF LANDSCAPED AREAS, WHETHER PUBLICLY OR PRIVATELY OWNED, INCLUDING RESIDENTIAL AND COMMERCIAL LAWNS, GARDENS, GOLF COURSES, PARKS AND RIGHT-OF-WAY AND MEDIANS.

NON-ESSENTIAL WATER USE: WATER USES THAT ARE NOT ESSENTIAL NOR REQUIRED FOR THE PROTECTION OF PUBLIC, HEALTH, SAFETY AND WELFARE, INCLUDING:

- (a) IRRIGATION OF LANDSCAPE AREAS, INCLUDING PARKS, ATHLETIC FIELDS AND GOLF COURSES, EXCEPT OTHERWISE PROVIDED UNDER THIS PLAN;
- (b) USE OF WATER TO WASH ANY MOTOR VEHICLE, MOTORBIKE, BOAT, TRAILER, AIRPLANE OR OTHER VEHICLE;
- (c) USE OF WATER TO WASH DOWN ANY SIDEWALKS, WALKWAYS, DRIVEWAYS, PARKING LOTS, TENNIS COURTS, OR OTHER HARD-SURFACED AREAS;
- (d) USE OF WATER TO WASH DOWN BUILDINGS OR STRUCTURES FOR PURPOSES OTHER THAN IMMEDIATE FIRE PROTECTION;
- (e) FLUSHING GUTTERS OR PERMITTING WATER TO RUN OR ACCUMULATE IN ANY GUTTER OR STREET;
- (f) USE OF WATER TO FILL, REFILL OR ADD TO ANY INDOOR OR OUTDOOR SWIMMING POOLS OR JACUZZI-TYPE POOLS;
- (g) USE OF WATER IN A FOUNTAIN OR POND FOR AESTHETIC OR SCENIC PURPOSES EXCEPT WHERE NECESSARY TO SUPPORT AQUATIC LIFE;
- (h) FAILURE TO REPAIR A CONTROLLABLE LEAK (s) WITHIN A REASONABLE PERIOD AFTER HAVING BEEN GIVEN NOTICE DIRECTING THE REPAIR OF SUCH LEAK (s); AND
- (i) USE OF WATER FROM HYDRANTS FOR CONSTRUCTION PURPOSES OR ANY OTHER PURPOSES OTHER THAN FIREFIGHTING.

THE TRIGGERING CRITERIA DESCRIBED BELOW ARE BASED ON STATISTICAL ANALYSIS OF AVAILABLE WATER FOR WATER USAGE.

STAGE 1 TRIGGERS – MILD WATER SHORTAGE CONDITIONS

REQUIREMENTS FOR INITIATION: CUSTOMERS SHALL BE REQUIRED TO VOLUNTARILY CONSERVE WATER AND ADHERE TO THE PRESCRIBED RESTRICTIONS ON CERTAIN WATER USES, DEFINED IN SECTION VII- DEFINITIONS, ANNUALLY MAY 1 THROUGH SEPTEMBER 30.

REQUIREMENTS FOR TERMINATION: STAGE 1 OF THE PLAN MAY BE RESCINDED AFTER SEPTEMBER 30.

STAGE 2 TRIGGERS-MODERATE WATER SHORTAGE CONDITIONS

REQUIREMENTS FOR INITIATION: CUSTOMERS SHALL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS ON CERTAIN NON-ESSENTIAL WATER USES PROVIDED IN SECTION IX OF THIS PLAN WITH A 20% DECREASE IN THE AVERAGE WATER VOLUME PUMPED.

REQUIREMENTS FOR TERMINATION: STAGE 2 OF THE PLAN MAY BE RESCINDED WHEN ALL OF THE CONDITIONS LISTED AS TRIGGERING EVENTS HAVE CEASED TO EXIST FOR A PERIOD OF 24 HOURS. UPON TERMINATION OF STAGE 2, STAGE 1 BECOMES OPERATIVE.

STAGE 3 TRIGGERS – SEVERE WATER SHORTAGE CONDITIONS

REQUIREMENTS FOR INITIATION: CUSTOMERS SHALL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS ON CERTAIN NON-ESSENTIAL WATER USES FOR STAGE 3 OF THIS PLAN WITH A 30% DECREASE IN THE AVERAGE WATER PUMPED.

REQUIREMENTS FOR TERMINATION: STAGE 3 OF THE PLAN MAY BE RESCINDED WHEN ALL OF THE CONDITIONS LISTED AS TRIGGERING EVENTS HAVE CEASED TO EXIST FOR A PERIOD OF 2 CONSECUTIVE DAYS. UPON TERMINATION OF STAGE 3, STAGE 2 BECOMES OPERATIVE.

STAGE 4 TRIGGERS – CRITICAL WATER SHORTAGE CONDITIONS

REQUIREMENTS FOR INITIATION: CUSTOMERS SHALL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS ON CERTAIN NON-ESSENTIAL WATER USES FOR STAGE 4 OF THIS PLAN WITH A 40% DECREASE IN AVERAGE WATER PUMPED.

REQUIREMENTS FOR TERMINATION: STAGE 4 OF THE PLAN MAY BE RESCINDED WHEN ALL OF THE CONDITIONS LISTED AS TRIGGERING EVENTS HAVE CEASED TO EXIST FOR A PERIOD OF 2 CONSECUTIVE DAYS. UPON TERMINATION OF STAGE 4, STAGE 3 BECOMES OPERATIVE.

STAGE 5 TRIGGERS – EMERGENCY WATER SHORTAGE CONDITIONS

REQUIREMENTS FOR INITIATION: CUSTOMERS SHALL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS FOR STAGE 5 OF THIS PLAN WHEN THE MAYOR, OR HIS/HER DESIGNEE, DETERMINES THAT A WATER SUPPLY EMERGENCY EXISTS BASED ON:

- 1) MAJOR WATER LINE BREAKS, OR PUMP(S) OR SYSTEM FAILURES OCCUR, WHICH CAUSE UNPRECEDENTED LOSS OF CAPABILITY TO PROVIDE WATER SERVICE; OR
- 2) NATURAL OR MAN-MADE CONTAMINATION OF WATER SUPPLY SOURCE(S).

REQUIREMENTS FOR TERMINATION: STAGE 5 OF THE PLAN MAY BE RESCINDED WHEN ALL OF THE CONDITIONS LISTED AS TRIGGERING EVENTS HAVE CEASED TO EXIST FOR A PERIOD OF 2 CONSECUTIVE DAYS.

SECTION IX: DROUGHT RESPONSE STAGES

THE MAYOR OR HIS/HER DESIGNEE, SHALL MONITOR THE WATER SUPPLY AND/OR DEMAND CONDITIONS ON A DAILY BASIS AND, IN ACCORDANCE WITH THE TRIGGERING CRITERIA SET FORTH IN SECTION VIII OF THIS PLAN, SHALL DETERMINE THAT A MILD, MODERATE, SEVERE, CRITICAL, EMERGENCY OR WATER SHORTAGE CONDITION EXISTS AND SHALL IMPLEMENT THE FOLLOWING NOTIFICATION PROCEDURES:

NOTIFICATION OF THE PUBLIC: THE MAYOR OR HIS/HER DESIGNEE SHALL NOTIFY THE PUBLIC BY MEANS OF ONE OR MORE OF THE FOLLOWING:

PUBLIC SERVICE ANNOUNCEMENTS
TAKE-HOME FLIERS
PHONE CALLS

ADDITIONAL NOTIFICATION: THE MAYOR OR HIS/HER DESIGNEE SHALL NOTIFY DIRECTLY, OR CAUSE TO BE NOTIFIED DIRECTLY, THE FOLLOWING INDIVIDUALS AND ENTITIES:

MAYOR
FIRE CHIEF
TCEQ
MAJOR WATER USERS
PUBLIC FACILITY MANAGERS
SCHOOL

STAGE 1 RESPONSE – MILD WATER SHORTAGE CONDITIONS

GOAL: ACHIEVE A VOLUNTARY 20% REDUCTION IN THE DAILY AVERAGE TOTAL WATER DEMAND.

SUPPLY MANAGEMENT MEASURES: REDUCE OR DISCONTINUE FLUSHING OF WATER MAINS AND FIRE HYDRANTS.

VOLUNTARY WATER USE RESTRICTIONS:

(a) CUSTOMERS ARE REQUESTED TO VOLUNTARILY LIMIT THE IRRIGATION OF LANDSCAPED AREAS TO SUNDAYS AND THURSDAYS FOR CUSTOMERS WITH A STREET ADDRESS ENDING IN AN EVEN NUMBER (0,2,4,6,8) AND SATURDAYS AND WEDNESDAYS FOR WATER CUSTOMERS WITH A STREET ADDRESS ENDING IN AN ODD NUMBER (1,3,5,7,9), AND TO IRRIGATE LANDSCAPES ONLY BETWEEN THE HOURS OF 8:00p.m. TO MIDNIGHT (12:00a.m.) AND 6:00 a.m. TO 9:00 a.m. ON DESIGNATED WATERING DAYS.

(b) ALL OPERATIONS OF THE CITY OF CUMBY SHALL ADHERE TO WATER USE RESTRICTIONS PRESCRIBED FOR STAGE 2 OF THE PLAN.

(c) WATER CUSTOMERS ARE REQUESTED TO PRACTICE WATER CONSERVATIONS AND TO MINIMIZE OR DISCONTINUE WATER USE FOR NON-ESSENTIAL PURPOSES.

STAGE 2 RESPONSE – MODERATE WATER SHORTAGE CONDITIONS

GOAL: ACHIEVE A VOLUNTARY 30% REDUCTION IN THE DAILY AVERAGE TOTAL WATER DEMAND.

SUPPLY MANAGEMENT MEASURES: REDUCE OR DISCONTINUE FLUSHING OF WATER MAINS, REDUCED OR DISCONTINUED IRRIGATION OF PUBLIC LANDSCAPED AREAS;

WATER USE RESTRICTIONS: UNDER THREAT OF PENALTY FOR VIOLATION, THE FOLLOWING WATER USE RESTRICTIONS SHALL APPLY TO ALL PERSONS:

A) IRRIGATION OF LANDSCAPED AREAS WITH HOSE-END SPRINKLERS OR AUTOMATIC IRRIGATION SYSTEMS SHALL BE LIMITED TO WEDNESDAYS AND SATURDAYS FOR WATER CUSTOMERS WITH A STREET ADDRESS ENDING IN AN ODD NUMBER (1,3,5,7,9), AND SUNDAYS AND THURSDAYS FOR CUSTOMERS WITH A STREET ADDRESS ENDING IN AN EVEN NUMBER (0,2,4,6,8), AND IRRIGATION OF LANDSCAPED AREAS IS FURTHER LIMITED TO THE HOURS OF 8:00 p.m. – 8:00 a.m. ON DESIGNATED WATERING DAYS. HOWEVER, IRRIGATION OF LANDSCAPED AREAS IS PERMITTED AT ANYTIME IF IT IS BY MEANS OF A HAND-HELD HOSE, A FAUCET FILLED BUCKET OR WATERING CAN OF FIVE (5) GALLONS OR LESS, OR DRIP IRRIGATION SYSTEM.

B) USE OF WATER TO WASH ANY MOTOR VEHICLE, MOTORBIKE, BOAT, TRAILER, AIRPLANE OR OTHER VEHICLE IS PROHIBITED EXCEPT ON DESIGNATED WATERING DAYS BETWEEN THE HOURS OF 8:00 p.m. AND 8:00 a.m. SUCH WASHING, WHEN ALLOWED, SHALL BE DONE WITH A HAND-HELD BUCKET OR A HAND –HELD HOSE EQUIPPED WITH A POSITIVE SHUTOFF NOZZLE FOR QUICK RINSES. VEHICLE WASHING MAY BE DONE AT ANY TIME ON THE IMMEDIATE PREMISES OF A COMMERCIAL CARWASH OR COMMERCIAL SERVICE STATION. FURTHER, SUCH WASHING MAY BE EXEMPTED FROM THESE REGULATIONS IF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC IS CONTINGENT UPON FREQUENT VEHICLE CLEANING, SUCH AS GARBAGE TRUCKS AND VEHICLES USED TO TRANSPORT FOOD AND PERISHABLES.

C) USE OF WATER TO FILL, REFILL OR ADD TO ANY INDOOR OR OUTDOOR SWIMMING POOLS, WADING POOLS, OR JACUZZI-TYPE POOLS IS PROHIBITED EXCEPT ON DESIGNATED WATERING DAYS BETWEEN THE HOURS OF 8:00 p.m. – 8:00 a.m.

D) OPERATION OF ANY ORNAMENTAL FOUNTAIN OR POND FOR AESTHETIC OR SCENIC PURPOSES IS PROHIBITED EXCEPT WHERE NECESSARY TO SUPPORT AQUATIC LIFE OR WHERE SUCH FOUNTAINS OR PONDS ARE EQUIPPED WITH A RECIRCULATION SYSTEM.

E) USE OF WATER FROM HYDRANTS SHALL BE LIMITED TO FIREFIGHTING, RELATED ACTIVITIES, OR OTHER ACTIVITIES NECESSARY TO MAINTAIN PUBLIC HEALTH, SAFETY, AND WELFARE, EXCEPT THAT USE OF WATER FROM DESIGNATED FIRE HYDRANTS FOR CONSTRUCTION PURPOSES MAY BE ALLOWED UNDER SPECIAL PERMIT FROM THE CITY OF CUMBY.

F) USE OF WATER FOR THE IRRIGATION OF PARKS (BALL FIELDS OF ANY TYPE) IS PROHIBITED EXCEPT ON DESIGNATED WATERING DAYS BETWEEN THE HOURS OF 8:00 p.m. AND 8:00 a.m. HOWEVER, IF THE PARKS UTILIZE A WATER SOURCE OTHER THAN

THAT PROVIDED BY THE CITY OF CUMBY, THE FACILITY SHALL NOT BE SUBJECT TO THESE REGULATIONS.

G) ALL RESTAURANTS ARE PROHIBITED FROM SERVING WATER TO PATRONS EXCEPT UPON REQUEST OF THE PATRON.

H) THE FOLLOWING USES OF WATER ARE DEFINED AS NON-ESSENTIAL AND ARE PROHIBITED:

- 1) WASH DOWN OF ANY SIDEWALKS, WALKWAYS, DRIVEWAYS, PARKING LOTS, TENNIS COURTS, OR OTHER HARD-SURFACED AREAS;
- 2) USE OF WATER TO WASH DOWN BUILDINGS OR STRUCTURES FOR PURPOSES OTHER THAN IMMEDIATE FIRE PROTECTION;
- 3) USE OF WATER FOR DUST CONTROL;
- 4) FLUSHING OF GUTTERS OR PERMITTING WATER TO RUN OR ACCUMULATE IN ANY GUTTER OR STREET; AND
- 5) FAILURE TO REPAIR A CONTROLLABLE LEAK(S) WITHIN A REASONABLE PERIOD AFTER HAVING BEEN GIVEN NOTICE DIRECTING THE REPAIR OF SUCH LEAK(S).

STAGE 3 RESPONSE – SEVERE WATER SHORTAGE CONDITIONS

GOAL: ACHIEVE A VOLUNTARY 40% REDUCTION IN THE DAILY AVERAGE TOTAL WATER DEMAND.

SUPPLY MANAGEMENT MEASURES: REDUCE OR DISCONTINUE FLUSHING OF WATER MAINS, REDUCED OR DISCONTINUED IRRIGATION OF PUBLIC LANDSCAPED AREAS;

WATER USE RESTRICTIONS- ALL REQUIREMENTS OF STAGE 2 SHALL REMAIN IN EFFECT DURING STAGE 3 WITH THE EXCEPTION OF WATERING HOURS. THE STAGE 3 HOURS SHALL BE: WEDNESDAYS FOR WATER CUSTOMERS WITH A STREET ADDRESS ENDING IN AN ODD NUMBER (1,3,5,7,9), AND THURSDAYS FOR CUSTOMERS WITH A STREET ADDRESS ENDING IN AN EVEN NUMBER (0,2,4,6,8). AND THE HOURS OF 8:00 p.m. – 12:00 a.m. ON DESIGNATED WATERING DAYS.

STAGE 4 RESPONSE – CRITICAL WATER SHORTAGE CONDITIONS

GOAL: ACHIEVE A VOLUNTARY 50% REDUCTION IN THE DAILY AVERAGE TOTAL WATER DEMAND.

SUPPLY MANAGEMENT MEASURES: NO INSTALLATION OF NEW WATER TAPS.

WATER USE RESTRICTIONS- ALL REQUIREMENTS OF STAGE 2 AND 3 SHALL REMAIN IN EFFECT DURING STAGE 4 WITH THE EXCEPTION OF WATERING HOURS. THE STAGE 4 HOURS SHALL BE: NO OUTSIDE WATERING WILL BE ALLOWED. HOWEVER, WATERING IS PERMITTED AT ANYTIME IF IT IS BY MEANS OF A HAND-HELD HOSE, A FAUCET FILLED BUCKET OR WATERING CAN OF FIVE (5) GALLONS OR LESS, OR DRIP IRRIGATION SYSTEM.

STAGE 5 RESPONSE – EMERGENCY WATER SHORTAGE CONDITIONS

GOAL: ACHIEVE A VOLUNTARY 60% REDUCTION IN THE DAILY AVERAGE TOTAL WATER DEMAND.

SUPPLY MANAGEMENT MEASURES: THE CITY OF CUMBY WILL DISCONTINUE THE FLUSHING OF WATER MAINS, DISCONTINUE IRRIGATION OF PUBLIC LANDSCAPED AREAS, AND WILL PROCURE WATER FROM SULPHUR SPRINGS AND/OR CASH WATER SUPPLY.

WATER USE RESTRICTIONS- ALL REQUIREMENTS OF STAGE 2, 3 AND 4 SHALL REMAIN IN EFFECT DURING STAGE 5 WITH THE EXCEPTION OF WATERING HOURS. NO OUTSIDE WATERING WILL BE ALLOWED.

SECTION X: ENFORCEMENT

(A) NO PERSON SHALL KNOWINGLY OR INTENTIONALLY ALLOW THE USE OF WATER FROM THE CITY OF CUMBY FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, GOVERNMENTAL, OR ANY OTHER PURPOSE IN A MANNER CONTRARY TO ANY PROVISION OF THIS PLAN, OR IN AN AMOUNT IN EXCESS OF THAT PERMITTED BY THE DROUGHT RESPONSE STAGE IN EFFECT AT THE TIME PURSUANT TO ACTION TAKEN BY THE MAYOR, OR HIS/HER DESIGNEE, IN ACCORDANCE WITH PROVISIONS OF THIS PLAN.

(B) ANY PERSON WHO VIOLATES THIS PLAN IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$100.00 AND NOT MORE THAN \$200.00 EACH DAY THAT ONE OR MORE OF THE PROVISIONS IN THIS PLAN IS VIOLATED SHALL CONSTITUTE A SEPARATE OFFENSE. IF A PERSON IS CONVICTED OF THREE OR MORE DISTINCT VIOLATIONS OF THIS PLAN, THE MAYOR SHALL, UPON DUE NOTICE TO THE CUSTOMER, BE AUTHORIZED TO DISCONTINUE WATER SERVICE TO THE PREMISES WHERE SUCH VIOLATIONS OCCUR. SERVICE DISCONTINUED UNDER SUCH CIRCUMSTANCES SHALL BE RESTORED ONLY UPON PAYMENT OF A RECONNECTION CHARGE, HEREBY ESTABLISHED AT \$25.00, OR MORE AND ANY OTHER COSTS INCURRED BY THE CITY OF CUMBY IN DISCONTINUING SERVICE. IN ADDITION, SUITABLE ASSURANCE MUST BE GIVEN TO THE MAYOR THAT THE SAME ACTION SHALL NOT BE REPEATED WHILE THE PLAN IS IN EFFECT. COMPLIANCE WITH THIS PLAN MAY ALSO BE SOUGHT THROUGH INJUNCTIVE RELIEF IN THE DISTRICT COURT.


(C) ANY PERSON, INCLUDING A PERSON CLASSIFIED AS A WATER CUSTOMER OF THE CITY OF CUMBY, IN APPARENT CONTROL OF THE PROPERTY WHERE A VIOLATION OCCURS OR ORIGINATES SHALL BE PRESUMED TO BE THE VIOLATOR, AND PROOF THAT THE VIOLATION OCCURRED ON THE PERSON'S PROPERTY SHALL CONSTITUTE A REBUTTABLE PRESUMPTION THAT THE PERSON IN APPARENT CONTROL OF THE PROPERTY COMMITTED THE VIOLATION, BUT ANY SUCH PERSON SHALL HAVE THE RIGHT TO SHOW THAT HE/SHE DID NOT COMMIT THE VIOLATION. PARENTS SHALL BE PRESUMED TO BE RESPONSIBLE FOR VIOLATIONS OF THEIR MINOR CHILDREN AND PROOF THAT A VIOLATION, COMMITTED BY A CHILD, OCCURRED ON PROPERTY WITHIN THE PARENTS' CONTROL SHALL CONSTITUTE A REBUTTABLE PRESUMPTION THAT THE PARENT COMMITTED THE VIOLATION, BUT ANY SUCH PARENT MAY BE EXCUSED IF HE/SHE PROVES THAT HE/SHE HAD PREVIOUSLY DIRECTED THE CHILD NOT TO USE THE

WATER AS IT WAS USED IN VIOLATION OF THIS PLAN AND THAT THE PARENT COULD NOT HAVE REASONABLY KNOWN OF THE VIOLATION.

(D) ANY EMPLOYEE OF THE CITY OF CUMBY, POLICE OFFICER, OR OTHER EMPLOYEE DESIGNATED BY THE MAYOR MAY ISSUE A CITATION TO A PERSON HE/SHE REASONABLY BELIEVES TO BE IN VIOLATION OF THIS ORDINANCE. THE CITATION SHALL BE PREPARED IN DUPLICATE AND SHALL CONTAIN THE NAME AND ADDRESS OF THE ALLEGED VIOLATOR, IF KNOWN, THE OFFENSE CHARGED, AND SHALL DIRECT HIM/HER TO APPEAR IN THE MUNICIPAL COURT ON THE DATE SHOWN ON THE CITATION FOR WHICH THE DATE SHALL NOT BE LESS THAN 3 DAYS NOR MORE THAN 5 DAYS FROM THE DATE THE CITATION WAS ISSUED. THE ALLEGED VIOLATOR SHALL BE SERVED A COPY OF THE CITATION. SERVICE OF THE CITATION SHALL BE COMPLETE UPON DELIVERY OF THE CITATION TO BE ALLEGED VIOLATOR, TO AN AGENT OR EMPLOYEE OF A VIOLATOR, OR TO A PERSON OVER 14 YEARS OF AGE WHO IS A MEMBER OF THE VIOLATOR'S IMMEDIATE FAMILY OR IS A RESIDENT OF THE VIOLATOR'S RESIDENCE. THE ALLEGED VIOLATOR SHALL APPEAR IN MUNICIPAL COURT TO ENTER A PLEA OF GUILTY OR NOT GUILTY FOR THE VIOLATION OF THIS PLAN. IF THE ALLEGED VIOLATOR FAILS TO APPEAR IN MUNICIPAL COURT, A WARRANT FOR HIS/HER ARREST MAY BE ISSUED. A SUMMONS TO APPEAR MAY BE ISSUED IN LIEU OF AN ARREST WARRANT. THESE CASES SHALL BE EXPEDITED AND GIVEN PREFERENTIAL SETTING IN MUNICIPAL COURT BEFORE ALL OTHER CASES. THE FINE SHALL NOT EXCEED \$500.00 FOR EACH VIOLATION.

IF ANY SECTION, SENTENCE, CLAUSE OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE ILLEGAL, ULTRA VIRES OR UNCONSTITUTIONAL, SUCH INVALIDITY SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

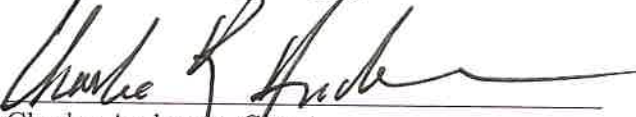
PASSED AND APPROVED THIS 14TH DAY OF JUNE 2022.


Douglass Simmerman, Mayor

ATTEST:


Betty Jo Harlan, City Secretary

APPROVED AS TO FORM:


Charles Anderson, City Attorney