

**AGENDA
NOTICE OF A SPECIAL 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 Special Meeting on March 2, 2023, at 5:30 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 and Alderman5@cityofcumby.com .

The meeting agenda is posted online at www.cumbytx.com website. The meeting packet will be posted on 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.

6. OLD BUSINESS

6.1. **Discussion/Action:** Ordinance O-2023-003, Bulk Water fees (Reference: Ordinance O-2022-05-006).

6.2. **Discussion/Action:** Resolution 2023-0002, Appointment of a Representative to serve as a Director on the ARK-TEX Council of Governments Board of Directors.

7. EXECUTIVE SESSION – In accordance with Texas Government Code, Section 551.076, the City Council will recess into Executive Session (closed meeting) to Discuss the following:

§ Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS;
CLOSED MEETING. This chapter does not require a governmental body to conduct an open meeting to deliberate:

or
(1) the deployment, or specific occasions for implementation, of security personnel or devices;

(2) a security audit. Discuss BIT findings regarding recent City of Cumby Cyber audit.

8. **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.

9. **NEW BUSINESS**

9.1. **Discussion/Action:** Business IT Service Corps Contract with City of Cumby for IT services, City, Municipal Court, Police Department. (Reference Ordinance O-2020-10-01 Single Vendor Without Contract)

10. **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 23, 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

RESOLUTION R-2023-0002

A RESOLUTION MADE BY THE CITY COUNCIL OF THE CITY OF CUMBY TEXAS AUTHORIZING THE APPOINTEMENT OF A REPRESENTATIVE TO SERVE AS A DIRECTOR ON THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

WHEREAS, the ARK-TEX Council of Governments (ATCOG) was organized by local governmental entities in 1966 and was chartered as a not-for-profit corporation under Chapter 391, Local Government Code; and

WHEREAS, Reorganization in 1968 by the States of Texas and Arkansas as a sub-state political subdivision to allow ATCOG to plan, assist local governments and deliver public services, but has no power to tax or to regulate; and

WHEREAS, ATCOG is governed by a Board of Directors, and state law requires that this governing body be composed primarily of local government elected officials; and

WHEREAS, ATCOG serves the Northeast Texas and Southwest Arkansas region that is comprised of nine (9) counties in Texas and one (1) in Arkansas, and includes cities, counties, school districts, and special districts with membership open to all interest governmental entities.

WHEREAS, the general purpose of ATCOG is to plan for the unified, far-reaching development of the region, eliminate duplication of services, and promote economy and efficiency through coordination;

WHEREAS, the City of Cumby is a member in good standing with the ARK-TEX Council of Governments; and

WHEREAS, the City of Cumby has one position reserved on the ARK-TEX Council of Governments Board of Directors; and

NOW, THEREFORE, BE IT RESOLVED:

_____ is hereby appointed to serve as Representative on the ARK-TEX Council of Governments Board of Directors.

PASSED AND APPROVED by the City Council of the City of Cumby this the _____ day of _____, 2023

Amber Hardy, Mayor

ATTESTED TO:

Betty Jo Hardman, City Secretary

ORDINANCE NO. 2023-003

AN ORDINANCE OF THE CITY OF CUMBY AMENDING THE CITY'S CURRENT TRASH RATES; ESTABLISHING RATES FOR TRASH SERVICE AS SHOWN ON THE "SCHEDULE OF SERVICES AND RATES" EXHIBIT A; AMENDING BULK WATER RATES AND 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 amending the existing Schedule of Rates and Charges that equitably applies to those Customers and Entities that 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 an amended *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 conflict with the Provisions of this Ordinance and the amendments to the "*Schedule of Services and Rates*," EXHIBIT A 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: 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 _____, 2023, by the City Council of the City of Cumby, Texas.

Amber Hardy, Mayor

ATTEST:

Betty Jo Hardman, City Secretary

CITY OF CUMBY
Ordinance O-2023-003

EXHIBIT A
Schedule of Services and Rates

CITY OF CUMBY

O-2023-003, 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
Connection 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

BULK WATER RATES / LOAD:	
* New Account (one time) Set-up Fee:	\$10.00
- \$20.00- To be discussed	
0 – 1000 Gallons	\$15.00
1001 – 2000 Gallons	\$30.00
2001 – 3000 Gallons	\$45.00

WASTEWATER RATES:	
MONTHLY BASE RATE:	\$23.00 incl up to 5000 Gallons
5001+ Gallons	\$ 4.50 / 1,000 gal or part thereof

MONTHLY GARBAGE RATES:		
Residential within/outside the City Limits	1 Cart	\$20.00
Residential within/outside the City Limits	+ Cart	\$10.00 (EA)
Commercial	1 Cart	\$35.00
Commercial	+ Cart	\$10.00 (EA)

MONTHLY WATER RATES – CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY:

MONTHLY DEMAND RATE: \$10.50 - PLUS	
0 – 3000 Gallons	\$6.75 / 1,000 gal or part thereof
3001 – 5000 Gallons	\$7.50 / 1,000 gal or part thereof
5001 – 15000 Gallons	\$8.00 / 1,000 gal or part thereof
15001 – 50000 Gallons	\$8.50 / 1,000 gal or part thereof
50001+ Gallons	\$9.00 / 1,000 gal or part thereof

HOUSING AUTHORITY:	
WATER USAGE	\$220.00 (INCL up to 20000 GAL)
20001 – 50000	\$ 5.50 / 1,000 gal or part thereof
50001+	\$ 7.00 / 1,000 gal or part thereof
SEWER USAGE	\$220.00 (INCL up to 20000 GAL)
20001+	\$ 4.50 / 1,000 gal or part thereof

MONTHLY WATER RATES – CUSTOMERS OUTSIDE THE CORPORATE LIMITS OF THE CITY:

MONTHLY DEMAND RATE	\$42.00 (INCL 2000 GAL)
2001 – 3000 Gallons	\$5.50 / 1,000 gal or part thereof
3001 – 5000 Gallons	\$5.70 / 1,000 gal or part thereof
5001+ Gallons	\$7.00 / 1,000 gal or part thereof

*** RATES MAY BE SUBJECT TO TAX (IF ANY)**

ORDINANCE NO. 2022-05-006

AN ORDINANCE OF THE CITY OF CUMBY AMENDING THE CITY'S CURRENT TRASH RATES; ESTABLISHING RATES FOR TRASH SERVICE AS SHOWN ON THE "SCHEDULE OF SERVICES AND RATES" (EXHIBIT A); AMENDING WATER AND WASTEWATER TAPE FEE AND 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 amending the existing Schedule of Rates and Charges that equitably applies to those Customers and Entities that 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 an amended *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.

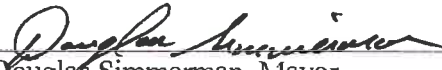
SECTION 2. SCHEDULE OF SERVICES AND RATES. The *Schedule of Services and Rates* attached hereto as "Exhibit A" is hereby adopted as effective and binding in and for the City of Cumby and is incorporated herein for all purposes.

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 the amendments 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. 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 10th day of May 2022, by the City Council of the City of Cumby, Texas.



Douglas Simmerman, Mayor

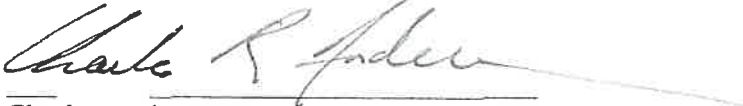
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ATTEST:



Betty Jo Hardman, City Secretary

APPROVED AS TO FORM:



Charles Anderson, City Attorney

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:

MONTHLY DEMAND RATE \$10.50 PLUS		
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:

MONTHLY DEMAND RATE	\$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:

MONTHLY BASE RATE	\$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