

**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 August 9, 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, the Mayor, a City Council member and Staff may report on the following items of community interest:(1) expression of thanks, congratulations or condolences (2) information about holiday schedules (3) recognition of individuals (4) reminders about upcoming events organized or sponsored by the City Council (5) Information about community events and (6) announcements involving imminent threat to public health and safety. Additionally, pursuant to TEX. GOV'T CODE 551.042, the Mayor or Council members may request that items be placed on future City Council agendas.

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, July 5, 2022
- 6.2. Approval – City Council Special Meeting Minutes, July 14; July 19; July 22; July 30, 2022
- 6.3. Approval – 2022 July Financials (P&L)
- 6.4. Approval – Fiscal Year 2021-2022 P&L
- 6.5. Approval – 2021-2022 Vendor Balance Summary
 - 6.5.1. Recap of July 2022 billing (over \$2500) (if any)
- 6.6. Approval - Public Works Department Activity Report
- 6.7. Approval – Utility / Maintenance Work Order Update Report
- 6.8. Approval - Police Department Activity Report
- 6.9. Approval - Municipal Court Activity Report
- 6.10. Approval - Building Permit Activity Report
- 6.11. Fire Department Activity Report

7. EXECUTIVE SESSION

7.1. In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

- 7.1.1.1. Discussion / Action: §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: City Secretary Betty Jo Hardman (Mayor Douglas Simmerman)
- 7.1.1.2. Discussion/Action: § 551.089 Deliberation regarding Security Alarm company selection for City Hall, inclusive of City Hall offices; Municipal Court; Police Department. (Mayor)
- 7.1.1.3. Discussion: § 551.089 follow-up from July 5, 2022 Executive session regarding questions posed on location of security equipment; accessibility and by whom. (Mayor)
- 7.1.1.4. Discussion/Action: § 551.089 Deliberation regarding Cyber Security for (all) City Hall computer systems – including: City Hall offices; Municipal Court; Police Department. (Mayor)

8. RECONVENE INTO OPEN SESSION:

8.1. 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.

9. OLD BUSINESS

- 9.1. Discussion/Action: Alderman 4, Aly Crocker, Committee update regarding review of Ordinances / Resolutions
- 9.2. Discussion/Action: **Resolution R-2022-07-026D** – Ordinance Prohibiting or Restricting Outdoor Burning in the City Limits, City of Cumby, Texas. Re-issue with correct number of Council Signatures. We learned this week from City Attorney that Special Meeting requires “super-quorum”, or in City of Cumby, a total of four (4) Council to make a quorum.
- 9.3. Discussion/Action: **Resolution R-2022-06-1011** Tabled in June 14, 2022, Council Meeting: 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 Simmerman)
- 9.4. Discussion / Action: **Ordinance O-2022-08-030** Republic Trash Commercial Services fees (Mayor)
- 9.5. Discussion / Action: Unread meters and how is the City addressing this problem? (Alderman Crocker)

10. NEW BUSINESS

10.1. Discussion/Action:

11. ADJOURNMENT

Executive Sessions Authorized – The City Council for the City of Cumby reserves 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)

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the August 5, 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 OF
JULY 5, 2022
CITY COUNCIL MEETING**

1. **CALL MEETING TO ORDER** – Mayor Simmerman called the meeting to order @ 6:30pm
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Led by Mayor Douglas Simmerman
3. **ROLL CALL & QUORUM REPORT** – A quorum was established
Mayor Douglas Simmerman Alderman 5 & Mayor Pro Tem Ryan Horne
Alderman 1, Amber Hardy Alderman 2, Katherine Flinn
Alderman 3, Wayne Mobley Alderman 4, Aly Crocker

4. **PRESENTATION BY CITIZENS**

- 4.1. Thomas Jenkins: lived here for a while; built 13 acre lake; 70 acres; front side open for commercial; first phase of 50 RV park; not a normal RV park, we are making lot sizes double compared to most parks; we're adding 50-55 ft between each Motor Home. There will also be a walking trail; a pavilion for cook outs; a dog park on back side; on front where metal bldg. currently is, there will be the RV office; and a restaurant with open porch area to the back (open concept to the lake). Also include a gym, which will be large enough for citizens to get a membership; a laundromat (at front and one in the back), again open to citizens. The engineer came in and mapped; drainage will be correct – don't want to have to fix things later; contractor out of Sulphur Springs is bidding. Hoping things will lift off quickly. As soon as can get water; and we're talking to Cumby Maintenance. There is a 4" water line that stops at the bridge. We have discussed helping City of Cumby pay for 4" line all way out; or come off from there – or both? 2" line in front – can't put a 2" meter on a 2" line – wouldn't have any pressure downstream.
Alderman Hardy inquired how big looking to expand?
Mr. Jenkins: Appx 400 MAXIMUM; will know a lot more when engineers comes out.
Alderman Crocker asked if these will be extended stay or overnight sites (only)?
Thomas Jenkins: Most are extended stay.
He continued: There is a 10-year old limit on age of RV renting spots. Further, they will do a background check on extended stay. Their plan is to keep rates pretty high and have a lot of facilities – don't want "riff-raff".
Alderman Hardy said she has heard so many people "talk" so, it's good to hear.

- 4.2. Citizen Sheryl Lackey sent an email and requested that it be read and made part of minutes. Alderman Horne read and presented during Council Meeting and Presentation by Citizens. (Attached and included as part of minutes.) RECAP: Email will be an addendum; council come prepared – if not receive packets, how can they come prepared; Ordinances/Resolutions (older documents) not posted – example: July 4, 2022, daughter looking for Ordinance in place for fireworks; OLD BUSINESS: office hours; overtime made by City employees; staffing.

5. **CITY COUNCIL COMMENTS:** Mayor Simmerman read changes submitted by City Attorney to City Council Comments. City Attorney Charles Anderson stated that these reflect State Statute and open meetings act. Agenda topics have to be advertised in advance on the agenda posted. These topics do not. Also, reminder what can and cannot talk about outside the agenda.
 - 5.1. Alderman Crocker passed around a listing of Ordinances & Resolutions markup that committee is working on; wants to thank Ms. Rita Graham for put all it together. Mayor Simmerman also thanked Alderman Crocker for her time and hard work.
 - 5.2. Mayor Simmerman announced that a Coffee with Cops is scheduled for 23 July 2022
 - 5.3. Alderman Crocker requested that unread meters should be placed on Agenda for next month regarding how is City moving forward for repairs and what is plan? Make some kind, even if small, progress.
 - 5.4. Alderman Crocker would like to add to next month's agenda discussions Employee Policy & Handbook – job descriptions for all employees; court clerk; PD Chief; utility clerk and others.

- 5.5. Alderman Home said there are girls of all ages going to Branson, Galveston, Florida – wish them luck-Softball.
- 5.6. Alderman Hardy asked if there would be a “Soft Opening” at the RV Park?
 - 5.6.1. Mr. Jenkins replied that once stuff back from engineers mapped out, we will share with you what all we will have.
- 5.7. Mayor Simmerman: Thank you to Jeff Hundley for working on July 4th.

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, June 14, 2022
- 6.2. Approval – City Council Budget Workshop Minutes, June 21, 2022
- 6.3. Approval – 2022 June Financials
- 6.4. Approval – 2021-2022 Vendor Balance Detail
 - 6.4.1. Messer, Fort & McDonald – recap of March / April / May 2022 billing (over \$2500)
- 6.5. Approval - Public Works Department Activity Report
- 6.6. Approval – Utility / Maintenance Work Order Update Report
- 6.7. Approval - Police Department Activity Report
- 6.8. Approval - Municipal Court Activity Report
- 6.9. Approval - Building Permit Activity Report
- 6.10. Fire Department Activity Report

City Secretary commented that all reports are in the packet; they were not in the DRAFT packet circulated as they were not yet available due to the meeting scheduled a week early

City Council studied reports submitted.

Alderman Aly Crocker made motion to accept the Consent Agenda as presented.

Alderman Wayne Mobley 2nd the motion;

5/0 None Against – motion carried unanimously

7. 7:07pm – Mayor broke from open meeting into EXECUTIVE SESSION

8. 8:11pm – Mayor reconvened into OPEN SESSION:

- 8.1. 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.

Action: Alderman Aly Crocker made a motion to return Municipal Court Clerk/Associate Judge from Salary (Exempt) back to hourly (Non-Exempt) at hourly rate of \$18.00/hour.

Alderman Wayne Mobley 2nd the Motion;

5/0 None against - motion carried unanimously

9. OLD BUSINESS

- 9.1. **Discussion/Action:** Alderman 4, Aly Crocker, Committee update regarding review of Ordinances / Resolutions

Committee Chairperson Aly Crocker reported that Alderman Amber Hardy is on the committee; Committee will have a meeting next week. Alderman Hardy reminded her that she was traveling next week.

She further reported that Ms. Rita Graham, a member of the committee, had organized a list of Ordinances / Resolutions by topic and that was the handout provided. The Ordinances / Resolutions she found (Ms. Graham) that have not yet been moved from old website to new website, Ms. Graham has been given instructions and will move all over to the new city website: cumbytx.com

The committee will work on these together; Ms. Graham is going to continue to accumulate notes; and get into organization; find out Ordinances and Resolutions that have not yet been moved.

Secretary asked if they still needed copies of all documents (Resolutions/Ordinances)? Alderman Crocker said they would section off into group (by topic); and, if they needed to print, they would narrow it down and not just print everything.

Discussion/Action: Resolution R-2022-06-1011 Tabled in June 14, 2022, Council Meeting: 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 Simmerman)

It was decided to table this discussion/action item again; will consider in August 9, 2022 Council meeting

9.2. Discussion/Action: Ordinance O-2022-06-010 Tabled in June 14, 2022, Council Meeting Repealing, Revoking and Replacing Ordinance No. 97-5 and 82-A; Establishing hours and use of Cumby City Park (Mayor Simmerman)

Alderman Crocker asked for Chief Hundley input regarding this Resolution. “Is this a good idea.” “Does the City need”

Chief Hundley reported that overall 10pm is a good time to list in ordinance as closing time; if someone has criminal intent, PD will have an option to stop and open discussion with them.

Alderman Crocker asked if City needs to Post signs. Yes, that is a requirement.

Ms. Graham stated that she is having signs made for Court and she will get an estimate for Council

Alderman Aly Crocker made motion to accept the resolution as read

Alderman Amber Hardy 2nd the Motion;

5/0 None Against - motion carried unanimously

10. NEW BUSINESS

10.1. Discussion/Action: Bamboo Street Right of Way Maintenance and Preservation

Officer Johnny Painter reported that City received complaints that the new owner of property located on I-30 Service road was going to fence off Bamboo Street. They had just completed a new survey of their property and found that they in fact “owned” that area of land. Officer Painter researched and investigated and found that Hopkins County Appraisal District did not show; however, after further research, they do show this as a “street” on CAD maps. There is and should be no problem with the landowner.

He listed Statute 232.001; easement for use as city street - gives us the no less than 25’ and no more than 35’. He continues to work with interested parties to bring in new businesses, including current owner of Valero as well as RV service center are updating surveys to properties.

No complaint was filed – no action.

10.2. Discussion/Action: Ordinance O-2022-07-011, Repealing and Revoking Ordinance 87-8, Restricting who can hold public dances” (Alderman Crocker)

Discussion by council that this, along with several other Ordinances are outdated for today’s time.

Alderman Aly Crocker moved to accept to Ordinance as presented

Alderman Ryan Horne 2nd the motion

5/0 None against - Motion carried unanimously

10.3. Discussion/Action: Ordinance O-2022-07-012, Repealing, Revoking and Replacing Ordinance 2003-13, An Ordinance of the City Commission of the City of Cumby, Texas, Providing for the Distance of Place of Business from Church, Public School, or Public Hospital Repealing All Ordinances or Portions of Ordinances in Conflict Therewith; and Providing that this Ordinance Shall be in Full Force and Effect....” (Mayor Simmerman)

Explanation: When Cumby went “wet” and alcohol sales were allowed; the Ordinance passed stated that businesses should be 1000 feet from: Church; public school; private school. The RV Park may want to have a restaurant that would see alcohol; this property is 750’ to Cornerstone Church. This Ordinance would place City of Cumby in line with what the state statute. Should the state statute change; Cumby ordinance will fall in line with statute.

Alderman Ryan Horne makes motion to accept the Ordinance as read
Alderman Amber Hardy 2nd the Motion;
5/0 None Against - Motion carried unanimously

10.4. Discussion/Action: Resolution R-2022-07-1012, A Resolution of the City Council of the City of Cumby Texas authorizing the appointment of a representative to serve as a Director on the ARK-TEX Council of Governments Board of Directors

After discussion among Council, it was determined and agreed that Mayor Douglas Simmerman will serve in this role for City of Cumby

Alderman Ryan Horne made motion to accept R-2022-07-1012 with Mayor Douglas Simmerman serving as representative
Alderman Aly Crocker 2nd the motion
5/0 none against - Motion carried unanimously

10.5. Discussion/Action: 2022-2023 Fiscal Year Budget and 2022 Tax Rate (agenda item until Agenda approved & new tax rate determined) – nothing t

City Secretary said she had been approached by both Chief of Police as well as Maintenance Supervisor inquiring as to additional personnel. With budget constraints, PD is two Officers short, and Maintenance is one (short).

Ms. Graham gave an example that in a past position she held, Commissioners Court, number of staff was determined and was set with how many positions each department can have.

Chief Hundley said that the budget is supposed to be for five officer positions; can / or can they not be eliminated without council approval(?)

Ms. Graham said that at one time, the court had two positions; however, she hasn't been able to hire someone in the 2nd position (hired someone early into warrant round up however they did not work out); so, she has been holding court on own for last year.

Alderman Crocker asked how does the City figure out how many people are supposed to have so the budget is in place?

Mayor Simmerman said for PD there are specific metrics used – example: Per thousand population: 4.3 / thousand = UCR reports is how they identify per population / per person. Most metrics are based on 10K – we're too small; it's per thousand.

Ordinance committee city council put together will be able to gather Ordinances that reflect topics and number of employees per department might be one of those; or recommend that in future how many people required for departments might be added (Ordinance added).

Alderman Hardy inquired if training in the budget; Court Clerk and other roles require on-going training. City Secretary will check the budget and add if this is not included; items added to each department were submitted by Department heads. She further asked when were positions “frozen or eliminated”? Is the Mayor eliminating “willy – nilly”....

Mayor Simmerman responded that city can hire and maintain staff based on financials and income of the City.

We are hoping to bring more income into the city and work efficiently. Look at Thomas Jenkins, he is possibly looking at annexing property. The process is they have to request to be annexed. If they have a restaurant and bar, this will bring taxes into City of Cumby.

Mayor Simmerman has spoken with both owners at length, and they are willing to annex the multi-family property as well as the RV park into city limits.

Chief Hundley said that cutting positions in law enforcement, particularly if annexing the RV park doesn't save money in any form. He further said PD is working to do what we can; added a reserve officer and pay them nothing. We hope to take on some more reserves; quality individuals to put on their own. Have one through the process and starting "free". They are trying to save money as much as we can; if locked down and cannot hire additional officers, burn ourselves out; production and not here 24 / 7 – citizen-wise – lives here and knows how it goes; if know not here – then we sacrifice the city – cut loose and not worked in the past. He asked if we are in a freeze, how long will positions be frozen?

Mayor Simmerman said he could not discuss at the Budget Workshop as employ status was changing for a then-current staff. Cumby financials will be very tight for the next three months; because the budget is approved does not mean there is money there – doesn't mean there's money waiting to be spent – remember the City has to collect before we can spend. City Secretary and I go through two times a month to determine what we can pay. We have payroll as well of course and it is always first priority

Alderman Crocker stated that going forward, she is not ok with cutting PD; particularly with expanding residence and new business coming in.

Alderman Hardy stated that increase the population; pull some from here and some from there – put PD's 4th person in the office budgeted for. Would also like to see in the Budget three (3) maintenance full time; and the "floater" for City / Court offices.

Chief Hundley said that as it sits, he is finally getting people to apply; been beating the streets; going through the reputation of the city, its been hard. Instructions please regarding do we stop; take a good hard look; fill the position – concerned about that. Hate to pass up a good officer but don't want to have someone to "fill" the spot... Just turned lose the one we had – standards being met is an absolutely must; he wasn't meeting the standard. Putting a "freeze" and stopping people from applying ... You get a good applicant – bring in part-time; work two days a week – experienced person; want opportunity to go full time.

People are out there – but –

Mentor for Katherine – call Doug any time. Welcome to call at any time.

Mentor – all willing to help; remember

11. There being no further business, the meeting ADJOURNMENT @ 8:54 pm

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

My name is Sheryl Lackey. ... *redacted (BJH)* [please redact my address, personal email and previous posted personal email) in the minutes].

Reading Policy 2020-12, a citizen should be allowed to speak during each agenda item. With that being said, I would like to have items read before the discussions of council of the following items:

PRESENTATION BY CITIZENS:

I understand that my email will be an “addendum” to the minutes, as my emails have been the only ones that have been “added” either as an Alderman or a citizen (even though with the approval of minutes of the council another citizen’s email should have been attached to a meeting and posted too and to date have not.) I am still trying to figure out why I have/am the only one being “singled-out” while serving as an Alderman and now a citizen. I am requesting that my personal email address be redacted.

Reading the minutes for the June 14, 2022, meeting it was stated that “council come prepared”. My question is how can they come prepared if they do not receive their packet in a timely manner, nor have everything included; especially the financials? In mid-year of '21 three council members requested the Vendor Balance Detail Report from QB which is NOT the same as the Unpaid Bills. During the January 11, 2022, Regular Council meeting Resolution R-2022-01-005 paraphrasing “that any items to be included on the Council Agenda regular meeting shall be submitted to the City Secretary by or before end of business day, on the Monday prior to the posting deadline to the regular city council meeting”..... “to ensure Council members have information prior to the 'day-of-meeting'”. It was also stated (in the minutes that were approved by Council at the following meeting), “The Resolution will be posted on City of Cumby Facebook page.” I cannot find them on the Facebook page or on the Website for Cumby.

As a member of the Ordinance Committee, I have a huge issue with all Ordinances/Resolutions not being posted on the new website. The committee cannot do their due diligence nor can the citizens find pertinent Ordinances/Resolutions they are looking for/need. For example, my daughter messaged me on July 4, 2022, looking for the Ordinance that is in place for fireworks, as there were citizens within the city limits shooting them last night. Luckily, I had a hard copy in my possession due to the fact they are not posted on the website.

Old Business

9.2: Normal business hours: Most municipalities in Texas have normal business hours for their departments Monday through Friday 8 A.M. to 5 P.M. Again, my stance has been and always will be these need to be the normal hours for our city no matter what department you

work in (other than the P.D.) When applying for the positions within the city, it was stated hours are Monday through Friday 8 A.M. to 5 P.M.

Overtime: Again, FLSA states the overtime is paid AFTER 40 hours are **WORKED**. To break down how to do payroll (again, not P.D.)

For example: If a holiday is on Monday:

An employee works 32 hours Tuesday through Friday:

32 hours of straight time plus 8 hours for holiday (straight time)

An employee works 40 hours Tuesday through Friday:

40 hours of straight time plus 8 hours for holiday (straight time)

An employee works 42 hours Tuesday through Friday:

40 hours of straight time, 8 hours holiday (straight time), and 2 hours time and a half.

It was rumored that positions were wanting to be cut for the P.D. due to budgetary constraints. Where does this make sense to pay unnecessary overtime? Especially when the city has at least one employee who has at least one day off every other week. I am still trying to wrap my head around how they are receiving overtime.

**SPECIAL MEETING
OF THE CITY COUNCIL OF
CUMBY, TEXAS
July 14, 2022 Minutes**

Mayor Douglas Simmerman **CALLED MEETING TO ORDER @ 4:00pm**

PLEDGE OF ALLEGIANCE AND INVOCATION was led by Mayor Douglas Simmerman

ROLL CALL & QUORUM REPORT: The following were present, and a quorum was established:

Mayor Douglas Simmerman
Alderman 3, Wayne Mobley

Alderman 2, Katherine Flinn
Alderman 4, Aly Crocker

There was no **PRESENTATION BY CITIZENS**

There were no **CITY COUNCIL COMMENTS**; City Secretary reminded everyone she would be out for her 'Birthday day out' July 18, 2022.

NEW BUSINESS:

1.1. DISCUSSION / ACTION: Ordinance O-2022-07-026 – 90-Day Burn Ban City Limits of City of Cumby, Texas, effectively immediately.

Mayor Simmerman stated that Hopkins County had sent over a Burn Ban for Hopkins County unincorporated areas. In turn, City of Cumby needs to review, approve, pass a Burn Ban for City of Cumby city limits. He found it interesting as the county has generally called for Burn Ban for incorporated as well as unincorporated area; but not on this occasion.

Alderman Aly Crocker made the motion to Accept Ordinance O-2022-07-026 and effectively call a Burn Ban for City of Cumby for 90-days.

Alderman Wayne Mobley 2nd the motion

3/0 none against, the motion carried unanimously

There being no further business, the meeting was adjourned at 4:12 p.m.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

**SPECIAL MEETING
OF THE CITY COUNCIL OF
CUMBY, TEXAS
July 19, 2022 Minutes**

Mayor Douglas Simmerman **CALLED MEETING TO ORDER** at 6:00pm

PLEDGE OF ALLEGIANCE AND INVOCATION was led by Mayor Douglas Simmerman

ROLL CALL & QUORUM REPORT: A quorum was established with the following present:

Mayor Douglas Simmerman
Alderman 1, Amber Hardy
Alderman 3, Wayne Mobley

Alderman 2, Katherine Flinn
Alderman 4, Aly Crocker

PRESENTATION BY CITIZENS

Ms. Sheryl Lackey asked where the sign-up sheet was for Citizens. City Secretary apologized and went to prepare and present sign-up sheet.

Ms. Lackey then signed up to speak to the Council. She stated: she is concerned regarding the Ordinances and Resolutions passed are not posted and up to date on City of Cumby website. She further stated that she had offered to assist City Secretary who refused her help so she would not have to do anything further at no pay for City of Cumby.

Ms. Lackey further stated that the Agenda as posted for this special meeting was not prepared properly and she objects to the topic not being included in Executive Session section of the Special Meeting Agenda. She stated that Item 2.1.1. Discussion: Consultation with Attorney must have a “topic” listed. She stated that if the council proceeds, she would act.

CITY COUNCIL COMMENTS

Alderman Amber Hardy stated that when she received the Agenda, she thought it should have “topic” stated as well.

City Secretary asked if at any time there is a question regarding Agenda, information presented; or other items, please reach out and express concerns to her so they can be addressed and corrected prior to meeting. The City Attorney had reviewed the Agenda and approved.

Mayor Simmerman broke the Council into EXECUTIVE SESSION at 6:21 p.m.

1.1. 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:

1.1.1. Discussion: §551.071 Consultation with Attorney – After discussion with City Attorney, the City Council determined it could not proceed with this item due to the topic not included on the Special Meeting Agenda

1.1.2. Discussion/Action: § 551.089 Deliberation regarding Supervision of Security Devices and Services for City Hall, inclusive. (Alderman Aly Crocker)

Mayor Simmerman RECONVENED INTO OPEN SESSION at 6:48 p.m.

1.2. 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.

1.2.1. The council has asked for a report from the Mayor once he meets with the vendor installing the new camera system at City Hall building and provide details to council at next council meeting.

There being no further business, the meeting was adjourned at 6:52 p.m.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

**SPECIAL MEETING
OF THE CITY COUNCIL OF
CUMBY, TEXAS
July 22, 2022 Minutes**

Mayor Douglas Simmerman **CALLED THE MEETING TO ORDER @ 7:00pm.**

PLEDGE OF ALLEGIANCE AND INVOCATION was led by Mayor Douglas Simmerman

ROLL CALL & QUORUM REPORT, A quorum was established with the following present:

Mayor Douglas Simmerman

Alderman 1, Amber Hardy

Alderman 3, Wayne Mobley

Alderman 2, Katherine Flinn

Alderman 4, Aly Crocker

There was no PRESENTATION BY CITIZENS

CITY COUNCIL COMMENTS

The Mayor said City is waiting for bids to repairs to Well #2; Council may need to have another special meeting next Wednesday, July 27, 2022.

The Mayor broke from open meeting into EXECUTIVE SESSION @ 7:02pm

1.1. 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:

1.1.1. Discussion: §551.071 Consultation with Attorney Consultation with attorney regarding request from Cumby Independent School District for modifications to City's adopted building code standards in construction of facility

The Mayor RECONVENED INTO OPEN SESSION at 8:22pm.

1.2. 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.

1.3. Alderman Amber Hardy made motion to approve Resolution R-2022-07-1014 presented in Executive Session. Resolution of the City Council of City of Cumby Texas repealing and revoking resolution R-2022-04-1006; and providing an effective date.

1.4. Alderman Wayne Mobley 2nd the motion;

1.5. 4/0 none against; the motion passed unanimously.

There being no further business, the meeting ADJOURNED at 8:27pm

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

**Special Meeting
City Council, City of Cumby
Minutes for July 30, 2022**

Mayor Douglas Simmerman CALLED the MEETING TO ORDER @ 5:00pm

PLEDGE OF ALLEGIANCE AND INVOCATION Led by Mayor Simmerman

ROLL CALL & QUORUM REPORT, A quorum was established with the following present:

Mayor Douglas Simmerman
Alderman 1, Amber Hardy
Alderman 3, Wayne Mobley

Alderman 2, Katherine Flinn
Alderman 4, Aly Crocker

PRESENTATION BY CITIZENS

Superintendent of CISD – Shelly Slaughter sent a request to City Secretary to speak regarding the recent Resolution passed revoking April Resolution regarding Storm Shelters / Save Room for Cumby ISD:

Marsha Krotky, VP Of Cumby School Board spoke, stating that members of the Cumby City Council and the Cumby ISD Board of Trustees have one thing in common: we are each public servants..... (message outline attached and made part of minutes)

Shelly Slaughter, Superintendent of Cumby ISD also spoke to address the City’s adoption of International Building Code 2015 stating that we want nothing more than to work as partners; we have kids and grandkids attending Cumby ISD; the biggest hurdle in construction of new building is the storm shelter section of IBC 2015 rather than safe room (message outline attached and made part of minutes)

There were no CITY COUNCIL COMMENTS.

OLD BUSINESS:

- 1.1. **Discussion/staff report:** provide update regarding revision made to Resolution **R-2022-07-1014** to correct typo.
Mayor Simmerman stated that this correction, discussed with City Attorney, who said that the law allows for typos and City should correct: Correction is to correct Section 2, repeal and revoke the Resolution number passed at the Special Meeting held 22nd July 2022.

NEW BUSINESS

- 1.2. **Discussion / Action:** Resolution **R-2022-07-1017**, Approval of Use of American Relief Act funds for Repairs to Well #2; Folmar Drilling Water Well and Pump Service for the emergency well #2 repair related to the city's American Rescue Plan #TX1810; and Repairs for Water/Sewer break at 1st and Frisco Street, Cumby Texas.

Mayor Simmerman reported that the pump is down; we do not yet know what happened. City put out a bid packet to three (3) services for repairs, and we have an estimate that is \$18K (+/-) for repairs. When the equipment is pulled out; damages might be due to a lighting strike. If it is, Property & Liability insurance will cover the cost of repair. However, we need to ensure the vendor gets paid regardless of what the cause, and to do that, the City will need to have access to ARPA funds.

The vendor has done work for us in the past; however, he does not have liability insurance which was a concern to our attorney: to have this type of company that doesn't have insurance to cover himself.

Alderman Crocker inquired as to how the Mayor felt about allowing this vendor to repair?

Mayor Simmerman stated that he has a former student that gave us a name of another company; probably cost a bit more money – but we didn't have this vendor name when we sent bids out.

Alderman Mobley inquired if there a way for him to get insured?

Mayor Simmerman: Don't think he will do that; he is already frustrated that he had to provide information to qualify for bid process within ARP funding program. He's not used to providing bond or insurance.

Alderman Crocker inquired if City could open bids back up and ask for additional bids?

Alderman Flinn asked if City could go with anyone unbonded? Didn't grant money require a vendor that is bonded? City Secretary responded that Project Manager, Administrator of the ARP program for City of Cumby, stated that they were ok with this vendor completing work for City; if City wished to take out for one more bid, they could – but not necessary.

Alderman Mobley inquired if there was an option for the City to take out extra liability / property insurance for us to take out to insure him? City Secretary stated she could research if City Council would like to see if City could cover? Mayor Simmerman stated that City has insurance on the wells; property and liability.

Alderman Crocker inquired as to how Well #2 being down is impacting City's water for residents? If City opens the bid process back up, would the delay hurt if we take longer? City Maintenance Supervisor Jeff Dudley stated that right now we're in good shape. He also has a repair at the Water Tank, however, he's not going to shut tank down until well #2 is repaired. If something goes wrong and have to turn tank back on could potentially go bad. We have had two main breaks so far and if we have to shut the city down – it's a problem. We're ok on water; we blow that 8" out there; if we blow 6" – blow another well – it would be a problem. This Vendor has done work for city and been flawless; he has done every well we've ever done.

Mayor asked if there was a motion?

We have an issue on 1st Street; details are included in Council packet.

Alderman Hardy inquired as to why the Resolution is requesting \$35K – versus \$18,500 = repairs for Well #2? Mayor Simmerman said this also includes funds for use for Frisco wastewater repairs.

Mayor said that Folmar has been a City Contractor for a long while; if we send out for more bids and takes two more weeks to get bids (company mayor knows), Folmar could rescind their bid.

Alderman Mobley asked if they are a reputable company?

Alderman Hardy asked: if they've done all the prior work for city and things falling apart now – do we want to use them again? Mr. Dudley said, this was not the case, they have not done work that was done incorrectly (e.g., 1st & Frisco). The damage is potentially because of lightening. Folmar is the drilling company that will bring the well up and repair; they have worked with the City for all previous well problems

Mr. Dudley went on to say that previous repair on a well they pulled out was \$15K in 2019.

Mayor Simmerman reiterated that if damage is due to lightening, ARP funds would not be used; insurance will pay.

Alderman Aly Crocker made the motion to accept Resolution R-2022-07-1017;

Alderman Amber Hardy 2nd the motion;

4/0 – None against, the motion carries unanimously

There being no further business, the meeting adjourned at 5:24 p.m.

Douglas Simmerman, Mayor

Betty Jo Hardman, City Secretary

July 27, 2022

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Good afternoon. I'm Marsha Krotky, Vice-President of the Cumby School Board.

The members of the Cumby City Council and the Cumby ISD Board of Trustees have one thing in common: we are each public servants, elected by the citizens of Cumby to make decisions in the best interest of our community. When each of you took office, I – for one – had renewed hope. Hope that the city and the school could finally come together with a shared purpose of serving the men, women & children who call Cumby home.

Admittedly, that hope was overshadowed by doubt when this council met and overturned the previous resolution that would allow our district to construct the safest building in the entire community, one large enough to put all of our kids in permanent structures and remove the portable buildings currently housing students throughout the school year. I want each of you to clearly understand that your decision to revoke the April resolution leaves our children – YOUR children – LESS safe than they would have been with our original agreement.

Your meeting on July 22nd was held and decisions were made without any contact or discussion with any member of the Cumby ISD administration or school board – before or after - yet you claim to be wanting to work together. If you had serious enough concerns, why didn't one of you, any of you – take the time to pick up the phone and call one of us to discuss your concerns? I don't understand the secrecy.

They say perfection is the enemy of progress, and I feel that's exactly what we're facing. The leaders at Cumby ISD have spent their entire careers finding ways to stretch pennies to benefit the largest number of students, because – as you well know – there is NEVER enough budget for everything we need or want. And while I admire anyone's desire for a perfect, foolproof solution, the fact is that we don't always have that option, but we CAN make significant improvements. We can build a structure immediately that will make our children 90% safer than they are today, and yet we find ourselves at an impasse over whether it's "good enough".

Hear me on this. The members of the School Board are not your enemy, nor are you ours. To my knowledge, we have done nothing to cast doubt in any of your minds that the safety of the kids entrusted to our care is our #1 priority. I pray that this all comes down to a miscommunication or a misunderstanding that we can work TOGETHER to resolve quickly and move forward with the original building plans. We, the school board members and our superintendent, stand ready and willing to meet at your convenience. Thank you.

I want to start off by saying that from the very beginning of all of this the District has wanted nothing more than to work as partners with the City and have been extremely transparent on our thoughts and where we stand on safety & security being our #1 priority for ALL students. The biggest hurdles in accomplishing this has been IBC 2015 and ICC 500 requiring a storm shelter instead of the safe room we have proposed, and benefited the City receives by adopting 2015 over 2012.

I want to believe that the City was not fully aware of the impact that IBC 2015 would potentially have on the school and future building projects. Our proposal well exceeds the requirements of IBC 2012 Code which was in effect when we started this long journey in 2019.

In my research, and I assume prior to the City Council voting on IBC 2015, ~~which~~ effects educational entities, Cumby has NEVER been hit by a F4 tornado nor has Commerce, SS, Miller Grove, Lone Oak. Cumby itself is actually considered a low risk area as defined by the destruction path within a 30 mile radius. However, I do know Lone Oak, Commerce, ~~It~~ are considered moderate, but again, as recorded F4 as far back as 1950s. I am saying all of this to say that the construction of a safe building w/ a safe room that would ensure that we have no students in portables has been halted by a big what?!

related to construction

The passing of the
The resolution ~~passed~~ on July 22nd lacked
transparency & integrity, & has inaccuracies.

So here is my what-if... what if we
had from the beginning truly listened
to one another and talked through
the IBC 2015 even more and the possibilities
of moving back to the 2012 or even an
Ordinance striking specifics of 2015 & IEC 500
not just for now, but future, not just
in a resolution like April that we thought
would that was meant to allow us to move
forward, seriously considering options for
present & future allow for the District &
City to work together for our community
to grow & build safe & secure buildings!

Even the Texas Education Agency has stated
how burdensome the IBC 2015 & IEC 500 are on
educational entities, especially small
rural communities & it is ultimately
cities who can determine whether or not they
require this. ~~Understand, if another au~~

~~My~~ Meetings are needed to discuss more
than happy to share.
We will be reaching out requesting ~~meeting~~
with all parties, including legal representation,
to discuss all and hopefully resolve
this together so we can move forward
get our students out of portables & into
safe & secure buildings w/out much
more time passing, which is costing money.

City of Cumby
Profit & Loss
 July 2022

	Jul 22
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	180.00
Fines	23,683.33
License & Permits	368.00
Public Safety Department	
Accident Report	12.00
Total Public Safety Department	12.00
Tax & Franchise Fees	
Property Tax	1,536.69
Sales Tax	9,862.21
Total Tax & Franchise Fees	11,398.90
Water - Sewer	
New Service Connection Fee	125.00
Water Transfer Fee	35.00
Garbage Revenue	4,452.27
Late Fee	232.95
Sales Tax Collected	369.48
Sewer Revenue	4,782.28
Water Revenue	
Water Deposits Applied	200.00
Water Revenue - Other	9,527.37
Total Water Revenue	9,727.37
Total Water - Sewer	19,724.35
Water Deposit	1,555.00
Total Income	56,921.58
Gross Profit	56,921.58
Expense	
Administration	
Office Expense	109.99
Insurance	7,597.75
Legal Fees	357.00
Mayor/Council Expenses	1,503.02
Office Supplies	61.53
Postage	45.89
Technology	689.19
Telephone	183.58
Total Administration	10,547.95
Municipal Court	
State Comptroller-Court	27,843.32
Office Expense	17.49
Postage	27.99
Security	679.06
State Fees	700.09
Technology	586.27
Telephone	66.04
Total Municipal Court	29,920.26
Payroll Expenses	
Medical Assistance Expense	776.96
PENSION EXPENSE	1,773.33
Payroll Expenses - Other	32,614.42
Total Payroll Expenses	35,164.71
Public Safety	

8:54 AM

08/05/22

Accrual Basis

City of Cumby
Profit & Loss
July 2022

	Jul 22
Police Department	
Technology	1,634.71
Reimbursement	11.91
Auto Repair & Maintenance	471.68
Fuel	3,548.63
Maintenance	45.94
Office Supplies	17.49
Telephone	255.45
Training	455.00
Uniforms	346.35
Total Police Department	6,787.16
Total Public Safety	6,787.16
Water/Sewer	
Water Sewer Main Repair Materia	900.00
Technology	256.06
Mowing	320.00
Chemicals	82.30
Maintenance	5,953.17
Mileage	50.00
Operating Supplies	1,152.67
Postage	329.06
Software	120.00
Telephone	182.15
Testing	83.00
Total Water/Sewer	9,428.41
Total Expense	91,848.49
Net Ordinary Income	-34,926.91
Net Income	-34,926.91

City of Cumby
Profit & Loss
 October 2021 through September 2022

	Oct '21 - Sep 22
Ordinary Income/Expense	
Income	
Public Grant Funds	37,175.00
Subdivision Fees - PD	1,794.00
Fines	521,420.54
Interest Earned	112.28
License & Permits	4,474.90
Property Sale	14,700.00
Public Safety Department	
Accident Report	76.00
Total Public Safety Department	76.00
Tax & Franchise Fees	
Franchise	28,152.75
Property Tax	104,498.48
Sales Tax	123,302.23
Tax & Franchise Fees - Other	725.85
Total Tax & Franchise Fees	256,679.31
Water - Sewer	
New Service Connection Fee	510.00
Water Transfer Fee	210.00
Disconnect fee	35.00
Water - Sewer Adjustments	66.10
Garbage Revenue	52,809.47
Late Fee	5,131.07
Sales Tax Collected	4,239.03
Sewer Revenue	71,460.89
Tap fee	12,750.00
Water Revenue	
Bulk Water	45.00
Water Deposits Applied	200.00
Water Revenue - Other	133,234.80
Total Water Revenue	133,479.80
Total Water - Sewer	280,691.36
Water Deposit	8,249.90
Total Income	1,125,373.29
Gross Profit	1,125,373.29
Expense	
Education / Classes / Materials	290.00
Jury Duty	168.00
Building Inspector	
Postage	28.63
Building Inspector - Other	454.87
Total Building Inspector	483.50
Reconciliation Discrepancies	11,222.46
Administration	
Fire Dpt utilities	114.67
Late Fees & Interest	6,412.17
Office Expense	149.98
Election	4,423.34
Insurance	29,310.00
Legal Fees	13,082.00
Maintenance	341.91
Mayor/Council Expenses	4,763.02
Membership	880.81
Office Supplies	2,250.43
Postage	494.45

City of Cumby
Profit & Loss
October 2021 through September 2022

	Oct '21 - Sep 22
Professional Fees	138.58
Property Tax Fees	3,359.63
Public Notice	995.95
Software	258.77
Subscription	61.99
Technology	10,807.20
Telephone	1,611.27
Utilities	4,225.07
Administration - Other	1,128.41
Total Administration	84,809.65
Construction In Progress	537.34
Debt Service	
Payment Processing Center	200.00
TWDB Bond	49,253.00
Total Debt Service	49,453.00
Mayor & Council	
Flower Fund	211.28
Mayor & Council - Other	35.00
Total Mayor & Council	246.28
Municipal Court	
State Comptroller-Court	144,382.50
Legal Reference Material	312.48
Judge	1,306.48
Legal Fees	1,621.00
Office Expense	471.96
Postage	326.74
Security	10,943.37
Software Update	5,500.00
State Fees	61,687.67
Technology	5,684.09
Telephone	1,992.55
Travel & Training	710.82
Utilities	3,627.27
Total Municipal Court	238,566.93
Park Improvements	
Utilities	113.98
Maintenance	1,606.25
Supplies	52.99
Total Park Improvements	1,773.22
Payroll Expenses	
Medical Assistance Expense	3,614.72
PENSION EXPENSE	19,208.13
Child Support	357.93
Payroll Expenses - Other	385,138.64
Total Payroll Expenses	408,319.42
Public Safety	
Code Enforcement	573.00
Utilities	0.00
Education	150.00
Police Department	
Postage	5.00
Technology	15,925.91
Reimbursement	1,094.27
Legal Fees	703.00
Auto Repair & Maintenance	31,855.10
Automobile Purchase	17,370.00
Equipment	2,556.08

City of Cumby
Profit & Loss
 October 2021 through September 2022

	Oct '21 - Sep 22
Fuel	26,775.14
License & Support	3,400.03
Maintenance	45.94
Office Supplies	118.91
Telephone	2,938.64
Testing Supplies	78.00
Training	1,426.53
Uniforms	424.54
Utilities	3,627.27
Total Police Department	108,344.36
Public Safety - Other	7.00
Total Public Safety	109,074.36
Public Works	
Debris Cleanup	650.00
Lights	1,154.46
Total Public Works	1,804.46
Water Deposit Refund	-131.48
Water/Sewer	
ARPA Project Expense	4,600.00
Water Sewer Main Repair Materia	5,875.00
Technology	1,187.51
Bank Fee	357.00
Public Notice	336.85
Membership	627.00
UTILITY Cash Drawer	71.96
Lift Station	33,050.00
Water Meters	1,000.00
Mowing	656.00
Office Assitance	31.98
Automobile Repairs	1,134.70
Chemicals	5,255.40
Deposit Refund	1,237.08
Equipment Repairs	0.00
Fuel	1,914.60
Garbage Collection Fee	28,668.80
Lab Fees	426.92
Legal Fee	125.00
Legal Fees	735.00
Maintenance	41,796.75
Mileage	364.76
Office Supplies	1,753.69
Operating Supplies	8,319.33
Permit	2,963.45
Postage	2,654.11
Sales Tax Paid	4,034.28
Software	2,138.85
Telephone	1,600.93
Testing	1,527.92
Uniforms	79.40
Utilities	50,081.66
Total Water/Sewer	204,605.93
Total Expense	1,111,223.07
Net Ordinary Income	14,150.22
Net Income	14,150.22

City of Cumby
Vendor Balance Summary
All Transactions

	Feb 28, 26
Alliance Document Shredding, Inc.	58.85
Amber Hardy, City Council	225.00
Ana Lab Corporation	83.00
AT&T Mobility	385.04
AVR, Inc.	120.00
Benson Brother's Wrecker Service	50.00
Bobkat Enterprises, Inc.	169.71
Bureau Veritas North America Inc.	160.00
Business IT Service Corps	2,729.42
Cindy Price	656.00
Clifford Power	1,033.00
Commerce Chevrolet	376.14
Constellation Energy	126,284.86
DataMax Leasing	241.00
Doug Simmerman, City Council	600.00
ELLEN BAILEY	-278.00
Farmers Electric Cooperative	20.00
Hall Oil Company	5,484.51
IRS	10,485.12
Katherine Flinn	225.00
Lexipol	455.00
Liberty National Life Insurance Company	423.60
Martin's Texas Trucking, Inc.	1,800.00
Matheson Tri-Gas, Inc.	122.62
Messer Fort McDonald	13,018.52
Northeast Texas Disposal	16,285.00
O'Reilly Auto Parts	141.07
Pitney Bowes	83.97
Public Management, INC	-6,000.00
Quill Corporation	292.54
Texas Municipal League	7,597.75
Texas Water Utilities Assn.	60.00
Timko Construction & Electric	1,000.00
Underground Utility Supply	816.62
TOTAL	185,205.34

City of Cumby
A/P Aging Summary
As of August 5, 2022

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
7-H Construction Company	0.00	0.00	0.00	0.00	0.00	0.00
Alliance Document Shredding, Inc.	58.85	0.00	0.00	0.00	0.00	58.85
Ana Lab Corporation	83.00	0.00	0.00	0.00	0.00	83.00
AT&T Mobility	385.04	0.00	0.00	0.00	0.00	385.04
AVR, Inc.	120.00	0.00	0.00	0.00	0.00	120.00
Benson Brother's Wrecker Service	0.00	50.00	0.00	0.00	0.00	50.00
Bobkat Enterprises, Inc.	0.00	169.73	0.00	0.00	-0.02	169.71
Bureau Veritas North America Inc.	160.00	0.00	0.00	0.00	0.00	160.00
Business IT Service Corps	0.00	2,729.42	0.00	0.00	0.00	2,729.42
Cindy Price	336.00	320.00	0.00	0.00	0.00	656.00
Clifford Power	0.00	1,033.00	0.00	0.00	0.00	1,033.00
Commerce Chevrolet	0.00	376.14	0.00	0.00	0.00	376.14
Constellation Energy	0.00	0.00	0.00	0.00	17,516.54	17,516.54
DataMax Leasing	0.00	241.00	0.00	0.00	0.00	241.00
Doug Simmerman, City Council	150.00	0.00	0.00	0.00	0.00	150.00
ELLEN BAILEY	0.00	0.00	0.00	0.00	-278.00	-278.00
Farmers Electric Cooperative	20.00	0.00	0.00	0.00	0.00	20.00
Hall Oil Company	0.00	1,518.00	3,966.51	0.00	0.00	5,484.51
IRS	0.00	0.00	0.00	3,088.80	0.00	3,088.80
Lexipol	455.00	0.00	0.00	0.00	0.00	455.00
Liberty National Life Insurance Company	423.60	0.00	0.00	0.00	0.00	423.60
Martin's Texas Trucking, Inc.	1,350.00	0.00	450.00	0.00	0.00	1,800.00
Matheson Tri-Gas, Inc.	62.32	60.30	0.00	0.00	0.00	122.62
Messer Fort McDonald	1,485.02	4,214.00	0.00	7,319.50	0.00	13,018.52
Northeast Texas Disposal	0.00	0.00	0.00	0.00	16,285.00	16,285.00
O'Reilly Auto Parts	155.49	0.00	0.00	0.00	-14.42	141.07
Pitney Bowes	0.00	83.97	0.00	0.00	0.00	83.97
Public Management, INC	0.00	0.00	0.00	0.00	-6,000.00	-6,000.00
Quill Corporation	206.50	86.04	0.00	0.00	0.00	292.54
Texas Municipal League	0.00	7,597.75	0.00	0.00	0.00	7,597.75
Texas Water Utilities Assn.	60.00	0.00	0.00	0.00	0.00	60.00
The C T Brannon Corporation	0.00	0.00	0.00	0.00	0.00	0.00
Timko Construction & Electric	1,000.00	0.00	0.00	0.00	0.00	1,000.00
Underground Utility Supply	709.01	1,800.00	0.00	0.00	-1,692.39	816.62
TOTAL	7,219.83	20,279.35	4,416.51	10,408.30	25,816.71	68,140.70

Meter Read Report for City Council
2021-2022 Fiscal Year

(Report begins in March 2022)

RG3 System Report

	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
RG3 - Read Meters	354	352	352	351	355		
RG3 - Unread Meters	51	52	53	52	44		
Manual Reads	24	24	24	24	21		
TRASH (no meters)	30	28	27	31	24		
Duplicate Accounts (Appx)	2	2	2	2	2		
CHURCHES (NO BILL)	4	4	4	4	4		
(MONTHLY) Repaired Meters	19	- 0 -	6	- 0 -	- 0 -		
Accounts that need to be deleted	2	2	2	2	3		
Radio Reads that are actual manual read	1	1	1	1	1		
CITY METERS (NO BILL) (appx)	6	6	6	6	6		
Vacant that are or listed unread	6	6	6	6	10		

AVR System Report

Total number of Warnings (high reads)				24	40		
Errors - consisting of:				143	188		
- No Reading Dates - (RG3 meters)					56		
- Reverse Reads - (RG3 meters) Higher month prior and usage decreased vs increased					44		
- also encompasses trash only; churches; city property (e.g., wells, city hall)					20		
- Consumption with no bill (e.g., service addresses)					12		
- Utility clerk "estimates" reads practice is 2000 gal ea per handbook left by previous clerk				59	56		

Public WORK.
June 30th 2022 - August 3 2022

* Daily Routines

Read wells Pump hrs + chlorine Residuals
Document for state
check Lift station W.W.T.P Clean bar screen
document for state

WATER * Tap + meter set Bo Bronnon. 275 N.
Main Break Repair w.B Rest Area by Light Pole
Contractor was charged.
main break Repair by school X2. Retap. 4in Line
to feed 2in Line that runs down soule st
well #2 Pump Burnt up working with Pulmar.
City- + Lissick + Baker Grant const will start
8-8-22 - on Replace Pump an motor.
Locets called on Paris + Tarrant.
Noticed of another big leak - 275 N. by the cook house
will NOT shut small tank off full. ~~for~~ well #2
Repaired.

water * majority of month spent Digging up Hydro
excavating First st + Frisco. 4in Line
Tied in to Man Hole for TCEQ. Lines
are dumping straight to Main in stead of
man hole. Major Violations working on an
with state to fix. may take another month
to compl. - with big Leaks + Breaks we keep
having. mainly Jeff + Doug working on.

* Electricity off at Pump house + WWT P 7-9-22
Coolant clamp on hose bust Generator would time of
Repair + Reinstall Air freeze Doug + Jeff + make
sur All Power + wells Pumps + WWT P switch off
Auxiliary when Power back on.

X Under Price contracted out for city morning

* App 24 maint generated w.O. } cost

Aug 14 city generat w.O. }

2 open ww workorder

1 of Leak w.o

Flush valves + Document for state

JULY						
6/28/22	291	Turn water off for non-payment	Water turned off			6/28/2022
6/28/232	292	Turn water off for non-payment	Water turned off			6/28/2002
6/28/22	293	Turn water off for non-payment	Water turned off			6/28/2022
6/28/22	294	Turn water off for non-payment	Water turned off			6/28/2022
6/28/22	460	Morning routine/read wells/check park, check manholes	Weedeat park, put out more lime. Ordered realy for well #2			6/28/2022
6/29/22	461	Morning routine/read wells/pick up rebar/check on locates for water tap	Got pswd for DLQR. Discussed clarifier with Lisa.			6/30/2022
6/30/22	462	Morning routine/read wells/locate & run sewer lines. Pump not working Well #2	Called Fulmer about pump. Finish monthly reports			6/30/2022
6/30/22	296	Customer complaining need to mow park	Weedeated playground			7/1/2022
7/1/22	463	Morning routine.	Pump wasterwater & put out lime on 1st. Weedeat park. Met with Fulmer on Well #2			7/1/2022
7/1/22	299	Turn water off, customer moved.	Water turned off			7/1/2022
7/1/22	350	Sewerage water running n ditch	Water leak, not sewerage.			7/1/2022
7/5/22	351	Turn water off , customer moved				7/5/2022

7/14/22	473	Read wells check WTP	Met /w contractor on sewer line at RV park. Met contractor about 1st & Frisco. Discussed Hydrovac around gas & fiber. Reset pump at WTP	7/14/2022
7/18/22	474	Read wells check WTP.	Working /w Hydro Excavation at 1st & Frisco. Discuss ARP money for pump to repair issue. Speak /w engineers to get prints.	7/18/2022
7/19/22	475	Read wells check WTP.	Worked on clean out for customer/checked leak for customer & checked meter. Started dye testing.	7/19/2022
7/20/22	476	Read wells & check WTP Check park. Pump watere and put rock in hole.	Started measuring & cutting hole in manhole for tie in. Saw wouldn't work. Need bits for drill. Checked water leak for customer.	7/20/2022
7/21/22	477	Check WTP/read wells, Cut hole in manhole,	Finished punching hole in manhole. Cut & tie in sewer line on 1st St. Hired new helper.	7/21/2022
7/22/22	478	Morning routine/read wells check chlorine/check park	Gave new helper tour of city explained job duties, Worked on clean out. Run lines /w sewer machine, Sent pictures to TCEQ & got approval.	7/22/2022
7/25/22	479	Moring routine/read wells	Read manual meter reads. Read radio reads. Ms. Price begin mowing at lift station & WTP.	7/25/2022
7/26/02	480	Moring routine/read wells.	WTP. Worked on meter reports. Worked on main break where contractor hit water line.	7/26/2022



Cumby Police Department July 2022 Activity Report

Calls for Service	202
Warning Citations	122
Citations	90
Total Traffic Contacts	215
Crash Reports	0
Incident Reports	4
Offense Reports	4
Arrests	7

- We have 2 fulltime Police Officer vacancies
 - Currently doing background on a seasoned officer both Sgt. Painter and myself have previously worked with.
- Still working on an updated list of active city ordinances and for them to become official, several residences have been observed for possible violations.
 - Waiting for City Judge to be appointed for enforcement actions to be placed

- We currently have seven (7) residences that are documented and are in the process of voluntary compliance (fixing the problems themselves)
- Silent Sentinel program is active on the city website.
- National Night Out information is still filtering 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.
 - She will be forming a committee soon
 - NNO is October 4th, 2022
- Coffee, Cops & Cars was held at the City Park on July 30th. This is privately funded by my wife and I. It was a bigger success this month with several participants and citizens stopping by and most stayed the entire 3-4 hours.
- Thanks to all my officers for showing up and participating.
- We are truly making a difference with our citizens
- We are making this a monthly event on a Saturday morning, weather permitting, to increase our community involvement and interactions with the public and our first responders.
Next event is scheduled for August 20th.

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 July DATE RANGE 10/28-8/1 - 2022
Monthly

TOTAL OF ONLINE PAYMENTS =	TOTAL OF MONEY ORDERS =	TOTAL PAYMENTS=
25,167.56	11,479.65	36,647.21
- GHS	- SECURITY	
5,381.37	459.01	
- STATE	- TECHNOLOGY	
9,029.79	413.22	
- OMNI	- TRUANCY FUND	
210.18	389.98	
	- JURY FUND	
	7.81	
= TRANSFERABLE TO GENERAL	= DEPOSIT TO GENERAL	TOTAL DEPOSIT=
10,546.24	10,209.63	20,755.87
	= %	
	56.6 %	

PROCESSED BY [Signature]

DATE 8.2.2022

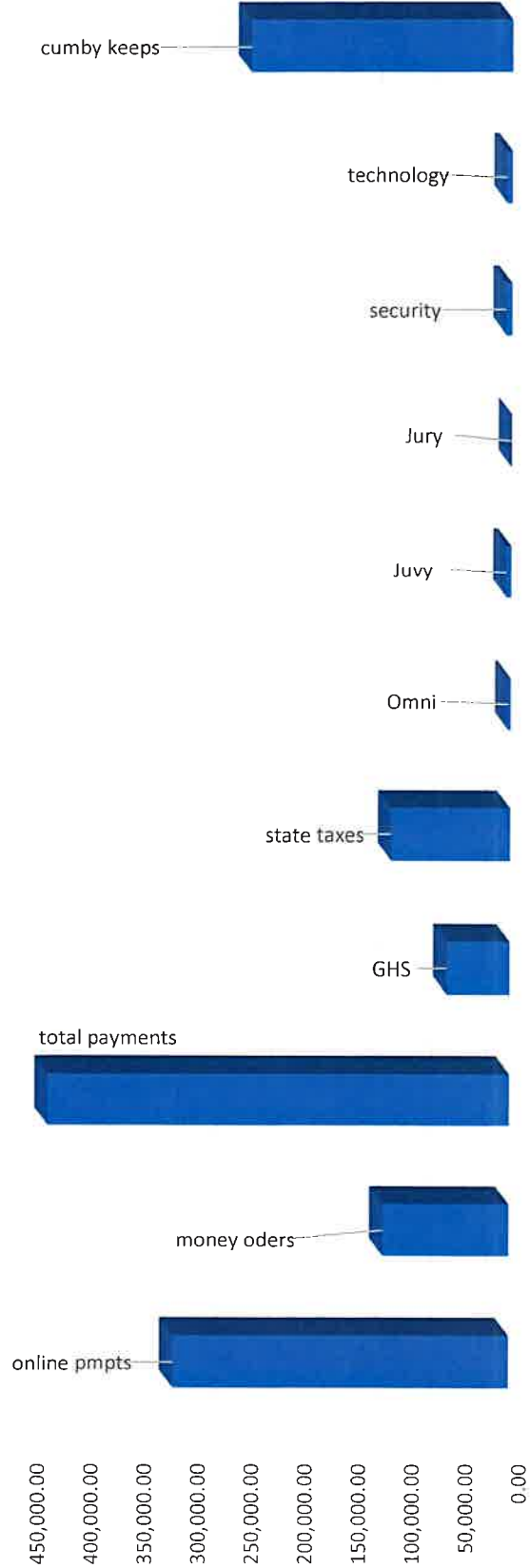
5 weeks -

Court Financials for
10/1/2021 - 9/30/2022

MONTH	ONLINE PMPTS	MONEY ORDER	TOTAL PMPTS	GHS	STATE	OMNI	TRJANCY	JURY	SECURITY	TECH	CUMBY KEEPS	Percent kept
OCT-2021	33,280.85	18,542.31	51,823.16	4,249.46	14,711.87	175.46	703.48	13.97	760.26	655.53	30,553.13	58.90%
NOV	23,958.80	11,767.07	35,725.87	4,240.62	9,646.50	159.83	433.94	8.64	490.03	433.58	20,312.73	56.90%
DEC	26,643.43	10,554.20	37,197.63	4,083.34	10,239.01	218.19	493.48	9.84	536.12	462.57	21,155.08	56.90%
JAN-2022	31,300.04	13,707.42	45,007.46	6,216.78	11,742.14	326.39	489.70	9.73	586.23	533.61	25,102.81	55.80%
FEB	51,194.89	11,371.27	62,566.16	10,335.70	14,710.01	360.16	523.26	10.43	715.75	683.64	35,227.21	56.30%
MARCH*	41,824.12	13,136.40	54,960.52	8,805.42	12,990.25	312.06	498.02	9.91	628.87	582.30	31,133.69	56.60%
APRIL	29,074.11	12,984.21	42,058.32	6,512.15	10,616.58	259.18	384.34	7.62	516.70	494.30	23,267.48	55.30%
MAY	32,564.85	8,989.06	41,553.91	5,587.25	11,290.31	260.05	469.85	9.41	551.28	497.07	22,888.69	55.10%
JUNE	18,566.18	5,060.63	23,626.81	3,257.08	6,032.38	177.32	267.39	5.34	310.92	279.11	13,297.27	56.00%
JULY	25,167.56	11,479.65	36,647.21	5,381.37	9,029.79	210.18	389.98	7.81	459.01	413.22	20,755.87	56.60%
AUG												
SEPT												
TOTALS :	313,574.83	117,592.22	431,167.05	58,669.17	111,008.84	2,458.82	4,653.44	92.70	5,555.17	5,034.93	243,693.96	

*MARCH IS WARRANT ROUND UP

Oct.1, 2021/Sept.30, 2022



CITY OF CUMBY
BUILDING PERMIT REPORT
August 9, 2022
(Reporting July 2022 Activity)

1. Commercial Building Permit:

a. Requests:

- i. Valero Gas Station – expansion: truck stop + restrooms ++ proceeding and construction will begin soon
- ii. Cumby ISD – very active with vendors registering; additional meetings between City and CISD – pending
- iii. RV Park (Jenkins) – introduced in July meeting; Annexation TBD

2. Residential Permit:

- a. Two Renovation and Remodel permits (pending for final documentation)

*Time requirement on City Secretary slowed in June / July

CUMBY VOLUNTEER FIRE DEPARTMENT

Jul-22

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
JUN	7	23	5.75	6	2	1	13	5	3	600	68.62
JULY	5	47	109.35	16	1	1	20	8	6	6600	147.40

ORDINANCE O-2022-07-026-D

ORDINANCE [PROHIBITING OR RESTRICTING] OUTDOOR BURNING IN THE CITY LIMITS, CITY OF CUMBY TEXAS

WHEREAS, the City Council of the City of Cumby, Texas finds that circumstances present in all or part of the incorporated area of the city create a public safety hazard that would be exacerbated by outdoor burning;

IT IS HEREBY ORDERED by the City Council of the City of Cumby, Texas that all outdoor burning is prohibited in all areas of the City for 90 days from the date of adoption of this Ordinance, unless the restrictions are terminated earlier based on a determination made by: (1) the Texas Forest Service that drought conditions no longer exist; or (2) the Mayor of City of Cumby; that the circumstances that required the Order no longer exist.

This Ordinance is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Ordinance does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: (1) firefighter training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agricultural crops; or, (4) burns that are conducted by a prescribed burn manager certified under Natural Resources Code § 153.048 and meet the standards of Natural Resources Code § 153.047; (5) commercial welding projects w/plan of action on file.

In accordance with Local Government Code §352.081(h), a violation of this Ordinance is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

ADOPTED this _____ day of _____, 2022 by a vote of _____ ayes and _____ nays.

Douglas Simmerman, Mayor

Katherine Flinn, Alderman 2

Amber Hardy, Alderman 1

Wayne Mobley, Alderman 3

Ryan Horne, Alderman 5

Aly Crocker, Alderman 4

RESOLUTION 2022-06-1011

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:

Betty Jo Hardman, City Secretary

ORDINANCE O-2022-08-030

AN ORDINANCE OF THE CITY OF CUMBY ESTABLISHING COMMERCIAL TRASH RATES SPECIFICALLY FOR COMMERCIAL “YARD CONTAINERS” AND CUSTOMERS SERVICED BY CITY OF CUMBY THROUGH REPUBLIC TRASH SERVICES, AS SHOWN ON THE “SCHEDULE OF SERVICES AND RATES” (EXHIBIT A); PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Mayor and City Council of the City of Cumby, Texas recognize the importance and necessity of establishing a “Schedule of Services and Rates” that equitably applies to those Commercial Customers that specifically have “yard containers” and receive Services from the City; and,

WHEREAS, As authorized under law, and in the best interest of the Citizens of Cumby, Texas, the Mayor and City Council deems it expedient and necessary to adopt a “Schedule of Services and Rates,” as included under “Exhibit A” of this Ordinance;

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

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

SECTION 2. SCHEDULE OF SERVICES AND RATES. The “Schedule of Services and Rates” attached hereto as “Exhibit A” is hereby adopted as effective and binding in and for the City of Cumby and is incorporated herein for all purposes.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All Ordinances, or other Rate Schedules or Policies of the City, or portions of those Ordinances and/or Policies, that are in conflict with the Provisions of this Ordinance, and to the “Schedule of Services and Rates” (Exhibit A) attached hereto, shall be repealed unto the conflict only and shall otherwise remain in full force and effect.

SECTION 4. SEVERABILITY. Should any paragraph or part or section of this Ordinance or the “Schedule of Services and Rates” (Exhibit A) be adjudged or held to be illegal or invalid, such severability shall not affect the validity of the remainder of the Ordinance and the Schedule of Services and Rates.

SECTION 5. SCHEDULE OF SERVICES AND RATES. The rates set by the City of Cumby specific to “yard containers” as provided by Republic Trash Services for the City of Cumby customers, will be the rate imposed by Republic Trash Service for individual containers, plus a 20 % fee. This fee is to cover costs for Administrative Services provided by the City of Cumby Utility department.

SECTION 5. EFFECTIVE DATE. This ordinance and the “Schedule of Services and Rates” (Exhibit A) shall be of full force and effect immediately upon the adoption by the City Council of the City of Cumby.

ADOPTED AND APPROVED on this the _____ day of _____, 2022,
by the City Council of the City of Cumby, Texas.

Douglas Simmerman

ATTEST:

Betty Jo Hardman, City Secretary

APPROVED AS TO FORM:

City Attorney

**COMMERCIAL
YARD CONTAINERS
SCHEDULE OF SERVICES AND RATES**

SIZE	1 X WK	w/20% CITY FEE	EXTRA	w/20% CITY FEE
2YD	\$ 77.71	\$ 93.26	\$ 31.89	\$ 38.27
3YD	\$ 101.26	\$ 121.52	\$ 32.37	\$ 38.85
4YD	\$ 124.56	\$ 149.48	\$ 56.86	\$ 68.24
6YD	\$ 175.14	\$ 210.17	\$ 73.90	\$ 88.68
8YD	\$ 228.16	\$ 273.80	\$ 85.27	\$102.33

- * Gates / Casters: \$2.00 per services (no city fee)
- * Exchange / Delivery - \$91.51 (no city fee)
- * Excess trash - \$65.00 / yard

Roll-off Containers

SIZE	Delivery (NO CITY FEE)	RENTAL / DAY	W/20% CITY FEE	HAUL (NO CITY FEE)
20 YD	\$ 74.56	\$ 3.98	\$ 4.78	\$ 348.11
30 YD	\$ 74.56	\$ 3.98	\$ 4.78	\$ 348.11
40 YD	\$ 74.56	\$ 3.98	\$ 4.78	\$ 348.11
Disposal per Ton	\$ 40.13			