

**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 February 21, 2023, 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](mailto: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](mailto:Alderman1@cityofcumby.com), [Alderman2@cityofcumby.com](mailto:Alderman2@cityofcumby.com); [Alderman4@cityofcumby.com](mailto:Alderman4@cityofcumby.com) and [Alderman5@cityofcumby.com](mailto:Alderman5@cityofcumby.com) .

The meeting agenda is posted online at [www.cumbytx.com](http://www.cumbytx.com) website. The meeting packet will be posted on [www.cumbytx.com](http://www.cumbytx.com) website as soon as it is complete and issued to council.

- 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.

- City offices closed April 7, 2023 (Good Friday)

**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 January 10, 2023
- 6.2. Approval – 2023 January Financials (P&L)
- 6.3. Approval – Fiscal Year-to-Date 2022-2023 P&L
- 6.4. Approval – 2023 January Vendor Summary
- 6.5. Approval - Public Works Department Activity Report
- 6.6. Approval - Police Department Activity Report
- 6.7. Approval - Municipal Court Activity Report
- 6.8. Approval - Fire Department Activity Report

## 7. OLD BUSINESS

- 7.1. **Discussion/Action:** Update regarding projects recommended for use of ARPA funds (must use by end of 2023). (Mayor & City Secretary & Lisette Howard)
- 7.2. **Discussion/Action:** Wastewater Treatment Plant Renovation Funds: City of Cumby will consider and take action to adopt necessary civil rights and fair housing policies associate with the City's TxCDBG Grant. (Lisette Howard, Public Mgmt & Mayor)
- 7.3. **Discussion/Action:** Review and discuss Section 3 policy updates and information for the City's TxCDBG Contract #CDV2100292. (L Howard, Public Mgmt)
- 7.4. **Discussion/Action:** Update on various grant and other potential funding requests by City of Cumby (Mayor Pro Tem)
- 7.5. **Discussion/Action:** Placement of a living fir tree in Cumby City Park; with the aim of establishing community involvement to nurture towards a living Christmas tree each year for City of Cumby celebration. (Alderman Terry Ratliff & Alderman Katherine Flinn)
- 7.6. **Discussion/Action:** Extra-Territorial Jurisdiction (ETJ) – designated buffer area located just outside of the city limits. Each municipality is afforded an ETJ by the Texas Local Government Code as a method of defining potential growth and future service boundaries. Discuss Hopkins County subdivision codes for use in City of Cumby permitting and ordinances. (Mayor)
- 7.7. **Discussion/Action:** Opioid Settlements (Allergan; CVS; Walgreens; Walmart) – City of Cumby submit request to be included in fund distribution (Secretary)
- 7.8. **Discussion/Action:** Update (if any) Cumby ISD and HWH (project manager) and Hopkins County Fire Chief regarding state of Cumby water lines to ensure proper pressure for fire system for new high school. Overview and costs of Project: Installation; Materials; Design. (Mayor / Maintenance Supervisor)

## 8. NEW BUSINESS

- 8.1. **Discussion/Action:** Annexation of area along I-30 (Service Road rest area and Thomas Jenkins RV Park) and 275 North (Mayor, Officer Painter, and Thomas Jenkins)
- 8.2. **Discussion/Action:** Ordinance O-2023-2, repealing Ordinance #93-1 regarding fencing of small fowl and farm animals.
- 8.3. **Discussion/Action:** Ordinance O-2023-3, Fencing of farm animals.
- 8.4. **Discussion/Action:** Ordinance O-2022-05-006, Bulk Water definition for fee(s): "\$45.00 / Load up to 3,000 Gallons: Buyer has 500 gal bucket, can he fill up 6 times to equate to the maximum 3,000 gallon allowed "per load"
- 8.5. **Discussion/Action:** Close City during lunch hours and post on door: "Closed for Lunch 12:00-1:00" or "12:30-1:30"
- 8.6. **Discussion/Action:** Spring Clean – Schedule for April 28-29-30; May 5-6-7, 2023

## 9. EXECUTIVE SESSION – 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:

- a) § 551.071(1): Consultation with Mayor Amber Hardy regarding the status of the matter of contemplated litigation, Cause CV45171, Bryony Hollan, individually and on behalf of the Estate of Donald Hollan and as next friend for D.H.Jr., C.H., and H.H., Plaintiffs, v The City of Cumby, Texas; and Jonathan S. Painter, Defendants.

## 10. RECONVENE INTO OPEN SESSION - In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Open Session to *consider action*, if any, on matters discussed in Executive Session.

## 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 February 16, 2023, 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, City Secretary



**MINUTES  
REGULAR MEETING - CITY COUNCIL  
CUMBY, TEXAS  
JANUARY 10, 2023**

**1. CALL MEETING TO ORDER at 6:30pm**

**2. PLEDGE OF ALLEGIANCE AND INVOCATION: LED BY: MAYOR AMBER HARDY**

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

Mayor Amber Hardy	Alderman 5 & Mayor Pro Tem Rosina Duckworth
Alderman 1, Terry Ratliff	Alderman 2, Katherine Flinn
Alderman 3, Wayne Mobley	Alderman 4, Aly Crocker

**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.**

No one was signed up to speak; however, Dan Grobe presented. He spoke about his concern regarding exterior lighting at R.V. Center of Cumby, how bright they are and interfere with family-and quality of life for his nephew, Kris Grobe, who rents a property from him at 509 South Mill, Cumby TX. Would like to resolve amicably and find a solution.

**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.

- City offices closed January 16<sup>th</sup> – MLK
- Move February meeting from 2/14 to 2/21/2023, 6:30pm
- Update: City had funds to pay 01/01/2023 Obligation principal & interest payment!
- Court Clerk is researching how City of Cumby may utilize Juvenile Truancy funds to work in and for the population in Cumby. Will report back to Council

**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.

Motion made by to approve Department Reports under Consent Agenda in its entirety by Alderman 5, Rosina Duckworth

Motion 2<sup>nd</sup> by Alderman 3, Wayne Mobley

Motion Carried 5/0 & passed unanimously.

**7. EXECUTIVE SESSION** – Mayor Hardy recessed for Executive Session at \_\_\_\_\_

**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:**

- a) § 551.071(1): Consultation with the Attorney Texas Municipal League Intergovernmental Risk Pool 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 pending or contemplated litigation, Cause CV45171, Bryony Hollan, individually and on

behalf of the Estate of Donald Hollan and as next friend for D.H.Jr., C.H., and H.H., Plaintiffs, v The City of Cumby, Texas; and Jonathan S. Painter, Defendants.

- b) § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) Shane Thomas, Public Works department personnel
- c) §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: i) Shane Thomas, Public Works Department personnel, completion of 90-day Probation

**8. RECONVENE INTO OPEN SESSION** – Mayor Hardy reconvened back into Open Session at 7:42pm

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

No Action

**9. OLD BUSINESS**

- 9.1. **Discussion/Action:** Extra-Territorial Jurisdiction (ETJ) – designated buffer area located just outside of the city limits. Each municipality is afforded an ETJ by the Texas Local Government Code as a method of defining potential growth and future service boundaries. Discuss Hopkins County (Mayor) –

Copies were distributed to Alderman 2 and 4 (not in attendance December meeting); council will discuss again in February 2023 regular council meeting.

- 9.2. **Discussion:** Update (if any) Cumby ISD and HWH (project mgr) and Hopkins County Fire Chief regarding state of Cumby water lines to ensure proper pressure for fire system for new high school. May require future negotiations between all entities to see who will bear the cost (cost is yet unknown). (Mayor / Maintenance Supervisor)
- o Reach out to Kansas City Railroad for access to property or will require an easement – *easement was approved by KC Railroad There is an “owners” meeting scheduled for Thursday, January 12<sup>th</sup> and Mayor will report at February 2023 meeting.*
  - o Where does the upgraded line need to be placed?
  - o Hopkins – Fire Chief
  - o ISD/HWH possibly provide manpower; cost / fees
  - o Cost of material(s), e.g., pipe only (today’s price (quote) is \$24.28/sf and appx 2100 sf - \$50,988

**10. NEW BUSINESS**

- 10.1. **Discussion:** Placement of a living fir tree in Cumby City Park; with the aim of establishing community involvement to nurture towards a living Christmas tree each year for City of Cumby celebration. (Alderman Terry Ratliff)

Alderman Ratliff led the discussion and his thoughts on adding a “live Christmas” tree to Cumby City Park. He and Alderman 2, Katherine Flinn, will research options (type / cost / other) and report back to Council in February 2023.

- 10.2. **Discussion/Action:** Ordinance 2023-01; because of the burden and cost to City of Cumby, charge a \$1.00 administrative fee for reprinting Utility bills. The cost to City of Cumby to produce utility bills each month is \$750 (+/-). Additional burden when requested to reprint bills due to consumers

not bringing with them when making payment. Proposed start date of March 2023 billing cycle.  
(City Secretary / Mayor)

A motion was made by Alderman 4, Aly Crocker to approve Ordinance O-2023-01 as read and in its entirety.

Motion was 2<sup>nd</sup> by Alderman 3, Wayne Mobley

5/0 Motion passed unanimously.

10.3. **Discussion/Action:** Public Works/Maintenance staff to take home city vehicle to transport to/from City during after-hour call-out. (Mayor)

Mayor Hardy reported that starting the coming weekend, Maintenance Staff will take home a company vehicle to use (ONLY) during working hours and when on call. They will not use during any personal errands.

**11. ADJOURNMENT** – No further business, Mayor adjourned at 8:05pm

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Amber Hardy, Mayor

ATTEST:

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Betty Jo Hardman, City Secretary

(Electronic recording of the meeting in its entirety can be found on Cumbytx.com website under electronic recordings.)

City of Cumby  
**Profit & Loss**  
 January 2023

	Jan 23
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Subdivision Fees - PD	180.00
Public Safety Department Accident Report	6.00
<b>Total Public Safety Department</b>	6.00
<b>Tax &amp; Franchise Fees</b>	
Property Tax	3,525.51
Sales Tax	10,962.05
<b>Total Tax &amp; Franchise Fees</b>	14,487.56
<b>Water - Sewer</b>	
New Service Connection Fee	140.00
Water Transfer Fee	70.00
Garbage Revenue	4,553.07
Late Fee	180.00
Sales Tax Collected	364.86
Service Fee Collected	23.00
Sewer Revenue	4,218.98
Water Revenue	7,286.69
<b>Total Water - Sewer</b>	16,836.60
<b>Water Deposit</b>	975.00
<b>Total Income</b>	32,485.16
<b>Gross Profit</b>	32,485.16
<b>Expense</b>	
<b>Administration</b>	
Fire Dpt utilities	185.43
Late Fees & Interest	12.22
Insurance	7,335.62
Legal Fees	248.00
Maintenance	125.00
Mayor/Council Expenses	46.06
Office Supplies	118.34
Technology	445.26
Telephone	53.33
<b>Utilities</b>	
Housing Authority	128.42
Utilities - Other	231.60
<b>Total Utilities</b>	360.02
<b>Total Administration</b>	8,929.28
<b>Mayor &amp; Council</b>	
Legal Expense	189.50
Mayor & Council Expense	302.13
<b>Total Mayor &amp; Council</b>	491.63
<b>Municipal Court</b>	
State Comptroller-Court	20,136.69
Office Expense	43.65
Security	170.49
State Fees	435.73
Technology	587.99
Telephone	63.33
Utilities	43.35
<b>Total Municipal Court</b>	21,481.23
<b>Park Improvements</b>	

City of Cumby  
**Profit & Loss**  
 January 2023

	Jan 23
Utilities	17.04
Total Park Improvements	17.04
Payroll Expenses	37,984.06
Public Safety	
Police Department	
SAFETY EQUIPMENT	15.29
Technology	1,577.49
Reimbursement	30.15
Auto Repair & Maintenance	211.57
Equipment Repairs	160.00
Fuel	943.02
Telephone	222.73
Utilities	49.24
Total Police Department	3,209.49
Total Public Safety	3,209.49
Public Works	
Auto Maintenance	49.00
Street Lights	1,203.65
Debris Cleanup	-425.00
Total Public Works	827.65
Water Deposit Refund	100.00
Water/Sewer	
ARPA Project Expense	
BARKER & HOLLAND SEWER REPAIR	1,699.99
First & Frisco Repair	681.73
ARPA Project Expense - Other	660.50
Total ARPA Project Expense	3,042.22
Technology	404.04
Deposit Refund	100.00
Equipment Repairs	288.91
Legal Fees	147.00
Office Supplies	14.53
Operating Supplies	316.32
Postage	32.89
Sales Tax Paid	1,829.50
Software	107.25
Telephone	89.44
Utilities	
Wells & Pump Station	3,674.38
Utilities - Other	608.69
Total Utilities	4,283.07
Water/Sewer - Other	21.68
Total Water/Sewer	10,676.85
Total Expense	83,717.23
Net Ordinary Income	-51,232.07
Net Income	-51,232.07



**City of Cumby**  
**Unpaid Bills Detail**  
 As of January 31, 2023

Type	Date	Num	Due Date	Aging	Open Balance
<b>7-H Construction Company</b>					
Bill Pmt -Check	04/26/2021	1003			-44,059.00
Bill Pmt -Check	04/28/2021	1007			-5,000.00
Bill Pmt -Check	06/02/2021	1008			-30,316.50
Bill Pmt -Check	08/20/2021	1010			-126,179.00
Bill Pmt -Check	08/31/2021	1012			-3,545.50
Bill	04/26/2021	M&R ...	05/06/2021	635	44,059.00
Bill	04/28/2021	M&R ...	05/08/2021	633	5,000.00
Bill	06/02/2021	M&R ...	06/12/2021	598	30,316.50
Bill	08/20/2021	M&R ...	08/30/2021	519	126,179.00
Bill	08/31/2021	Lift St...	09/10/2021	508	3,545.50
Total 7-H Construction Company					0.00
<b>ADT Security Services</b>					
Bill	01/20/2023	Jan'23...	02/04/2023		51.99
Total ADT Security Services					51.99
<b>Arrow-Magnolia International, Inc.</b>					
Bill	01/23/2023	Inv. 23...	02/22/2023		288.91
Total Arrow-Magnolia International, Inc.					288.91
<b>Atmos Energy</b>					
Bill	05/11/2021	30326...	05/26/2021	615	1,022.40
Bill	05/11/2021	30326...	05/26/2021	615	551.51
Bill	06/10/2021	5/8/20...	06/20/2021	590	68.24
Total Atmos Energy					1,642.15
<b>AVR, Inc.</b>					
Bill	01/31/2023	Inv 04...	03/15/2023		107.25
Total AVR, Inc.					107.25
<b>Bobkat Enterprises, Inc.</b>					
Bill Pmt -Check	07/13/2021	1205			-0.02
Bill	01/27/2023	Inv 23...	02/11/2023		56.93
Total Bobkat Enterprises, Inc.					56.91
<b>Chris Childers</b>					
Bill	01/24/2023	Inv 00...	02/03/2023		100.39
Bill	01/25/2023	Inv 00...	02/04/2023		77.00
Total Chris Childers					177.39
<b>Constellation Energy</b>					
Bill Pmt -Check	11/10/2022	5789			-2.67
Bill	02/28/2022	2020...	02/28/2022	337	10,206.00
Total Constellation Energy					10,203.33
<b>ELLEN BAILEY</b>					
Bill Pmt -Check	08/15/2019	25854			-278.00
Total ELLEN BAILEY					-278.00
<b>Hall Oil Company</b>					
Credit	02/10/2021	1877			-518.75
Bill Pmt -Check	04/22/2021	27650			-518.75
Total Hall Oil Company					-1,037.50
<b>Internal Revenue Service Tax Deposit</b>					
Bill	04/09/2021		04/19/2021	652	1,585.40
Total Internal Revenue Service Tax Deposit					1,585.40
<b>IRS</b>					
Bill	11/15/2021	12/31/...	05/21/2022	255	2,169.44

**City of Cumby**  
**Unpaid Bills Detail**  
As of January 31, 2023

Type	Date	Num	Due Date	Aging	Open Balance
Bill	11/15/2022	2018 -...	11/25/2022	67	3,698.16
Total IRS					5,867.60
<b>Messer Fort McDonald</b>					
Credit	10/17/2022	CRED...			-5,000.00
Bill	05/19/2022	april '2...	05/29/2022	247	3,000.00
Bill	07/27/2022	Cumb...	08/26/2022	158	1,485.02
Bill	08/23/2022	JULY ...	09/22/2022	131	5,194.33
Bill	09/16/2022	Aug 2...	10/16/2022	107	9,862.00
Bill	10/17/2022	Sept 2...	11/16/2022	76	1,744.00
Bill	11/21/2022	Oct 20...	12/21/2022	41	55.00
Bill	12/20/2022	Nov '2...	01/19/2023	12	1,434.50
Bill	01/16/2023	Cumb...	02/15/2023		584.50
Total Messer Fort McDonald					18,359.35
<b>Midwest Radar &amp; Equipment</b>					
Bill	01/24/2023	Inv 58...	02/03/2023		160.00
Total Midwest Radar & Equipment					160.00
<b>Northeast Texas Disposal</b>					
Bill	11/27/2018	18800	12/27/2018	1496	3,060.00
Bill	12/04/2018	18641	01/03/2019	1489	2,470.00
Bill	12/05/2018	17233	01/04/2019	1488	420.00
Bill	12/11/2018	18801	01/10/2019	1482	3,415.00
Bill	12/21/2018	18804	01/20/2019	1472	4,020.00
Bill	01/02/2019	21086	02/01/2019	1460	2,900.00
Total Northeast Texas Disposal					16,285.00
<b>O'Reilly Auto Parts</b>					
Credit	11/05/2020	0372-...			-7.63
Credit	11/20/2020	03723...			-6.79
Bill	05/27/2022	0372-...	06/26/2022	219	39.99
Bill	01/22/2023	Inv 03...	02/21/2023		18.18
Total O'Reilly Auto Parts					43.75
<b>Pitney Bowes</b>					
Bill	06/16/2019	80009...	06/26/2019	1315	185.49
Total Pitney Bowes					185.49
<b>Public Management, INC</b>					
Bill Pmt -Check	04/26/2021	1004			-6,000.00
Bill Pmt -Check	03/10/2022	1014			-6,000.00
Bill	04/26/2021	72909...	05/06/2021	635	6,000.00
Total Public Management, INC					-6,000.00
<b>Purchase Power</b>					
Bill	07/28/2020		08/27/2020	887	271.55
Total Purchase Power					271.55
<b>Quill Corporation</b>					
Credit	11/04/2022	Doubl...			-69.99
Bill	12/16/2022	Inv 29...	01/15/2023	16	86.80
Bill	01/20/2023	INV 3...	02/19/2023		15.29
Bill	01/20/2023	Inv 30...	02/19/2023		78.97
Total Quill Corporation					111.07
<b>Ryan Horne</b>					
Bill	06/04/2021	June ...	06/08/2021	602	75.00
Total Ryan Horne					75.00
<b>State Comptroller</b>					

**City of Cumby**  
**Unpaid Bills Detail**  
**As of January 31, 2023**

Type	Date	Num	Due Date	Aging	Open Balance
Bill	04/20/2021	Quart...	04/30/2021	641	1,440.57
Total State Comptroller					1,440.57
<b>Texas Workforce Commission</b>					
Bill	04/09/2021		04/09/2021	662	287.26
Total Texas Workforce Commission					287.26
<b>The C T Brannon Corporation</b>					
Bill Pmt -Check	04/27/2021	1005			-5,450.00
Bill Pmt -Check	06/02/2021	1009			-2,050.00
Bill Pmt -Check	08/20/2021	1011			-4,100.00
Bill Pmt -Check	03/10/2022	1015			-3,525.00
Bill	04/21/2021	Lift St...	05/01/2021	640	5,450.00
Bill	06/02/2021	LIFT S...	06/12/2021	598	2,050.00
Bill	08/20/2021	LIFT S...	08/30/2021	519	4,100.00
Bill	03/10/2022	LIFT S...	03/20/2022	317	3,525.00
Total The C T Brannon Corporation					0.00
<b>Underground Utility Supply</b>					
Bill	01/16/2023	Inv 25...	02/15/2023		105.03
Bill	01/30/2023	Inv 25...	03/01/2023		23.73
Total Underground Utility Supply					128.76
<b>UniFirst</b>					
Bill	10/26/2018	82610...	11/05/2018	1548	56.86
Bill	11/09/2018	82610...	11/19/2018	1534	56.86
Bill	11/16/2018	82610...	11/26/2018	1527	56.86
Bill	11/23/2018	82610...	12/03/2018	1520	56.86
Bill	11/30/2018	82610...	12/10/2018	1513	59.50
Total UniFirst					286.94
<b>TOTAL</b>					<b>50,300.17</b>



Public Works Report Jan 3-2023 - Feb-6-2023

<p>Routine</p>	<p>Read wells check chlorine on document for state 7 Days a week          Check W.W.T.P. Lift stations Clean bar SCREEN Document for state 7. days a week.</p>
<p>Water</p>	<p>5 main Breaks or <del>leak</del> Service Leaks Repaired          Repair existing tap for 108 Mt R Drive          Repair 105 Tarrant + cold mix hole.          Still working on T.S. water line. Locate for T.S. have hydrovac scheduled for 2-15-23.          New 16in Back hose Bucket Delivered + Installed</p>
<p>waste water</p>	<p>Ran 5 mains for customer.          camera. 3. Line - 309 Barker 111 Donelton First + Felisco          Major Repair at 309 Barker 4 busted joints of pipe and broke at main - 10ft 6in sewer man          40ft of 4in service line repaired          Locate 3 Manhole in Pastures          Possible Problems at 111 Donelton. Put wood pool in clean out to help eat clog.???</p>
<p>work order</p>	<p>38.          9-city Hall issued          29- maint issued          Clear roads for 2 days be trees limbs because of Ice.          maint off because of Ice 2 Day.          Dude out 23<sup>rd</sup> 27<sup>th</sup> sick          Bathroom Repair.          Road Repair Tarrant St between Smith + Depot Alley          Read meter. Amber + Shane          Flush + Document. Mains          Pull Texas tank out of mud after told not to Drive in WTP.</p>
<p>Park</p>	<p>check twice weekly + Treason</p>





## **Cumby Police Department**

### **January 2023 Activity Report**

<b>Calls for Service</b>	<b>810</b>
<b>Warning Citations</b>	<b>87</b>
<b>Citations</b>	<b>134</b>
<b>Total Traffic Contacts</b>	<b>221</b>
<b>Crash Reports</b>	<b>4</b>
<b>Incident Reports</b>	<b>3</b>
<b>Offense Reports</b>	<b>14</b>
<b>Arrests</b>	<b>16</b>

- **Completed State mandated racial profiling report for 2022**

**(Out of 1,605 traffic stops, the persons race was known prior to stop only .25% of the time)**

- **We are in the final background portion of the hiring process for a fulltime Police Officer/K9 Handler. Cannot share specifics at this time until the process is complete.**
  - **This hire will bring Cumby PD back to full staff**
  - **This is a package deal with officer & Certified K9**
  - **This K9 package will be a great benefit to the city and will not bring the extra costs that the previous program incurred.**



- I have shared information with the mayor, and I can answer any questions as/if they arise.
  - This addition will assist in officer & public safety, as well as increase community relations and will be an asset to us all.
- 
- We have purchased 2 used Ford Explorers, 2016 models, to replace old broken-down units that have ultimately been kept in service way past their service shelf life and are costing too much to maintain.
    - We were able to secure a great deal on these two units and are in the process of changing equipment out from old units to the newer units
    - This will provide much safer and reliable equipment for our officers and ultimately the city.
  
  - We are in the process of securing some grants for much needed equipment at little to no cost to the city as well.

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



# Racial Profiling Report | Full report

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Agency Name: CUMBY POLICE DEPARTMENT

Reporting Date: 2/13/2023

TCOLE Agency Number:

Chief Administrator: Chief Jeffery Hundley

Agency Contact:

Phone: (903) 994-4924

Email:

Mailing Address: 100 East Main St., Cumby, TX 75433

This Agency filed a full report

CUMBY POLICE DEPARTMENT

\_\_\_\_\_ has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the CUMBY POLICE DEPARTMENT \_\_\_\_\_ from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the CUMBY POLICE DEPARTMENT \_\_\_\_\_ if the individual believes that a peace officer employed by the CUMBY POLICE DEPARTMENT \_\_\_\_\_ has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the CUMBY POLICE DEPARTMENT \_\_\_\_\_ who, after an investigation, is shown to have engaged in racial profiling in violation of the CUMBY POLICE DEPARTMENT \_\_\_\_\_
- 6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;

- c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- d. whether the peace officer used physical force that resulted in bodily injury during the stop;
- e. the location of the stop;
- f. the reason for the stop.

7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- a. the Commission on Law Enforcement; and
- b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The CUMBY POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article 2, 133(c), Code of Criminal Procedure during the reporting period.

Executed by: Chief Jeffery Hundley

\_\_\_\_\_

Date: 2/13/2023

Page 1

# Racial Profiling Report | Full Report

## CUMBY POLICE DEPARTMENT

### 1/1/2022 - 12/31/2022

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Total stops: 1,605      100.00%

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#### Street address or approximate location of the stop

City street: 26      1.62%  
US highway: 1,551      96.64%  
State highway: 28      1.74%  
County road: 0      0.00%  
Private property or other: 0      0.00%

#### Was race or ethnicity known prior to stop?

Yes: 4      0.25%  
No: 1,601      99.75%

#### Race or ethnicity

Alaska Native/American Indian: 1      0.06%  
Asian/Pacific Islander: 62      3.86%  
Black: 463      28.85%  
White: 755      47.04%  
Hispanic/Latino: 324      20.19%

#### Gender

##### Female:

Total	<u>595</u>	<u>37.07%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>9</u>	<u>1.51%</u>		
Black	<u>203</u>	<u>34.12%</u>	White	<u>294</u>	<u>49.41%</u>	Hispanic/Latino	<u>89</u> <u>14.96%</u>

##### Male:

Total	<u>1,008</u>	<u>62.80%</u>					
Alaska Native/American Indian	<u>1</u>	<u>0.10%</u>	Asian/Pacific Islander	<u>53</u>	<u>5.26%</u>		
Black	<u>259</u>	<u>25.69%</u>	White	<u>460</u>	<u>45.63%</u>	Hispanic/Latino	<u>235</u> <u>23.31%</u>

# Racial Profiling Report | Full Report

## CUMBY POLICE DEPARTMENT

### 1/1/2022 - 12/31/2022

### Reason for stop?

Violation of law:

Total	<u>9</u>	<u>0.56%</u>			
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u> <u>0.00%</u>
	Black	<u>2</u>	<u>22.22%</u>	White	<u>4</u> <u>44.44%</u>
				Hispanic/Latino	<u>3</u> <u>33.33%</u>

Preexisting knowledge:

Total	<u>5</u>	<u>0.31%</u>			
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u> <u>0.00%</u>
	Black	<u>3</u>	<u>33.33%</u>	White	<u>2</u> <u>22.22%</u>
				Hispanic/Latino	<u>0</u> <u>0.00%</u>

Moving traffic violation:

Total	<u>945</u>	<u>58.88%</u>			
	Alaska Native/American Indian	<u>1</u>	<u>0.11%</u>	Asian/Pacific Islander	<u>45</u> <u>4.76%</u>
	Black	<u>274</u>	<u>28.99%</u>	White	<u>450</u> <u>47.62%</u>
				Hispanic/Latino	<u>175</u> <u>18.52%</u>

Vehicle traffic violation:

Total	<u>646</u>	<u>40.25%</u>			
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>17</u> <u>2.63%</u>
	Black	<u>184</u>	<u>28.48%</u>	White	<u>299</u> <u>46.28%</u>
				Hispanic/Latino	<u>146</u> <u>22.60%</u>

### Was a search conducted?

Yes:

Total	<u>164</u>	<u>10.22%</u>			
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u> <u>0.00%</u>
	Black	<u>79</u>	<u>48.17%</u>	White	<u>46</u> <u>28.05%</u>
				Hispanic/Latino	<u>39</u> <u>23.78%</u>

No:

Total	<u>1,441</u>	<u>89.78%</u>			
	Alaska Native/American Indian	<u>1</u>	<u>0.07%</u>	Asian/Pacific Islander	<u>62</u> <u>4.30%</u>
	Black	<u>384</u>	<u>26.65%</u>	White	<u>709</u> <u>49.20%</u>
				Hispanic/Latino	<u>285</u> <u>19.78%</u>

### Reason for Search?

Consent:

Total	<u>40</u>	<u>2.49%</u>			
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u> <u>0.00%</u>
	Black	<u>9</u>	<u>22.50%</u>	White	<u>13</u> <u>32.50%</u>
				Hispanic/Latino	<u>18</u> <u>45.00%</u>

Contraband:

Total	<u>24</u>	<u>1.50%</u>			
	Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u> <u>0.00%</u>
	Black	<u>13</u>	<u>54.17%</u>	White	<u>6</u> <u>25.00%</u>
				Hispanic/Latino	<u>5</u> <u>20.83%</u>

## CUMBY POLICE DEPARTMENT

### 1/1/2022 - 12/31/2022

#### Probable cause:

Total	<u>88</u>	<u>5.48%</u>				
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>	
Black	<u>52</u>	<u>59.09%</u>	White	<u>22</u>	<u>25.00%</u>	Hispanic/Latino <u>14</u> <u>15.91%</u>

#### Inventory:

Total	<u>0</u>					
Alaska Native/American Indian	<u>0</u>		Asian/Pacific Islander	<u>0</u>		
Black	<u>0</u>		White	<u>0</u>		Hispanic/Latino <u>0</u>

#### Incident to arrest:

Total	<u>12</u>	<u>0.00%</u>				
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>	
Black	<u>5</u>	<u>0.00%</u>	White	<u>5</u>	<u>0.00%</u>	Hispanic/Latino <u>2</u> <u>0.00%</u>

### Was Contraband discovered?

#### Yes:

Total	<u>113</u>	<u>7.04%</u>	Did the finding result in arrest (total should equal previous column)?			
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Yes	<u>0</u>	<u>0.00%</u>	No <u>0</u> <u>0.00%</u>
Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>	Yes	<u>0</u>	<u>0.00%</u>	No <u>0</u> <u>0.00%</u>
Black	<u>65</u>	<u>57.52%</u>	Yes	<u>12</u>	<u>18.46%</u>	No <u>53</u> <u>81.54%</u>
White	<u>31</u>	<u>27.43%</u>	Yes	<u>4</u>	<u>12.90%</u>	No <u>27</u> <u>87.10%</u>
Hispanic/Latino	<u>17</u>	<u>15.04%</u>	Yes	<u>5</u>	<u>29.41%</u>	No <u>12</u> <u>70.59%</u>

#### No:

Total	<u>51</u>	<u>3.18%</u>				
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>	
Black	<u>14</u>	<u>27.45%</u>	White	<u>15</u>	<u>29.41%</u>	Hispanic/Latino <u>22</u> <u>43.14%</u>

### Description of contraband

#### Drugs:

Total	<u>23</u>	<u>1.43%</u>				
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>	
Black	<u>14</u>	<u>60.87%</u>	White	<u>5</u>	<u>21.74%</u>	Hispanic/Latino <u>4</u> <u>17.39%</u>

#### Currency:

Total	<u>0</u>	<u>0.00%</u>
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# Racial Profiling Report | Full Report

## CUMBY POLICE DEPARTMENT

### 1/1/2022 - 12/31/2022

	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	0		0.00%
	Black	0		0.00%	White	0		0.00%
				0.00%	Hispanic/Latino	0		0.00%
Weapons:								
	Total	3		0.19%				
	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	0		0.00%
	Black	2		66.67%	White	1		33.33%
				0.00%	Hispanic/Latino	0		0.00%
Alcohol:								
	Total	14		0.87%				
	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	0		0.00%
	Black	4		28.57%	White	5		35.71%
				0.00%	Hispanic/Latino	5		35.71%
Stolen property:								
	Total	0		0.00%				
	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	0		0.00%
	Black	0		0.00%	White	0		0.00%
				0.00%	Hispanic/Latino	0		0.00%
Other:								
	Total	74		4.61%				
	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	0		0.00%
	Black	46		62.16%	White	20		27.03%
				0.00%	Hispanic/Latino	8		10.81%

### Result of the stop

Verbal warning:								
	Total	730		45.48%				
	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	23		3.15%
	Black	200		27.40%	White	392		53.70%
				0.00%	Hispanic/Latino	115		15.75%
Written warning:								
	Total	85		5.30%				
	Alaska Native/American Indian	0		0.00%	Asian/Pacific Islander	6		7.06%
	Black	21		24.71%	White	48		56.47%
				0.00%	Hispanic/Latino	10		11.76%
Citation:								
	Total	762		47.48%				
	Alaska Native/American Indian	1		0.13%	Asian/Pacific Islander	33		4.33%
	Black	226		29.66%	White	306		40.16%
				0.00%	Hispanic/Latino	196		25.72%

# Racial Profiling Report | Full Report

## CUMBY POLICE DEPARTMENT

### 1/1/2022 - 12/31/2022

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#### Written warning and arrest:

Total	<u>22</u>	<u>1.37%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>12</u>	<u>54.55%</u>	White	<u>7</u>	<u>31.82%</u>	Hispanic/Latino	<u>3</u> <u>13.64%</u>

#### Citation and arrest:

Total	<u>4</u>	<u>0.25%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>3</u>	<u>75.00%</u>	White	<u>1</u>	<u>25.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

#### Arrest:

Total	<u>2</u>	<u>0.12%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>1</u>	<u>50.00%</u>	White	<u>1</u>	<u>50.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

### Arrest based on

#### Violation of Penal Code:

Total	<u>21</u>	<u>1.31%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>11</u>	<u>52.38%</u>	White	<u>7</u>	<u>33.33%</u>	Hispanic/Latino	<u>3</u> <u>14.29%</u>

#### Violation of Traffic Law:

Total	<u>2</u>	<u>0.12%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>2</u>	<u>100.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

#### Violation of City Ordinance:

Total	<u>0</u>	<u>0.00%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

#### Outstanding Warrant:

Total	<u>5</u>	<u>0.31%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>5</u>	<u>100.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>0</u> <u>0.00%</u>

# Racial Profiling Report | Full Report

## CUMBY POLICE DEPARTMENT

### 1/1/2022 - 12/31/2022

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Was physical force resulting in bodily injury used during stop?

Yes:

Total	<u>0</u>	<u>0.00%</u>					
Alaska Native/American Indian	<u>0</u>	<u>0.00%</u>	Asian/Pacific Islander	<u>0</u>	<u>0.00%</u>		
Black	<u>0</u>	<u>0.00%</u>	White	<u>0</u>	<u>0.00%</u>	Hispanic/Latino	<u>0</u>
							<u>0.00%</u>

No:

Total	<u>1,605</u>	<u>100.00%</u>					
Alaska Native/American Indian	<u>1</u>	<u>0.06%</u>	Asian/Pacific Islander	<u>62</u>	<u>3.86%</u>		
Black	<u>463</u>	<u>28.85%</u>	White	<u>755</u>	<u>47.04%</u>	Hispanic/Latino	<u>324</u>
							<u>20.19%</u>

Number of complaints of racial profiling?

Total	<u>0</u>	<u>0.00%</u>	
Resulted in disciplinary action	<u>0</u>	<u>0.00%</u>	
Did not result in disciplinary action	<u>0</u>	<u>0.00%</u>	

Submitted electronically to the



The Texas Commission on Law Enforcement



**Racial Profiling Report | Full Report**  
**CUMBY POLICE DEPARTMENT**  
**1/1/2022 - 12/31/2022**

**Comparative Analysis**

**Motor Vehicle Stops vs. Gender Ethnic Population of Service Area**  
**CUMBY POLICE DEPARTMENT**

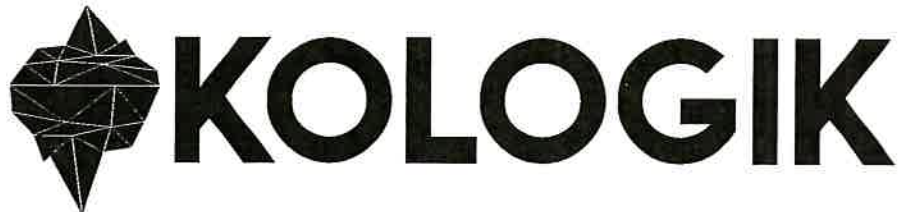
<b>Racial Profile Data</b> Provided by Kologik COPSync Mobile	<b># of Stops</b>	<b>% of Stops</b>
Male	1,008	62.80%
Female	595	37.07%
Alaska Native/American Indian	1	0.06%
Asian/Pacific Islander	62	3.86%
Black	463	28.85%
White	755	47.04%
Hispanic/Latino	324	20.19%

<b>Agency Service Area Demographics</b> Provided by Agency Official (Not Kologik)	<b>Total Number</b>	<b>% of Population</b>
Male		
Female		
Alaska Native/American Indian		
Asian/Pacific Islander		
Black		
White		
Hispanic/Latino		
Other/Not Reported Above		

DATA SOURCE USED FOR AGENCY SERVICE AREA DEMOGRAPHICS:

ADDITIONAL INFORMATION THAT MAY INFLUENCE AND/OR IMPACT DATA REPORTED:

This form is produced in accordance with the Texas Code of Criminal Procedure Article 2.134 as required by the Texas Occupation Code Section 1701.164 and the Texas Commission on Law Enforcement. The Agency Service Area Demographics data was derived from available public data sources such as the US Census Bureau and other statistical services available to the reporting agency.



**MUNICIPAL COURT  
CUMBY TEXAS  
MONTHLY COUNCIL REPORT (deposits)  
Jan-23**

<b>Bankcard direct deposits / Cash &amp; M.O.</b>	
*Municipal Court State Acct	\$ 13,000.00
OMNI	\$ 160.05
GHS	\$ 4,533.34
Municipal Court Technology Acct	\$ 485.42
Municipal Court Truancy Acct	\$ 506.79
Municipal Court Jury Acct	\$ 10.10
Municipal Court Security Acct	\$ 556.64
Child Seatbelt	\$ 50.00
General Operating Account	\$ 23,259.16
<b>TOTAL</b>	<b>\$ 42,561.50</b>

CUMBY VOLUNTEER FIRE DEPARTMENT

Jan-23

MONTH	CITY	COUNTY	ACREAGE	GRASS FIRE	CAR FIRE	STRUCTURE FIRE	MEDICAL	MVA	INVESTIGATION / STAND BY	WATER USAGE	MAN/HOURS
JAN	2	29	0	0	2	1	6	17	5	4000	104.95

**RESOLUTION No. R-2023-0001****Regarding Civil Rights****The City of Cumby, Texas**

**Whereas**, the City of Cumby, Texas, (hereinafter referred to as “City of Cumby”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”);

**Whereas**, the City of Cumby, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

**Whereas**, the City of Cumby, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

**Whereas**, the City of Cumby, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;

**Whereas**, the City of Cumby, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

**Whereas**, the City of Cumby, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

**Whereas**, the City of Cumby, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

**Whereas**, the City of Cumby, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

**Whereas**, the City of Cumby, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

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

The CITY of CUMBY REAFFIRMS The following policies:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Excessive Force Policy (Form A1003);
3. Fair Housing Policy (Form A1015).
4. Section 504 Policy and Grievance Procedures (Form A1004); and
5. Code of Conduct Policy (Form A1002).

The City affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity;
7. Limited English Proficiency; and
8. Activity to affirmatively Furth Fair Housing choice.

**Passed and approved this 21<sup>ST</sup> day of February, 2023.**

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Amber Hardy, Mayor  
City of Cumby, Texas

ATTEST:

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Betty Jo Hardman, City Secretary  
City of Cumby, Texas

**CITIZEN PARTICIPATION PLAN**  
**TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**COMPLAINT PROCEDURES**

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Cumby, 100 East Main Cumby, Texas, 75433 903-994-2272, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City of Cumby, at 100 East Main Cumby, Texas, 75433 or may call , 903-994-2272.
2. A copy of the complaint or grievance shall be transmitted by the City Secretary to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

**TECHNICAL ASSISTANCE**

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

**PUBLIC HEARING PROVISIONS**

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.


The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:


1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

  
Doug Simmerman, Mayor

  
Date



## EXCESSIVE FORCE POLICY

In accordance with 24 CFR 91.325(b)(6), the City of Cumby hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of City of Cumby to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of City of Cumby to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. City of Cumby will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Cumby, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

  
Doug Simmerman, Mayor

  
Date



**FAIR HOUSING POLICY**

In accordance with Fair Housing Act, the City of Cumby hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Cumby agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Cumby agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Cumby will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Cumby, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

  
Doug Simmerman, Mayor

  
Date



**SECTION 504 POLICY AGAINST DISCRIMINATION  
BASED ON HANDICAP AND GRIEVANCE PROCEDURES**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Cumby hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Cumby does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Cumby recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Cumby shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Cumby shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
  - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Cumby to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - b. Complaints should be addressed to: City Secretary, 100 East Main Cumby, Texas, 75433, 903-994-2272, who has been designated to coordinate Section 504 compliance efforts.
  - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by City Secretary. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
  - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by City Secretary, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
  - g. The Section 504 coordinator shall maintain the files and records of the City of Cumby relating to the complaints files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Cumby within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Cumby complies with Section 504 and HUD regulations.

  
Doug Simmerman, Mayor

  
Date



**CODE OF CONDUCT**  
**CONFLICT OF INTEREST POLICY PERTINING TO PROCUREMENT PROCEDURES**

As a Grant Recipient of a federal or state grant contract (including TxCDBG), the City of Cumby shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the federal or state grant contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Cumby shall participate in the selection, award, or administration of a contract supported by federal or state grant funds (including TxCDBG) if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Cumby shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving federal or state grant funds (including TxCDBG), that has any grant-related function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the federal or state grant activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a federal or state grant contract or award, or that is required to complete some or all work under the federal or state grant contract in order to meet any National Program Objectives.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a federal or state grant contract or award (including TxCDBG), or that is required to complete some or all work under the federal or state grant contract in order to meet a National Program Objective, that might potentially receive benefits from the federal or state grant award may not participate in the selection, award, or administration of a contract supported by federal or state grant funding.

Any alleged violations of these standards of conduct shall be referred to the City of Cumby's Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

  
Doug Simmerman, Mayor

2/9/2020  
Date



## SECTION 3 PRESENTATION

TDA and HUD instituted new Section 3 policy requirements on July 1, 2021 for all existing and future CDBG grants. As part of these requirements, each grant recipient is required to review and discuss a Section 3 Presentation during a meeting of its governing body.

The overall purpose of Section 3 is to facilitate contract and employment opportunities for low and very low-income workers, specifically those that live close to the project location. To report on these efforts, the presentation details new reporting requirements and other efforts to increase Section 3 participation in the CDBG program.

The presentation covers details about Section 3 concepts, definitions for Section 3 businesses and workers, contractor outreach recommendations for new hires, and recordkeeping requirements pertaining to the grant.

Going forward, the grant administrator (Public Management, Inc) will coordinate with all parties to:

- Monitor public postings and contractor requirements pertaining to Section 3 provisions
- Track the number of hours of anyone who works on the grant project, including
  - Local government employees (i.e., City secretary, City Administrator, Public Works, Judge, WSC Operators, etc)
  - Construction contractor's laborers and staff
  - Grant administration employees.
  - \*Engineers, surveyors, and other professionals are exempt for hourly reporting requirements

Please reach out to your grant administrator with any questions on these changes.

## **Section 3 Policy Updates - Effective July 1, 2021 Presentation**

The City of Cumby received a Grant Contract CDV21-0292, for the amount of \$350,000 funded through the Community Development Block Grant, via the U.S. Department of Housing and Urban Development and Texas Department of Agriculture, for the purpose sewer Improvements.

### **SECTION 3 CONCEPTS**

As a condition of funding, the City of Cumby must comply with Section 3 of the Housing and Urban Development Act of 1968. To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.

In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

The purpose of this presentation is to discuss the Section 3 goals of the CDBG program and facilitate employment opportunities for Section 3 workers.

The awarded construction contractor may have job opportunities for local residents. If they do need to make new hires for this job, they will post job listings on WorkInTexas.com.

### **SECTION 3 BUSINESSES**

A company may qualify as a Section 3 Business if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents; or
- 75% of all labor hours for the business in a 3-month period are performed by Section 3 Workers

Register at:

- HUD's Section 3 website:  
<https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness>
- Any Local/Regional registry for disadvantaged businesses [if applicable]

This project is expected to include the following contracting opportunities:

- Grant Administration services (previously selected)
- Engineering Services (previously selected)
- Prime Contractor for Sewer Improvements
  - Subcontractors for Sewer Improvements

### **SECTION 3 WORKERS**

You may qualify as a Section 3 Worker if:

- Your annual income is below the county threshold for your family size:
- You are a current or recent Youthbuild participant

Register your information and search for opportunities at:

- WorkInTexas.gov
- HUD's Section 3 Opportunity Portal <https://hudapps.hud.gov/OpportunityPortal/>
- [local/regional job board if applicable]

### TARGETED SECTION 3 WORKERS

Section 3 Workers that reside near the project location may also qualify as Targeted Section 3 Workers.

For this project, that service area is defined by the attached map:

[Service Area Map attached]

### RECORDKEEPING

The City of Cumby is required to track ALL hours worked on the project based on the three categories of workers (All, Section, 3 and Targeted Section 3). This requirement applies to all City of Cumby staff that works on this grant, including the contracted grant administrator, and all employees of the prime and subcontractors. Engineers, surveyors, and similar professions are exempt from this time tracking requirement.

This will require collection of certain income information.



Fore More Info...

TxCDBG Policy Issuance 20-01

[REVISED Policy Issuance 20-01 Section 3 v1.pdf \(texasagriculture.gov\)](#)

24 CFR Part 75

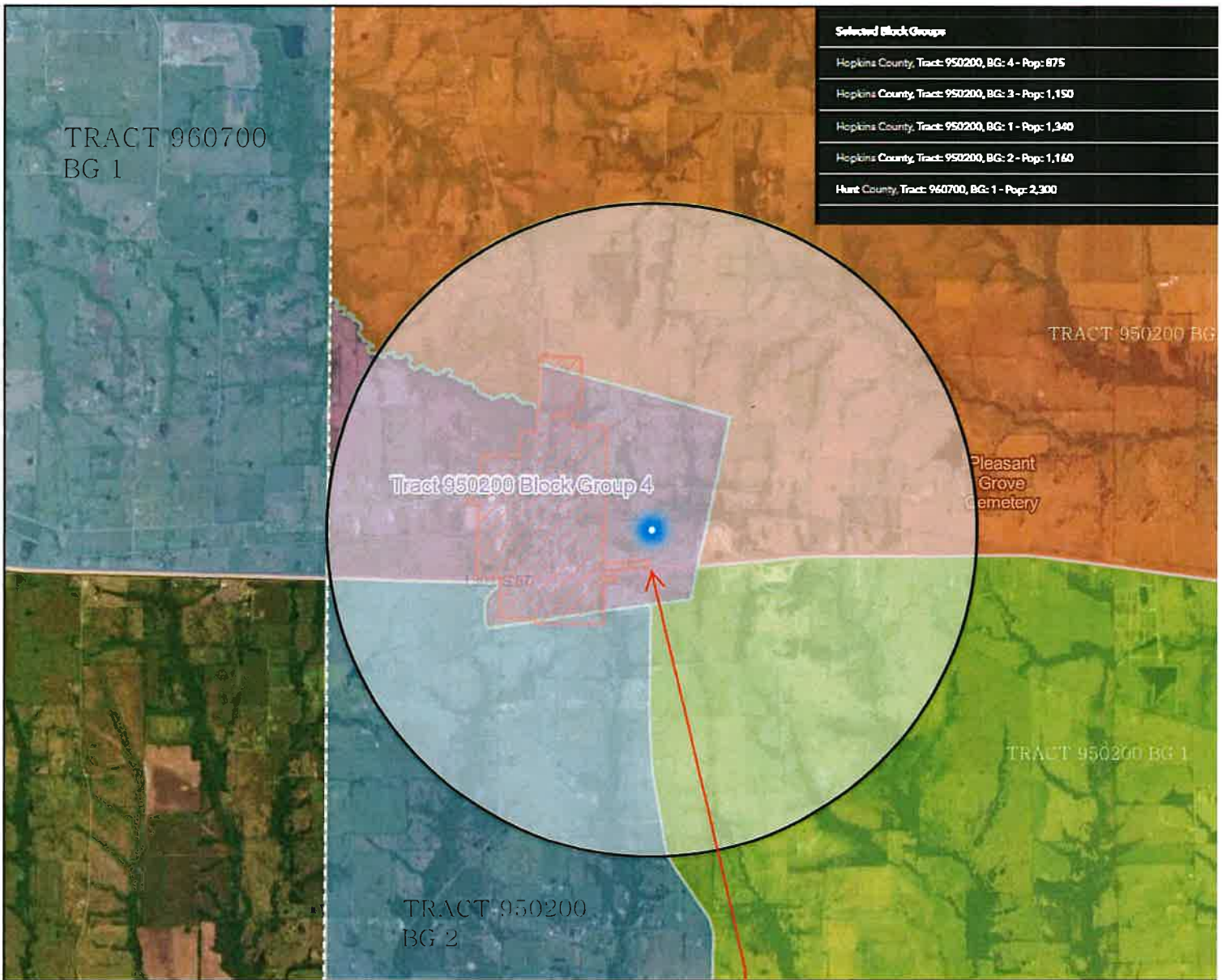
[Electronic Code of Federal Regulations \(eCFR\)](#)

TDA Representative: Suzanne Barnard, Director ([suzanne.barnard@texasagriculture.gov](mailto:suzanne.barnard@texasagriculture.gov))

Grant Project Manager: Lisette Howard ([lhoward@publicmgt.com](mailto:lhoward@publicmgt.com))



# Cumby CDV21-0292 Section 3 Service Area Map



2/8/2023, 11:01:47 AM



**CITY-WIDE PROJECT  
SECTION 3 TARGET AREA EXCEEDS 1 MILES  
TO ENCOMPASS 5,000 RESIDENTS**



Earthstar Geograph  
Facebook, Inc. and

To: Mayor Hardy, Council Members

Date: February 21, 2023

Subject: Update on Grant and Potential Funding for City: Economic Development

**GRANTS:**

Approved:

1. Wastewater Treatment Plant Rehabilitation - \$350,000 approved February 1, 2023. City's obligation is \$17,500.

In Progress:

1. Infrastructure Investment and Jobs Act 2021 – Submitted January 16, 2023; pays for safe walking and bicycling networks. Application for sidewalks at Mill and Green Streets for school foot traffic. Schlumberg & Polk Engineering; free grant paperwork preparation.
2. Hopkins County Grant for Warning siren systems – Hopkins County included Cumby as one of 10 sites to receive new sirens. Grant application submitted January 15, 2023 to Texas Department of Energy.
3. New well to increase city's capacity – Drinking Water State Revolving Fund, Schlumberg & Polk Engineering, free grant paperwork preparation. Amount of request to be determined (\$480,000 preliminary). Loan with forgiveness Grant managed by Texas Water Development Board. Application due by March 1, 2023.
4. Meadows Foundation – provides grants to Texas cities for community improvements. Grant application filed January 15, 2023 citing need for historic preservation and city infrastructure rehabilitation.
5. State Energy Conservation Office – performed assessment of city's energy consumption January 26, 2023. Report of findings expected in 4-6 weeks. City could qualify for funding to make energy-saving improvements.
6. Attended two webinars: Non-profit Security Grant Program under FEMA; Texas Water Development Board - discussed Grant application training.

Park repairs: Prepared donation request letters to various businesses to raise funds for park beautification – repair brick planters, replace 2 lamp posts, 3 light globes, repair 6 brick pedestals, new park entrance sign. – Bids received for brick planters & pedestals; 2 lamp posts, 3 light globes. Playground upgrades under evaluation. Donations will be requested from Lowe's, Home Depot, Fix 'n Feed, etc.

**ECONOMIC DEVELOPMENT:**

Request for Brookshire's Spring Market – Brookshire's real estate representative will visit potential sites to construct market on West I-30 Frontage Road. Sgt Painter, Economic Development Officer. Ongoing.

Respectfully Submitted,  
Rosina Duckworth, Mayor Pro Tem

## **ORDINANCE O-2023-2**

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, REPEALING ORDINANCE #93-1;  
PROVIDING FOR REPEAL OF PRIOR ORDINANCES IN CONFLICT THEREWITH

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

We agree that Ordinance #93-1 is hereby Repealed and will be Restated in Ordinance O-2023-3 for the City of Cumby Citizens.

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 effect the validity of the remaining portions of this Ordinance.

That this Ordinance shall become effective as of February 21, 2023. Passed and approved this 21<sup>st</sup> day of February 2023.

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Amber Hardy, Mayor

ATTEST:

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Betty Jo Hardman, City Secretary

ORDINANCE #93-1

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS,  
PROHIBITING LIVESTOCK OR FOWL TO RUN AT LARGE  
WITHIN THE CORPORATE LIMITS; PROVIDING MINIMUM  
SPACE REQUIREMENTS FOR THE KEEPING OF SUCH ANIMALS  
WITHIN THE CORPORATE LIMITS; PROHIBITING THE KEEPING  
OF DANGEROUS ANIMALS WITHIN THE CORPORATE LIMITS;  
PROVIDING FOR REPEAL OF PRIOR ORDINANCES IN CONFLICT  
THEREWITH; AND PROVIDING A PENALTY FOR VIOLATION OF  
SAID ORDINANCE.

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

I

THAT it shall be unlawful for any person having the ownership,  
care, custody or control of any livestock or fowl to cause, suffer,  
permit or allow the same to run at large within the City of Cumby,  
Texas, off the premises where the same are normally kept.

THAT in any prosecution charging a violation of this section,  
proof that the livestock or fowl described in the complaint charging  
such offense was at large within said city off the premises where  
the same was normally kept, together with proof that the defendant  
named in such complaint was at such time the owner or the person  
having the care, custody or control of such livestock or fowl, shall  
constitute in evidence a prima facie presumption that such person  
caused, suffered, permitted or allowed the same to run at large off  
the premises where the same was normally kept.

II

THAT no person shall maintain livestock or fowl within the City  
of Cumby, Texas, unless the following requirements are met which  
concerns the space allotted to each animal or fowl.

(A) **Horses.** There shall be a minimum space of 1850 square feet for each horse kept within the city limits. The shed used for protection against the elements may be located on this plot. Each additional horse that is kept on the same lot must be given an additional 1850 square feet. Barbed wire will be approved.

(B) **Cows.** There shall be a minimum space of 1850 square feet for each cow kept within the city limits of the City of Cumby, Texas. The shed for protection against the elements and used for milking purposes may be located on this plot. Any additional cows will be given 1850 square feet each. For purposes of this article, a calf shall require the same number of square feet, that is 1850 square feet, that is required of a cow. The lot will be enclosed with barbed wire or other suitable fencing.

(C) **Goats.** Any goat kept in the city limits will be allowed 375 square feet for stable and lot. Any additional goat kept at the lot will be granted an additional 375 square feet.

(D) **Sheep.** Any sheep kept within the city limits will be allowed 375 square feet for stable and lot. Any additional sheep kept in the same lot will be granted an additional 375 square feet.

(E) **Hogs or Pigs.** Any hogs or pigs kept within the city limits, under conditions described in Section 3 below, will be allowed 375 square feet for pen and lot. Any additional hog or pig kept in the same pen will be granted an additional 200 square feet.

### III

THAT it shall be unlawful for any person to keep, or permit to be kept upon premises under his control, any hog or pig within the corporate limits of the city, except that hogs or pigs being held

for slaughtering purposes may be kept within the corporate limits for a period not exceeding 48 hours, and except that not more than 2 hogs or 2 pigs may be kept within 300 feet of any dwelling house, without the written consent of the owner or occupant thereof.

THAT all pens and enclosures wherein swine are kept shall be maintained and kept in such a manner as not to become unsanitary, offensive, or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or in any manner cause any injury to the health of the public or any person residing in the vicinity of the pen or enclosure.

#### IV

THAT no person shall maintain any bears, lions, foxes, wildcats, jaguars, cheetahs, bobcats, wolves, jackals, leopards, hyenas, rats or any other wild animals which may be considered dangerous by the chief of police, within the City of Cumby, Texas.

#### V

THAT this Ordinance shall supersede any prior ordinances in conflict herewith, and such prior conflicting ordinances are hereby repealed to the extent that they conflict with this Ordinance.

#### VI

THAT any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than \$1.00, nor more than \$200.00; and each and every day or fraction of a day during which this Ordinance, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

VII

THAT 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 effect the validity of the remaining portions of this Ordinance.

VIII

THAT this Ordinance shall become effective as of July 6, 1993.  
PASSED AND APPROVED this 6th day of July, 1993.

  
MAYOR  
CITY OF LUMBY, TEXAS

ATTEST:

  
CITY SECRETARY

## ORDINANCE O-2023-3

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, PROHIBITING LIVESTOCK TO RUN AT LARGE WITHIN THE CORPORATE LIMITS; PROVIDING MINIMUM SPACE REQUIREMENTS FOR THE KEEPING OF SUCH ANIMALS WITHIN THE CORPORATE LIMITS; PROHIBITING THE KEEPING OF DANGEROUS ANIMALS WITHIN THE CORPORATE LIMITS; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY FOR VIOLATION OF SAID ORDINANCE

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

### I.

THAT it shall be unlawful for any person having the ownership, care, custody or control of any livestock to cause, suffer, permit or allow the same to run at large within the City of Cumby, Texas, off the premises where the same are normally kept.

THAT in any prosecution charging a violation of this section, proof that the livestock described in the complaint charging such offense was at large within said city off the premises where the same was normally kept, together with proof that the defendant named in such complaint was at such time the owner or the person having the care, custody or control of such livestock, shall constitute in evidence a prima facie presumption that such person caused, suffered, permitted or allowed the same to run at large off the premises where the same was normally kept.

### II.

THAT no person shall maintain livestock within the City of Cumby, Texas, unless the following requirements are met which concerns the space allotted to each animal.

- (A) **Horses.** There shall be a minimum space of 1850 square feet for each horse kept within the city limits. The shed used for protection against the elements may be located on this plot. Each additional horse that is kept on the same lot must be given an additional 1850 square feet. Barbed wire will be approved.
- (B) **Cows.** There shall be a minimum space of 1850 square feet for each cow kept within the city limits of the City of Cumby, Texas. The shed for protection against the elements and used for milking purposes may be located on this plot. Any additional cows will be given 1850 square feet each. For purposes of this article, a calf shall require the same number of square feet, that is 1850 square feet, that is required for a cow. The lot will be enclosed with barbed wire or other suitable fencing.
- (C) **Goats.** Any goat kept in the city limits will be allowed 375 square feet for stable and lot. Any additional goat kept at the lot will be granted an additional 375 square feet.
- (D) **Sheep.** Any sheep kept within the city limits will be allowed 375 square feet for stable and lot. Any additional sheep kept in the same lot will be granted an additional 375 square feet.
- (E) **Hogs or Pigs.** Any hogs or pigs kept within the city limits, under conditions described in Section 3 below, will be allowed 375 square feet for pen and lot. Any additional hog or pig kept in the same pen will be granted an additional 375 square feet.

### III.

THAT it shall be unlawful for any person to keep or permit to be kept upon premises under his control, any hog or pig within the corporate limits of the city, except pigs being held for slaughtering



purposes may be kept within the corporate limits for a period not exceeding 48 hours, and except that not more than 2 hogs or 2 pigs may be kept within 300 feet of any dwelling house, without the written consent of the owner or occupant thereof.

THAT all pens and enclosures wherein swine are kept shall be maintained and kept in such a manner as to not become unsanitary, offensive, or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or in any manner cause any injury to the health of the public or any person residing in the vicinity of the pen or enclosure.

IV.

THAT no person shall maintain any bears, lions, foxes, wildcats, jaguars, cheetahs, bobcats, wolves, jackals, leopards, hyenas, rats or any other wild animals which may be considered dangerous by chief of police, within the City of Cumby, Texas.

V.

THAT this Ordinance shall supersede any prior ordinances in conflict herewith, and such prior conflicting ordinances are hereby repealed to the extent that they conflict with this Ordinance.

VI.

THAT any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than \$1.00, nor more than \$200.00; and each and every day or fraction of a day during which this Ordinance, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

VII.

THAT 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 effect the validity of the remaining portions of this Ordinance.

VIII.

THAT this Ordinance shall become effective as of February 21, 2023.

PASSED AND APPROVED this 21<sup>st</sup> day of February 2023.

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Amber Hardy, Mayor

ATTEST:

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Betty Jo Hardman, City Secretary

**CITY OF CUMBY**  
**Ordinance No. 2022-05-006**

**EXHIBIT A**  
**Schedule of Services and Rates**

CITY OF CUMBY  
 ORDINANCE 2022-05-006  
 Exhibit A

Deposit - Residential Owner (inside City Limits)	\$150.00
Deposit - Residential Owner (outside City Limits)	\$200.00
Deposit - Residential Renter (inside City Limits)	\$200.00
Deposit - Residential Renter (outside City Limits)	\$250.00
Deposit - Commercial	\$325.00
Connect Fee	\$35.00
Late Fee	\$20.00
Disconnect Notice	\$10.00
Disconnect Fee	\$35.00
Reconnect Fee	\$35.00
After Hour Reconnect Fee	\$50.00
Transfer Fee	\$35.00
Return Check Fee	\$35.00
Water Tap Fee - Residential	\$2,250.00
Water Tap Fee - Commercial	\$4,250.00
Wastewater Tap Fee - Residential	\$2,250.00
Wastewater Tap Fee - Commercial	\$4,250.00

**MONTHLY WATER RATES - CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY:**

<b>MONTHLY DEMAND RATE \$10.50 PLUS</b>		
0-3,000 Gallons	\$6.75	per 1,000 gallons or part thereof
3,001 - 5,000 Gallons	\$7.50	per 1,000 gallons or part thereof
5,001 - 15,000 Gallons	\$8.00	per 1,000 gallons or part thereof
15,001 - 50,000 Gallons	\$8.50	per 1,000 gallons or part thereof
50,001+ Gallons	\$9.00	per 1,000 gallons or part thereof

**MONTHLY WATER RATES - CUSTOMERS OUTSIDE THE CORPORATE LIMITS OF THE CITY:**

<b>MONTHLY DEMAND RATE</b>	\$42.00	includes 2,000 gallons
2,001 - 3,000 Gallons	\$5.50	per 1,000 gallons or part thereof
3,001 - 5,000 Gallons	\$5.70	per 1,000 gallons or part thereof
5,001+ Gallons	\$7.00	per 1,000 gallons or part thereof

**MONTHLY WATER RATES - COMMERCIAL WATER RATES INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY:**

<b>MONTHLY BASE RATE</b>	\$42.00	includes 2,000 gallons
2,001 - 3,000 Gallons	\$5.50	per 1,000 gallons or part thereof
3,001 - 5,000 Gallons	\$5.78	per 1,000 gallons or part thereof
5,001+ Gallons	\$7.00	per 1,000 gallons or part thereof

**BULK WATER RATE: \$45.00 PER LOAD MAXIMUM UP TO 3,000 GALLONS**

WASTEWATER RATES

MONTHLY BASE RATE	\$23.00	includes up to 5,000 Gallons
5,001+ Gallons	\$4.50	per 1,000 gallons or part thereof

MONTHLY GARBAGE RATES  
WE NOW OFFER COMMERCIAL YARD CONTAINERS

CALL FOR A QUOTE

Residential within the City Limits (1 cart)	\$20.00
Residential outside City Limits (1 cart)	\$20.00
Residential/ Commercial (per extra cart)	\$10.00
Commercial	\$35.00

HOUSING AUTHORITY

WATER USAGE	\$220.00	includes up to 20,000 gallons
20,001 - 50,000	\$5.50	per 1,000 gallons or part thereof
50,001+	\$7.00	per 1,000 gallons or part thereof
Sewer Usage	\$220.00	includes up to 20,000 Gallons
20,001 +	\$4.50	per 1,000 gallons or part thereof

ABOVE RATES SUBJECT TO ANY ADDITIONAL TAX

# City of Cumby—

PROPOSED

2023

PROPOSED

## Spring Cleanup



**April 28, 29, 30**

**May 5, 6, 7**

**8:00 am - 4:30 pm**

**(Closed Lunch Break: 12:00-12:30)**

2 Dumpsters will be located inside the fencing of the City of Cumby Water Tank  
(Barker Street)

**NO CHEMICALS, PAINT, TREE LIMBS, CAR  
BATTERIES, TIRES OR HAZARDOUS WASTES.**

**NO EXCEPTIONS!!**

This is limited to City of Cumby Residents. Please present a Cumby Water bill or TX DL w/Cumby address.