

**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 March 14, 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 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.

- City offices closed April 7, 2023 (Good Friday)
- Public Management will attend April 2023 Council Meeting

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 February 21, 2023 and March 7, 2023
- 6.2. Approval – 2023 February Financials (P&L)
- 6.3. Approval – Fiscal Year-to-Date 2022-2023 P&L
- 6.4. Approval – 2023 February Unpaid Bill 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
- 6.9. Approval – Building Permit Report

7. 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:

- 7.1. §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) Betty Jo Hardman, City Secretary has requested time in Executive Session with Council to review Duties and Assignments of City Secretary

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. OLD BUSINESS

- 9.1. **Discussion/Action:** Update on various grant and other potential funding requests by City of Cumby (Mayor Pro Tem)
- 9.2. **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)
- 9.3. **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) – Paperwork Prepared per request in February Council Meeting.
- 9.4. **Discussion/Action:** Ordinance O-2023-003. Bulk Water fees (Reference: Ordinance O-2022-05-006).
- 9.5. **Discussion/Action:** Resolution 2023-0002, Appointment of a Representative to serve as a Director on the ARK-TEX Council of Governments Board of Directors.

10. NEW BUSINESS

- 10.1. **Discussion/Action:** Contract Agreement between the City of Cumby, Texas and Cumby Youth Sports Association; Issue New Statement for Fees owed (2013 – 2023); waive or back-bill to be determined (Mayor)
- 10.2. **Discussion/Action:** City of Cumby to open bids for Cyber Security and I/T Services for City of Cumby: Police Department, Municipal Court, City Hall, including Utility Services, and City Council

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 March 9, 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

Betty Jo Hardman, City Secretary

**MINUTES OF THE
REGULAR MEETING
OF THE CITY COUNCIL
February 21, 2023
A RECORDING OF THE FULL MEETING
MAY BE FOUND ON CUMBYTX.COM WEBSITE.**

1. CALL MEETING TO ORDER at 6:30pm

2. PLEDGE OF ALLEGIANCE AND INVOCATION Mayor Amber Hardy led the pledge of allegiance and Alderman Terry Ratliff led the invocation.

3. ROLL CALL & QUORUM REPORT – A quorum was established with all members present:

Mayor Amber Hardy	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.

- *Monty Lackey signed up to speak followed by his wife, Sheryl Lackey*

5. CITY COUNCIL COMMENTS

- *City offices closed April 7, 2023 (Good Friday)*
- *A new police officer was hired and will be onboarded in March 2023. With him comes a K-9 (ACE). All equipment for the K-9 will be covered by the officer and/or by donations already in place.*

6. CONSENT AGENDA & DEPARTMENT REPORTS

- 6.1. *Alderman Aly Crocker made a motion to accept the consent agenda and all reports included thereunder*
- 6.2. *Alderman Wayne Mobley 2nd the motion*
- 6.3. *5/0 - The motion passed unanimously.*

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)

- *Lisette Howard was unable to attend due to family conflict.*
- *Lisa Hart spoke regarding possible way to set-up SKADA for City Water Department, noting that just because there is a SKADA system in place, there is still a requirement to go by and physically check on wells each day. A system provided under SKADA Software is just the software with a very high annual maintenance fee plus the cost of the software itself of course. City is working with CumbyTel and how they can set-up with and for City. Ms. Hart said she can build a program that will watch for patterns and will do so.*
- *City has used ARPA funds to purchase two police department vehicles; goal is to also purchase a new(er) vehicle for Public Works; pay fees for Public Management who are managing the grant; continue sewer repairs at 1st and Frisco as well as other repairs that may take place during the 2023 calendar year. Funds must be used by end of 2023.*

- 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)
- *Mayor Hardy announced that City was approved for the \$350K Wastewater Treatment Plant Renovation; Public Management was hired to act as Grant Manager for the City and will work with us to set-up schedule.*
- 7.3. **Discussion/Action:** Review and discuss Section 3 policy updates and information for the City's TxCDBG Contract #CDV2100292. (L Howard, Public Mgmt)
- *Mayor Hardy presented paperwork submitted for City of Cumby by Project Management and agreed to by previous Mayor & Council. Cumby is recertifying they will follow as outlined in documents: Citizen Participation Plan; Excessive Force Policy; Fair Housing Policy, and Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures, and Code of Conduct / Conflict of Interest Policy Pertaining to Procurement Procedures.*
 - *Section 3 Policy Updates and information for the TxCDBG Contract #CDV2100292.*
 - *Alderman Aly Crocker, after confirming the "statement" and title of Code of Conduct (errors in spelling); made motion to approve Resolution R-2023-0001, Regarding Civil Rights, the City of Cumby Texas*
 - *Alderman Katherine Flinn 2nd the Motion*
 - *5/0, Motion passed unanimously.*
- 7.4. **Discussion/Action:** Update on various grant and other potential funding requests by City of Cumby (Mayor Pro Tem)
- *Mayor Pro Tem submitted a report on Grant and Funds she is working on.*
- 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)
- *Discussion held regarding tree and type of tree for City Park*
- 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)
- *Discussion regarding what the ETJ is for City of Cumby; and pros and cons regarding ETJ; No Action at this time; Council needs to study further*
- 7.7. **Discussion/Action:** Opioid Settlements (Allergan; CVS; Walgreens; Walmart) – City of Cumby submit request to be included in fund distribution (Secretary)
- *City Secretary presented that City now has opportunity to submit for funds under additional Opioid Settlements. Paperwork will be completed. No Action by Council needed.*

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)

- *Mayor Hardy reviewed continued discussion points with ISD and City of Cumby. No Action required by Council at this time; this item remains on Council Agenda.*

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)

- *Officer Painter presented discovery from meetings with City Planners, Commerce and Sulphur Springs. City Secretary offered to re-key for use in Cumby.*

8.2. **Discussion/Action:** Ordinance O-2023-2, repealing Ordinance #93-1 regarding fencing of small fowl and farm animals. (Alderman Aly Crocker)

- *Sheryl Lackey, citizen made a presentation regarding proposed Ordinance. The ordinances are not presented properly (new ordinance cannot repeal Old); and, following discussion held in Citizen Comments, Council will table this until further research is completed.*

8.3. **Discussion/Action:** Ordinance O-2023-3, Fencing of farm animals. (Aly Crocker)

- *Tabled*

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" (City Secretary)

- *Discussion held; Mayor and Maintenance Supervisor will work and present in March 14, 2023 Council Meeting.*

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" (City Secretary)

- *Discussion held; council agreed, close City Hall between 12:30 and 1:30 for staff lunch*

8.6. **Discussion/Action:** Spring Clean – Schedule for April 28-29-30; May 5-6-7, 2023

- *Discussion and agreed that dates presented will be posted*

9. **8:17pm Mayor Hardy convened into EXECUTIVE SESSION – In accordance with Texas Government Code, Section 551.001, et seq., the City Council RECESSED AT 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: Mayor Hardy reconvened at 8:22pm 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 at this time required by Council*

11. Meeting was adjourned at 8:22p.m.

ATTEST:

Amber Hardy, Mayor

Betty Jo Hardman, City Secretary

**MINUTES OF
A SPECIAL MEETING
OF THE CITY COUNCIL OF
CUMBY, TEXAS**

March 7, 2023

**A recording of the full meeting may be found
On CumbyTx.com website**

1. CALL MEETING TO ORDER: Mayor Amber Hardy called the meeting to order at 12:04 p.m.

2. PLEDGE OF ALLEGIANCE AND INVOCATION: Mayor Hardy led the Pledge of Allegiance

3. ROLL CALL & QUORUM REPORT:

PRESENT were Mayor Amber Hardy; Mayor Pro Tem & Alderman 5 Rosina Duckworth; Alderman 2 Katherine Flinn and Alderman 3 Wayne Mobley. A quorum was present to hold the meeting, however, due to the absence of Alderman 1 Terry Ratliff and Alderman 4 Aly Crocker a meeting could be held for discussion purposes and no action could take place.

4. INVOCATION: Mayor Hardy led the Invocation

5. PRESENTATION BY CITIZENS

NONE

6. CITY COUNCIL COMMENTS

- Alderman Duckworth will give a full report of Grant status at the regularly scheduled meeting, March 14, 2023
- Pastor Terry Ratliff asked that City announce: April 8th will be the Easter Egg Hunt and April 9th will be Sun Rise Service in Cumby City Park
- April 28-29-30: Spring Clean & May 5-6-7 Spring clean – POST, people are asking
- Cumby PD Pick-up was sold for \$8,700; these funds will be returned to ARPA account to reimburse some of the latest expense for the two new(er) PD Vehicles
- Mayor needs some kind of identification showing she is “Mayor”; PD will print her a badge; asked that City Secretary research business cards: Mayor; Mayor Pro Tem; Chief of Police

7. OLD BUSINESS

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

- *Discussion was held regarding recommended rates for bulk water, breaking this into gallon fee versus one “bulk” fee for all; need to consider what to charge for Administration Fee for setting up account.*

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

- *Discussion was held regarding who would take on this assignment; Mayor Pro Tem said she was available to attend meetings; Action will take place at March 14, 2023 Regular Council Mtg.*

8. 12:14 p.m. Mayor Hardy broke into 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:

8.1. **DISCUSSION:** § 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:

- (1) the deployment, or specific occasions for implementation, of security personnel or devices; or
- (2) a security audit. *Discuss BIT findings regarding recent City of Cumby Cyber audit.*

9. **2:19 Mayor 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.**

9.1. **Action:** If Any – *NO ACTION*

10. NEW BUSINESS

10.1. **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)

10.2. *No discussion/action at this time; table until March 14, 2023 City Council meeting*

11. Meeting was adjourned at 2:20 p.m.

Amber Hardy, Mayor

ATTEST:

Betty Jo Hardman, City Secretary

City of Cumby
Profit & Loss
 February 2023

	Feb 23
66000 · Payroll Expenses	
PENSION EXPENSE	1,889.78
66000 · Payroll Expenses - Other	36,686.60
	38,576.38
Total 66000 · Payroll Expenses	38,576.38
Public Safety	
Police Department	
SAFETY EQUIPMENT	7.00
Technology	1,557.48
Reimbursement	17.37
Auto Repair & Maintenance	37.75
Fuel	2,096.11
License & Support	31.00
Telephone	226.18
Uniforms	80.10
Utilities	3,530.96
Police Department - Other	-6.57
	7,577.38
Total Police Department	7,577.38
Total Public Safety	7,577.38
Public Works	
Street Signs	30.00
	30.00
Total Public Works	30.00
Water/Sewer	
ARPA Project Expense	
ARPA - PD Vehicle	2,097.40
ARPA Project Expense - Other	142.95
	2,240.35
Total ARPA Project Expense	2,240.35
Technology	67.36
Chemicals	467.18
Deposit Refund	175.00
Garbage Collection Fee	9,304.56
Office Supplies	152.12
Operating Supplies	3,057.78
Postage	519.90
Software	129.60
Telephone	111.84
Testing	83.00
Uniforms	31.99
Utilities	16,179.02
Water/Sewer - Other	323.69
	32,843.39
Total Water/Sewer	32,843.39
Total Expense	98,992.92
Net Ordinary Income	-38,600.25
Net Income	-38,600.25

City of Cumby
Profit & Loss
 February 2023

	<u>Feb 23</u>
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	390.00
Interest Earned	134.68
License & Permits	963.65
Permits/Registrations	88.46
Public Safety Department	
Accident Report	12.00
Training	733.36
Total Public Safety Department	745.36
Tax & Franchise Fees	
Property Tax	22,902.62
Sales Tax	17,304.26
Total Tax & Franchise Fees	40,206.88
Water - Sewer	
New Service Connection Fee	35.00
Garbage Revenue	3,964.87
Late Fee	300.00
Reimbursement	365.45
Sales Tax Collected	326.33
Sewer Revenue	3,971.39
Tap fee	1,800.00
Water Revenue	7,100.60
Total Water - Sewer	17,863.64
Total Income	60,392.67
Gross Profit	60,392.67
Expense	
Administration	
Insurance	250.00
Legal Fees	181.00
Mayor/Council Expenses	357.17
Membership	29.98
Office Supplies	72.97
Professional Fees	820.00
Software	140.26
Technology	396.64
Telephone	27.79
Utilities	3,530.96
Total Administration	5,806.77
Mayor & Council	
Legal Expense	101.00
Total Mayor & Council	101.00
30-5000 · Municipal Court	
Collection Service Fee	8,783.69
Security	51.99
Technology	565.79
Telephone	65.58
Utilities	3,530.96
Total 30-5000 · Municipal Court	12,998.01
Park Improvements	
Utilities	1,000.00
Maintenance	59.99
Total Park Improvements	1,059.99

City of Cumby
Unpaid Bills Detail
As of March 13, 2023

Type	Date	Num	Due Date	Aging	Open Balance
IRS					
Bill	11/15/2021	12/31/...	05/21/2022	296	2,169.44
Bill	11/15/2022	2018 -...	11/25/2022	108	3,698.16
Total IRS					5,867.60
Jeffrey Hundley-					
Bill	02/25/2023	Reimb...	03/07/2023	6	5.35
Total Jeffrey Hundley-					5.35
Messer Fort McDonald					
Credit	10/17/2022	CRED...			-5,000.00
Bill	05/19/2022	april '2...	05/29/2022	288	3,000.00
Bill	07/27/2022	Cumb...	08/26/2022	199	1,485.02
Bill	08/23/2022	JULY ...	09/22/2022	172	5,194.33
Bill	09/16/2022	Aug 2...	10/16/2022	148	9,862.00
Bill	10/17/2022	Sept 2...	11/16/2022	117	1,744.00
Bill	11/21/2022	Oct 20...	12/21/2022	82	55.00
Bill	12/20/2022	Nov '2...	01/19/2023	53	1,434.50
Bill	01/16/2023	Cumb...	02/15/2023	26	584.50
Bill	02/20/2023	Jan 20...	03/22/2023		282.00
Total Messer Fort McDonald					18,641.35
Northeast Texas Disposal					
Bill	11/27/2018	18800	12/27/2018	1537	3,060.00
Bill	12/04/2018	18641	01/03/2019	1530	2,470.00
Bill	12/05/2018	17233	01/04/2019	1529	420.00
Bill	12/11/2018	18801	01/10/2019	1523	3,415.00
Bill	12/21/2018	18804	01/20/2019	1513	4,020.00
Bill	01/02/2019	21086	02/01/2019	1501	2,900.00
Total Northeast Texas Disposal					16,285.00
O'Reilly Auto Parts					
Credit	11/05/2020	0372-...			-7.63
Credit	11/20/2020	03723...			-6.79
Bill	05/27/2022	0372-...	06/26/2022	260	39.99
Bill	02/17/2023	Inv.03...	03/19/2023		20.41
Bill	02/25/2023	Inv 03...	03/27/2023		11.99
Total O'Reilly Auto Parts					57.97
Republic Services					
Bill	02/26/2023	Inv 07...	03/08/2023	5	4,652.28
Total Republic Services					4,652.28
Ron's Plumbing, LLC					
Bill Pmt -Check	01/17/2023	9007			-660.50
Bill	01/12/2023	Inv 10...	01/12/2023	60	660.50
Total Ron's Plumbing, LLC					0.00
Underground Utility Supply					
Bill Pmt -Check	02/02/2023				-641.61
Bill	01/16/2023	Inv 25...	02/15/2023	26	105.03
Bill	01/30/2023	Inv 25...	03/01/2023	12	23.73
Bill	02/14/2023	Inv 26...	03/16/2023		471.95
Bill	02/24/2023	INV 2...	03/26/2023		1,706.40
Bill	02/24/2023	Inv 25...	03/26/2023		14.28
Bill	03/06/2023	Inv 26...	04/05/2023		618.67
Total Underground Utility Supply					2,298.45
TOTAL					102,773.82

City of Cumby
Unpaid Bills Detail
 As of March 13, 2023

Type	Date	Num	Due Date	Aging	Open Balance
ADT Security Services					
Bill	02/20/2023	40436...	03/07/2023	6	51.99
Total ADT Security Services					51.99
Ana Lab Corporation					
Bill	02/28/2023	Inv A0...	03/30/2023		83.00
Total Ana Lab Corporation					83.00
AVR, Inc.					
Bill	02/28/2023	Invoic...	03/30/2023		129.60
Total AVR, Inc.					129.60
B & D Signs					
Bill	02/28/2023	Inv 12...	03/10/2023	3	30.00
Total B & D Signs					30.00
Bobkat Enterprises, Inc.					
Bill Pmt -Check	07/13/2021	1205			-0.02
Bill	02/23/2023	Inv 23...	03/10/2023	3	49.98
Bill	02/25/2023	Inv 23...	03/12/2023	1	187.45
Total Bobkat Enterprises, Inc.					237.41
Business IT Service Corps					
Bill	02/15/2023	Inv 2280	03/02/2023	11	1,189.00
Bill	02/15/2023	Inv 2279	03/02/2023	11	1,540.42
Total Business IT Service Corps					2,729.42
Card Service Center					
Bill	02/28/2023	1/28-2...	03/15/2023		3,442.47
Total Card Service Center					3,442.47
Constellation Energy					
Bill Pmt -Check	11/10/2022	5789			-2.67
Bill	02/28/2022	2020 ...	02/28/2022	378	10,206.00
Bill	02/28/2023	2020 ...	02/28/2023	13	25,803.67
Total Constellation Energy					36,007.00
DPC Industries					
Bill	02/22/2023	Inv 79...	03/24/2023		467.18
Total DPC Industries					467.18
Hall Oil Company					
Bill	01/27/2023	Inv 20...	02/11/2023	30	1,238.00
Bill	02/22/2023	Inv 21...	03/09/2023	4	898.11
Total Hall Oil Company					2,136.11
Hopkins County Appraisal District					
Bill	03/01/2023	23-2n...	03/31/2023		421.60
Total Hopkins County Appraisal District					421.60
i3-Bearcat, LLC					
Bill	02/28/2023	02/01-...	03/15/2023		8,783.69
Total i3-Bearcat, LLC					8,783.69
inTouch by CumbyTel					
Bill	03/01/2023	04390...	03/16/2023		242.77
Bill	03/01/2023	04390...	03/16/2023		141.16
Bill	03/01/2023	04390...	03/16/2023		62.42
Total inTouch by CumbyTel					446.35

**MUNICIPAL COURT
CUMBY TEXAS
MONTHLY COLLECTIONS (deposits)
Feb-23**

	Bankcard direct deposits / Cash & M.O.
*Municipal Court State Acct	\$ 12,419.04
OMNI	\$ 322.15
GHS	\$ 8,783.69
Municipal Court Technology Acct	\$ 534.80
Municipal Court Truancy Acct	\$ 422.85
Municipal Court Jury Acct	\$ 8.43
Municipal Court Security Acct	\$ 561.77
Child Seatbelt	\$ 149.80
General Operating Account	\$ 14,000.00
TOTAL	\$ 37,202.53

Cash & M.O. \$4,954.25

Public Works Report Feb. 6 2023 March 6, 2023

<p>Routine</p>	<p>Read walls check chlorine and document for state 7 Days week. Monthly Best Sample also quarterly test for state</p> <p>Check W.W.T.P. document for state Lift Stations Clean Bar screen + Document for state</p>
<p>Water.</p>	<p>7 Main Breaks or Leaks Repaired Located Thomas Jenkins water line Hydro vac Drive way by his house water line is actually in Pasture close to fence + R.R. Tracks Re New + Sleeve 2 in water main behind school got it out of way of New Pole close to valve also down work with school on there line. Lot of Rain this month Generator P.M. Done Replace battery at WTP</p>
<p>Waste Water</p>	<p>Ran 7 mains for customer. call in locales at till Dorelto. 3 call in sewer line runs. will get Dorelton covered again week of 5-13-517 Generator at W.W.T.P. P.M. Done</p>
<p>Workorder</p>	<p>45 23 Maint Issued W.O. 22 city hall issued W.O. 4 consumption Read 1 meter Lock N.P. Read meters manual + Radio. Flush + Document. Main</p>
<p>Park</p>	<p>check 3 time week including TRASH Run also Ms Deck worth + Wapque working in park on Dricks</p>

Meter Read Report for City Council
2022-2023 FISCAL YEAR

RG3 System Report

	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
RG3 - Read Meters	328	314	325	330	303	318							
RG3 - Unread Meters	63	78	67	57	99	98							
Manual Reads	24	23	23	23	22	24							
TRASH (no meters)	21	18	18	18	16	17							
(MONTHLY) Repaired Meters		1	18	0	0	0							
Duplicate Accounts (Appx)													
CHURCHES (NO BILL)													
Accounts that need to be deleted	Accts Deleted by utility clerk	Accts Deleted by utility clerk											
Radio Reads that are actual manual read													
CITY METERS (NO BILL) (appx)													
Vacant that are or listed unread													

AVR System Report

Total number of Warnings (high reads)	34	34	34	37	47	47							
Errors - consisting of:													
- No Reading Dates - (RG3 meters)	67	79	75	92	94	76							
- Reverse Reads - (RG3 meters) Higher month prior and usage decreased vs increased	45	49	42	47	42	48							
- also encompasses trash only; churches; city property (e.g., wells, city hall)	20	16	15	16	15	15							
- Consumption with no bill (e.g., service addresses)	0	3	3	2	1	7							
- Utility clerk "estimates" reads practice is based on average use	112	128	117	139	136	140							



Cumby Police Department February 2023 Activity Report

Calls for Service	928
Warning Citations	91
Citations	78
Total Traffic Contacts	169
Crash Reports	0
Incident Reports	8
Offense Reports	21
Arrests	17

- **New Hire Hackney & K9 Ace are currently in field training.**
- **We are in the process of securing some grants for much needed equipment at little to no cost to the city as well.**
- **Have implemented a new ticketing process exclusively for illegally parked vehicles. This is mainly to address the problem with illegally parked commercial vehicles at the rest areas. We are having a very positive response regarding this new method. Citations are currently being processed through the court...**
- **Currently have one vehicle in the mechanic shop assessing an engine failure.**
- **Working with Cumby ISD as well as Commerce ISD on implementation of K9 services. Commerce ISD will be paying a fee for us to provide K9 services monthly. We will not charge Cumby ISD.**

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.

**CITY OF CUMBY VOLUNTEER FIRE DEPARTMENT
FEBRUARY 2023 DEPARTMENT REPORT**

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	4750	104.95
FEB	7	31	0.5	3	2	4	14	9	6	2300	110.27

CITY OF CUMBY
BUILDING PERMIT REPORT
March 14, 2023
(Reporting February 2023 Activity)

1. Commercial Building Permit:
 - i. None in January / February 2023
 - ii. ISD project manager asked for permit process and it was provided.
2. Residential Permit:
 - a. Building Permit issued:
 - i. 110 Donelton Cumby – NEW BUILD restarted and paid an additional permit fee as they had passed the Ordinance timeline as well as extension given by Council

Many calls regarding several properties that are in the area for sale. Questions regarding: water access; what can be built (zoning); and can pre-fab buildings be brought in?

Building Inspections are occurring on completed projects and payments have been made to City of Cumby; in turn, City of Cumby will make payments to Bureau Veritas for inspection services. Requirements for permits has slowed down considerably since summer. It will likely be cyclical

Date: March 14, 2023

To: Mayor Hardy, Council Members

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

GRANTS:

Approved. 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 application 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, Grant/loan with forgiveness. Request amount \$10M. Application ACCEPTED and included in DWSRF Intended Use Plan – Project Priority List on March 8, 2023. Schlumberg & Polk Engineering, prepared grant application at no cost to city. Texas Water Development Board, Project Information Form (PIF) no: 14809. Application ID 1798450.
4. Meadows Foundation – \$100,000 request for park improvements DENIED. Matching grant program requires \$50,000 from city funds which are unavailable. Grant request will be resubmitted when city has matching funds.
5. SAFER Grants from FEMA. Grant preparer from Centex is preparing our submission for fire department. Deadline March 16, 2023.
6. State Energy Conservation Office performed assessment of city's energy consumption January 26, 2023. City could qualify for funding to make energy-saving improvements. Awaiting report of findings.
7. Park repairs: Waste Management, Inc. has grants available. Tax-exempt status required. Blackjack Grove Daughters requesting tax-exempt number. Will make application when tax exempt number is received.
8. Alderman Mobley and Mayor Hardy volunteering labor/brick to repair 6 lamp post pedestals, install one lamp post and construct "Blackjack Grove Park" entrance sign. Need donations from

various businesses to: rebuild/repair brick planters, replace 1 lamp post, 3 light globes and repair concrete ramp – \$16,000. Playground upgrades additional - \$50,000.

9. Texas Department of Agriculture Downtown Revitalization grant - \$250,000-\$500,000. Provides money for sidewalks, parking, infrastructure upgrades in designated downtown area, remediation of blighted areas. City must have public hearing, council approval and a certified grant preparer. Deadline for submission is May 3, 2023. May be deferred to next year due to short time constraint.

10. US Department of Agriculture, Rural Development programs – infrastructure improvements. Cumby may qualify for grants as a disadvantaged city. Funds can be used to purchase, construct, and / or improve essential community facilities, purchase equipment and pay related project expenses. Application period open year round.

ECONOMIC DEVELOPMENT:

Requests for a fresh food market to be built in Cumby were submitted to Brookshire's, H-E-B, Kroger, and Aldi. Sgt Painter, Economic Development Officer identified potential sites on West I-30 Frontage Road. Waiting for responses.

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

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

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

*** 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.

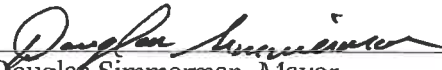
SECTION 2. SCHEDULE OF SERVICES AND RATES. The *Schedule of Services and Rates* attached hereto as "Exhibit A" is hereby adopted as effective and binding in and for the City of Cumby and is incorporated herein for all purposes.

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

City of
CUMBY^{TX}

100 Main Street
Cumby TX, 75433
(903) 994-2272

March _____, 2023

STATEMENT

TO: Cumby Youth Softball Association

\$ 1.00 Per Year Lease of Building – 102 Depot Street, Cumby Texas

\$12.00 Per Year Liability Insurance – 102 Depot Street, Cumby Texas

Last recorded payment: through 2012

Past Due: 2013 – 2023
10 years @ \$13.00 / year

TOTAL DUE **\$ 130.00**

Due & Payable upon receipt

CITY OF CUMBY

P.O. BOX 349
CUMBY, TX 75433

PHONE 903-994-2272
FAX 903-994-2650

cityofcumby@cumbytel.com

JULY 16, 2010

STATEMENT

*Item 8 -
Depot Street
Storage: \$12.00
Item #13:
Depot street:
\$88-*

TO: CYSA

\$1.00 PER YEAR LEASE OF BUILDING / 102 DEPOT STREET, CUMBY, TX.

\$10.00 PER YEAR LIABILITY INSURANCE / 102 DEPOT STREET, CUMBY, TX.

for year 2009 & 2010 TOTAL DUE: \$ 11.00

" " 2010 & 2011 Total Due \$ 11.00

*Year starts as of
January 2011 pd thru 2012*

*will owe
on
your
2012*

Total Both \$ 22.00

PAID
JUL 16 2010
City of Cumby

*Pd 22.00
cash*

CONTRACTUAL AGREEMENT BETWEEN THE CITY OF CUMBY, TEXAS
AND
CUMBY YOUTH SPORTS ASSOCIATION

This contractual agreement is entered into on this date by the City of Cumby, Texas (hereinafter referred to as "Cumby") and Cumby Youth Sports Association (hereinafter referred to as "CYSA") (collectively referred to as the "Parties") to lease the building previously used by the City of Cumby, Texas Police Department (hereinafter referred to as the "building") on a yearly basis.

The "Parties," when referenced to herein, shall also include their principals, past or present officers, directors, shareholders, owners, associates, employees, general partners, partners, limited partners, affiliates, representatives, legal representatives, attorneys, predecessors, successors, assigns, insurance companies, parent companies and/or subsidiaries (whether corporations, partnerships, limited partnerships, limited liability companies or proprietorships).

I. Terms

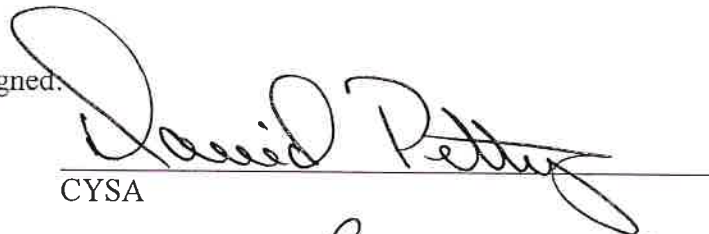
- A. Consideration. CYSA shall pay Cumby \$1.00 per year to lease the building.
- B. Utilities. CYSA shall be responsible for the payments of all utilities.
- C. Insurance. CYSA shall be responsible to reimburse Cumby the cost to insure the building within ten (10) days notice from Cumby of the cost to insure the building.
- D. Location. The building will remain wherein it is located at the time of the signing of this agreement until and unless Cumby and/or the Cumby Volunteer Fire Department requests that the building be re-located, which at that time CYSA will have thirty (30) days to safely re-locate the building at their expense.

- E. Abandonment/Payment of bills. The parties agree that if CYSA fails to timely pay any and all bills as they become due and/or abandons the building for a period of thirty (30) days Cumby shall take possession of the building ending the Lease.
- F. Representation of Comprehension of Document. In entering into this Contract, the Parties represent that the terms of this Contract have been completely read and explained to them, and that those terms are fully understood and voluntarily accepted by them.
- G. Parties' Intent. The Parties represent and warrant that they are executing this Contract of their own free will and accord without reliance on any representations of any kind or character not expressly set forth herein, after consultation with counsel, and that the Parties expressly assume the risk of any and all mistakes of law or fact, it being the intent of the Parties that this Contract be enforceable and binding.
- H. Successors and Assigns. This Contract shall become effective upon its execution by the Parties hereto, and thereafter shall be binding upon and inure to benefit of the Parties.
- I. Governing Law. THIS CONTRACT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH TEXAS LAW.
- J. Severability. Any provision of this Contract held by a court of competent jurisdiction to be invalid or unenforceable shall not impair or invalidate the remainder of this Contract, and the effect thereof shall be confined to the provision held to be invalid or illegal.

K. Entire Agreement. This Contract and the other Contract documents shall constitute the entire agreement of the Parties with respect to the matters contained herein and shall supercede all previous agreements, whether written or oral, related to such matters. THIS CONTRACT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

Dated: 9-27- _____, 2009.

Signed:


CYSA


City of Cumby