

Cumby City Council
Regular Meeting Agenda
Tuesday, November 10, 2020
City Hall – 100 East Main Street, Cumby, Texas
6:30 p.m.

Public Link: <https://us02web.zoom.us/j/88139758320>

Meeting ID: 881 3975 8320

- I. Call to Order
- II. Establish quorum
- III. Invocation
- IV. Pledge of Allegiance

V. Announcements

Announcements are provided on each agenda so that City Staff, Mayor, Council Members and members of the public may make announcements concerning matters of public recognition or upcoming events of local and regional significance; to advise the public of opportunities for service, recognition or recreation within our community; and to provide community charitable, civic, and philanthropic organizations the chance to broaden their appeal by the timely publication of details of their programs and activities. To utilize this opportunity, members of the public may contact the Mayor, City Secretary or City Council Members with details of their events or may appear at City Council Meetings and make their own announcements. "Announcements" shall be limited to the recitation of facts about the subject events, congratulatory or approbative statements concerning service to the City or the community, and invitations to participation at various events. No deliberations concerning the details of upcoming events shall be conducted

VI. Presentation by Citizens (Please Limit To 2 Minutes)

(At this time, we would like to listen to any member of the audience on any subject matter, whether that item is on the agenda. All comments are limited to a maximum of two (2) minutes for each speaker. Speakers making personal, unfounded, profane or slanderous remarks may be removed from the room. In accordance with the Open Meetings Act, the Mayor and Aldermen are restricted from discussing or acting on any items not listed on the agenda. Action can only be taken at a future meeting. When your name is called, please come to the front and state your name and address clearly before making your comments. Thank you for your cooperation).

VII. Reports

- A. Police Department
- B. Fire Department
- C. Maintenance Report
- D. Court Report

VIII. Consent items

- A. Discuss and approve minutes from September 8, 2020 Regular Session.**
- B. Discuss and approve September Financials.**
- C. Discuss and approve October Financials.**

IX. Old Business

- A. Discuss and consider approval of Ordinance 2020-10-01 limiting spending to a single vendor or payee without a contract to \$2500.00 and further providing with respect thereto procedure for City Council to approve such spending.**
- B. Discuss and consider possible action adopting policies and procedures for the storage of employee records.**

X. New Business

- A. Discuss and consider possible action to provide an annual stipend to city maintenance employees of 75.00\$ for purchase of work boots.**
- B. Discuss and consider possible action approving K. Evans and Associates to conduct the FY 2020 financial audit.**
- C. Discuss and consider possible action on renewal of Interlocal Agreement with Ark-Tex Council of Governments for Fiscal Year 2021.**
- D. Discuss and consider possible action adopting the Municipal Court Standing orders.**
- E. Discuss and consider approval of Ordinance 2020-11-01 Establishing Rates for Domestic and Commercial Water and Sewer Service.**
- F. Discuss and consider approval of Ordinance 2020-11-02 adopting The Sulphur Springs News Telegram as the official city newspaper.**

XI. Adjournment

If during the course of the meeting, any discussion of any item on the agenda should be held in closed session, the Council will convene in such executive or closed session in accordance with the following: 1) VTCA Government Code 551.071 - Consultations with legal counsel concerning pending or threatened litigation or matters where counsel's duty to the City conflicts with the Open Meetings Act; 2) VTCA Government Code 551.072 - Deliberations regarding the purchase, sale, lease or exchange of real property; 3) VTCA Government Code 551.073 - Deliberations regarding prospective gifts or donations; 4) VTCA Government Code 551.074 - Deliberations regarding personnel of the City; 5) VTCA Government Code 551.076 - Deliberations regarding the deployment of security devices or the implementation of security policy; and VTCA Government Code 551.087 - Deliberations regarding Economic Development negotiations.

CERTIFICATION

I, Codi Reynolds, City Secretary for City of Cumby, hereby certify that the above notice of meeting and agenda was posted on the Public Notice Board at Cumby City Hall, 100 East Main Street, Cumby, Texas on November 6, 2020 at 4:00 p.m.

Codi Reynolds
Codi Reynolds, City Secretary



MONTH	CITY	COUNTY	ACREAGE	GRASS FIRE	CAR FIRE	STRUCTURE FIRE	MEDICAL	MVA	INVESTIGATION / STAND BY	WATER USAGE	MAN/HOURS
JAN	6	12	5	2	0	1	7	6	2	0	70.47
FEB	5	10	20	3	0	0	5	4	3	0	29.35
MAR	1	11	0	0	0	0	4	4	4	0	36.18
APR	1	5	0	0	0	0	2	3	1	0	19.38
MAY	5	16	0	4	1	1	10	4	1	150	35.72
JUN	4	15	1	3	0	1	7	6	2	200	41.98
JULY	3	16	0.1	6	1	1	2	5	4	1140	46.83
AUG	1	27	16.75	14	1	2	5	5	1	6355	95.77
SEPT	5	15	1.5	3	1	1	10	5	0	200	40.12

MONTH	CITY	COUNTY	ACREAGE	GRASS FIRE	CAR FIRE	STRUCTURE FIRE	MEDICAL	MVA	INVESTIGATION / STAND BY	WATER USAGE	MAN/HOURS
JAN	6	12	5	2	0	1	7	6	2	0	70.47
FEB	5	10	20	3	0	0	5	4	3	0	29.35
MAR	1	11	0	0	0	0	4	4	4	0	36.18
APR	1	5	0	0	0	0	2	3	1	0	19.38
MAY	5	16	0	4	1	1	10	4	1	150	35.72
JUN	4	15	1	3	0	1	7	6	2	200	41.98
JULY	3	16	0.1	6	1	1	2	5	4	1140	46.83
AUG	1	27	16.75	14	1	2	5	5	1	6355	95.77
SEPT	5	15	1.5	3	1	1	10	5	0	200	40.12
OCT	5	20	14	4	0	2	10	8	1	500	56.32

MAINTENANCE REPORT

FOR THE MONTH OF **SEPTEMBER** THE MAINTENANCE DEPARTMENT:

COMPLETED 19 WORK ORDERS

BLEW OUT 3 SEWER MAINS

REPAIRED 2 WATER MAIN LEAKS

AND REPAIRED 1 FIRE HYDRANT

MAINTENANCE REPORT

FOR THE MONTH OF **OCTOBER** THE MAINTENANCE DEPARTMENT:

COMPLETED 13 WORK ORDERS

REPAIRED 5 POTHoles

AND BLEW OUT 2 SEWER MAINS

Cumby Municipal Court
Collections Report September, 2020

For the month of September the court collected \$56,272.70 total.

City: \$32,426.71

State: \$18,316.52

GHS: \$5,529.47

Cumby Municipal Court
Collections Report **October, 2020**

For the month of October the court collected \$47,146.69 total.

City: \$26,997.13

State: \$16,008.83

GHS: \$4,140.73

Regular Meeting Minutes of the City Council of the City of Cumby

Tuesday, September 8, 2020

Cumby City Hall

PRESENT:

Doug Simmerman Guy Butler

Betty McCarter Julie Morris

I. Mayor Doug Simmerman called the meeting to order at 6:37 p.m.

II. Invocation and Pledge of Allegiance

Invocation was led by Mayor Simmerman and the pledge was recited by the mayor, Council, and Citizens in attendance.

III. Announcements

A. Mayor Simmerman announced that he spoke with the Grant managers. The force line will be going between the gym and high school and they will be working over Thanksgiving and Christmas. They will be doing what they can to accommodate the school.

IV. Citizens addressed the council

- A. Monty Lackey had 2 questions for the council. 1.) What is being done with the property on Commerce St that was acquired under Eminent Domain? Chief Paul Robertson stated it was purchased with seizure funds. He is thinking of rebuilding the vehicle that is located on the property when money is available. 2.) On 08/21 there was an accident on Frisco St are we any further with the investigation? 3.) Will the Cumby Police Department be releasing the body cam footage for Clyde Barrow?
- B. Angela Lee asked why the property owners weren't notified regarding the wreck. Are the property owners supposed to clean up the damages? Mayor Simmerman stated he was not aware that she was not notified and will investigate it.
- C. Sheryl Lackey would like to congratulate Jeff & Quanah on their marriage. She also stated that she is still waiting on responses to her Open record request.

V. Reports

- A. Chief Paul Robertson submitted the Police Report.
- B. Mayor Doug Simmerman submitted the Fire Dept Report.

VI. Consent Agenda

- A. Guy Butler motioned to accept the August 11, 2020 Regular Meeting minutes. Betty McCarter seconded the motion. The motion passed 3-0.
- B. Betty McCarter motioned to accept the August 14, 2020 Special Meeting minutes. Julie Morris seconded the motion. The motion passed 3-0.
- C. Julie Morris motioned to accept the August financials. Guy Butler seconded the motion. The motion passed 3-0.

VII. Old Business

- A. Julie Morris stated that we approved preparing an ordinance in June. The Council reviewed the Ordinance and it will be put on October's agenda for approval. No action was taken at this time.

VIII. New Business

- A. The council discussed the budget. Betty McCarter stated that we didn't have anything set aside for drug testing or background checks for new hires. The council added 500.00\$ for testing and background. Julie Morris motioned to adopt Ordinance 2020-09-02 adopting the FY 2020-2021 Budget. Guy Butler seconded the motion. The motion passed 3-0.
- B. Mayor Simmerman stated that the tax rate would be left where it is. Without a full council no changes can be made. We will have to go with the no new revenue rate. Betty McCarter motioned to adopt Ordinance 2020-09-01 establishing the 2021 tax rate. Julie Morris seconded the motion. The motion passed 3-0.
- C. Michael Medford stated that his company would like to build a Dollar General at 308 Main St. Betty McCarter doesn't feel we need two dollar stores. Mayor Simmerman is concerned with the location being right at the school zone. Citizen and Assistant Manager at Family Dollar said this town can not support both stores. Betty McCarter motioned NOT to rezone 308 Main St as commercial. Julie Morris seconded the motion. The motion passed 3-0.
- D. Betty McCarter stated that there have been some issues at one point on who hires/fires. The council discussed the process. No action was taken at this time.
- E. Julie Morris thinks that ALL personnel files should be kept in one place. If complaints are filed where are they stored? Julie Morris would like a policy drawn up stating all Employee records are to remain in one location. City attorney Jay Garrett will draw up a policy. No action was taken at this time.
- F. On August 14, 2020 the Forensic Audit Report was submitted to the FBI. A hard copy was sent via FedEx. The Council just wanted to let the public know the status. No action was taken at this time.

IX. Entered Executive Session

The City of Cumby Council entered Executive Session (Closed Meeting) at 7:57 p.m. pursuant to the provisions of Section 551.071 and 551.074 of the Texas Government Code, to discuss the following:

A. Discuss and Consider possible action regarding personnel.

X. Exited Executive Session

The City of Cumby Council reconvened into Regular Session (Open Meeting) at 8:32 p.m. pursuant to the provisions of Section 551.071 and 551.074 of the Texas Government Code, to discuss the following:

A. No action was taken

XI. Mayor Doug Simmerman adjourned the meeting at 8:34 p.m.

Approve:

Doug Simmerman, Mayor

Attest:

Codi Reynolds, City Secretary

8:15 AM
10/06/20
Accrual Basis

City of Cumby
Balance Sheet
As of September 30, 2020

	Sep 30, 20
ASSETS	
Current Assets	
Checking/Savings	
Seizure ***4821	1,218.55
Pending Seizure Account	63,091.44
General Bank Accounts	
CDBG Grant	1.74
Arson	403.81
Demolition Fund	725.00
General Operating	10,604.14
Municipal Court Security	3,300.76
Municipal Court State Fees	44,339.84
Municipal Court Technology	1,915.15
Parks & Recreation	960.27
Police Training	1,034.26
General Bank Accounts - Other	-454.39
Total General Bank Accounts	62,830.58
Utility Bank Accounts	
Water & Sewer	1,294.25
Street Maintenance	426.82
Water Deposit Account	4,099.35
Obligation	13,946.26
Total Utility Bank Accounts	19,766.68
Total Checking/Savings	146,907.25

City of Cumby
Profit & Loss
 September 2020

	Sep 20
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	150.00
Fines	
Service Fee Collected	4,905.60
Fines - Other	45,346.20
Total Fines	50,251.80
Interest Earned	3.22
Permits/Registrations	500.00
Public Safety Department	
Accident Report	14.00
Public Safety Department - Other	7.77
Total Public Safety Department	21.77
Tax & Franchise Fees	
Property Reduction Sales Tax	1,760.78
Property Tax	184.39
Sales Tax	7,043.10
Street Sales Tax	1,760.78
Total Tax & Franchise Fees	10,749.05
Water - Sewer	
Garbage Revenue	5,057.99
Late Fee	829.01
Sales Tax Collected	412.65
Sewer Revenue	7,565.80
Water Revenue	17,495.40
Total Water - Sewer	31,360.85
Total Income	93,036.69
Expense	
Administration	
Office Expense	152.00
Mayor/Council Monthly Fee	225.00
Office Supplies	139.42
Property Tax Fees	350.80
Technology	918.25
Telephone	548.53
Utilities	4,078.04
Total Administration	6,412.04
Mayor & Council	
Mayor & Council Expense	150.00
Total Mayor & Council	150.00
Municipal Court	
Refund for Overpayment of fine	74.40
Collection Service Fee	5,291.68
Judge	300.00
Security	209.95
Technology	1,205.25
Telephone	177.24
Total Municipal Court	7,258.52
Payroll Expenses	
Child Support	459.68
Payroll Expenses - Other	42,671.02
Total Payroll Expenses	43,130.70

City of Cumby
Profit & Loss
September 2020

	<u>Sep 20</u>
Public Safety	
Police Department	
Auto Repair & Maintenance	540.97
Equipment	1,661.85
Fuel	437.07
Telephone	190.35
Uniforms	188.95
Police Department - Other	-0.17
Total Police Department	<u>3,019.02</u>
Total Public Safety	3,019.02
Public Works	
Street Repair	<u>750.00</u>
Total Public Works	750.00
Water/Sewer	
Mowing	2,000.00
Vehicle Purchase	516.62
Automobile Repairs	6.55
Chemicals	753.32
Deposit Refund	111.30
Fuel	831.90
Maintenance	10,724.74
Office Supplies	311.55
Permit	5.00
Utilities	<u>20.00</u>
Total Water/Sewer	<u>15,280.98</u>
Total Expense	<u>76,001.26</u>
Net Ordinary Income	<u>17,035.43</u>
Net Income	<u><u>17,035.43</u></u>

City of Cumby Profit & Loss Budget vs. Actual September 2020

	Sep 20	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Subdivision Fees - PD	150.00			100.0%
Accumulated Funds	0.00			0.0%
Fines				
Service Fee Collected	4,905.60			
Fines - Other	45,346.20	0.00	45,346.20	100.0%
Total Fines	50,251.80	0.00	50,251.80	100.0%
Interest Earned	3.22			100.0%
License & Permits	0.00			0.0%
Permits/Registrations	500.00			100.0%
Public Safety Department				
Accident Report	14.00	0.00	14.00	100.0%
Training	0.00	0.00	0.00	0.0%
Public Safety Department - Other	7.77			
Total Public Safety Department	21.77	0.00	21.77	100.0%
Seizure Funds				
Tax & Franchise Fees				
Franchise	0.00			0.0%
Property Reduction Sales Tax	1,760.78	0.00	0.00	
Property Tax	184.39	0.00	184.39	100.0%
Sales Tax	7,043.10	0.00	7,043.10	100.0%
Street Sales Tax	1,760.78			
Total Tax & Franchise Fees	10,749.05	0.00	10,749.05	100.0%
Water - Sewer				
Garbage Revenue	5,057.99			
Late Fee	829.01			
Sales Tax Collected	412.65			
Sewer Revenue	7,565.80			
Water Revenue	17,495.40			
Water - Sewer - Other	0.00	0.00	0.00	0.0%
Total Water - Sewer	31,360.85	0.00	31,360.85	100.0%
Total Income	93,036.69	0.00	93,036.69	100.0%
Expense				
Administration				
Office Expense	152.00	0.00	152.00	100.0%
Bonus	0.00	0.00	0.00	0.0%
Election	0.00	0.00	0.00	0.0%
Insurance	0.00	0.00	0.00	0.0%

**City of Cumby
Profit & Loss Budget vs. Actual
September 2020**

	Sep 20	Budget	\$ Over Budget	% of Budget
Legal Fees	0.00	0.00	0.00	0.0%
Maintenance	0.00	0.00	0.00	0.0%
Mayor/Council Monthly Fee	225.00	0.00	225.00	100.0%
Memberships	0.00	0.00	0.00	0.0%
Office Supplies	139.42	0.00	139.42	100.0%
Postage	0.00	0.00	0.00	0.0%
Professional Fees	0.00	0.00	0.00	0.0%
Property Tax Fees	350.80	0.00	0.00	0.0%
Public Notice	0.00	0.00	0.00	0.0%
Software	0.00	0.00	0.00	0.0%
Technology	918.25	0.00	918.25	100.0%
Telephone	548.53	0.00	548.53	100.0%
Training	0.00	0.00	0.00	0.0%
Testing and Background	0.00	0.00	0.00	0.0%
Utilities	4,078.04	0.00	4,078.04	100.0%
Total Administration	6,412.04	0.00	6,412.04	100.0%
Arson Expenditure	0.00	0.00	0.00	0.0%
Debt Service	0.00	0.00	0.00	0.0%
Payment Processing Center	0.00	0.00	0.00	0.0%
TWDB Bond	0.00	0.00	0.00	0.0%
Total Debt Service	0.00	0.00	0.00	0.0%
Interes Expenses - TWBD	0.00	0.00	0.00	0.0%
Mayor & Council	150.00	0.00	0.00	0.0%
Mayor & Council Expense	150.00	0.00	0.00	0.0%
Total Mayor & Council	150.00	0.00	0.00	0.0%
Municipal Court	74.40	0.00	0.00	0.0%
Refund for Overpayment of fine	0.00	0.00	0.00	0.0%
Alarm	5,291.68	0.00	0.00	0.0%
Collection Service Fee	300.00	0.00	300.00	100.0%
Judge	0.00	0.00	0.00	0.0%
Legal Fees	0.00	0.00	0.00	0.0%
Office Expense	0.00	0.00	0.00	0.0%
Postage	0.00	0.00	0.00	0.0%
Report Fee	0.00	0.00	0.00	0.0%
Seat Belt Fee	0.00	0.00	0.00	0.0%
Security	209.95	0.00	209.95	100.0%
State Fees	0.00	0.00	0.00	0.0%
Technology	1,205.25	0.00	1,205.25	100.0%
Telephone	177.24	0.00	177.24	100.0%
Travel & Training	0.00	0.00	0.00	0.0%
Utilities	0.00	0.00	0.00	0.0%

City of Cumby Profit & Loss Budget vs. Actual September 2020

	Sep 20	Budget	\$ Over Budget	% of Budget
Total Municipal Court	7,258.52	0.00	7,258.52	100.0%
Park Improvements	0.00	0.00	0.00	0.0%
Payroll Expenses	0.00	0.00	0.00	0.0%
Insurance Assistance	459.68	0.00	459.68	100.0%
Child Support	42,671.02	0.00	42,671.02	100.0%
Payroll Expenses - Other				
Total Payroll Expenses	43,130.70	0.00	43,130.70	100.0%
Public Safety				
Police Department				
K-9	0.00	0.00	0.00	0.0%
Legal Fees	0.00	0.00	0.00	0.0%
Auto Repair & Maintenance	540.97	0.00	540.97	100.0%
Equipment	1,661.85	0.00	1,661.85	100.0%
Equipment Repairs	0.00	0.00	0.00	0.0%
Fuel	437.07	0.00	437.07	100.0%
Investigation	0.00	0.00	0.00	0.0%
License & Support	0.00	0.00	0.00	0.0%
Office Supplies	0.00	0.00	0.00	0.0%
Telephone	190.35	0.00	190.35	100.0%
Testing Supplies	0.00	0.00	0.00	0.0%
Training	0.00	0.00	0.00	0.0%
Uniforms	188.95	0.00	188.95	100.0%
Utilities	0.00	0.00	0.00	0.0%
Police Department - Other	-0.17	0.00	0.00	0.0%
Total Police Department	3,019.02	0.00	3,019.02	100.0%
Total Public Safety	3,019.02	0.00	3,019.02	100.0%
Public Works				
Street Lights	0.00	0.00	0.00	0.0%
Street Signs	0.00	0.00	0.00	0.0%
Debris Cleanup	0.00	0.00	0.00	0.0%
Mosquito Control	0.00	0.00	0.00	0.0%
Street Repair	750.00	0.00	750.00	100.0%
Total Public Works	750.00	0.00	750.00	100.0%
Water/Sewer				
Mowing	2,000.00			
Vehicle Purchase	516.62			
Automobile Repairs	6.55	0.00	6.55	100.0%
Chemicals	753.32	0.00	753.32	100.0%
Deposit Refund	111.30			
Equipment Repairs	0.00	0.00	0.00	0.0%

**City of Cumby
Profit & Loss Budget vs. Actual
September 2020**

	Sep 20	Budget	\$ Over Budget	% of Budget
Fuel	831.90	0.00	831.90	100.0%
Garbage Collection Fee	0.00	0.00	0.00	0.0%
Legal Fees	0.00	0.00	0.00	0.0%
Maintenance	10,724.74	0.00	10,724.74	100.0%
Office Supplies	311.55	0.00	311.55	100.0%
Operating Supplies	0.00	0.00	0.00	0.0%
Permit	5.00	0.00	5.00	100.0%
Postage	0.00	0.00	0.00	0.0%
Sales Tax Paid	0.00	0.00	0.00	0.0%
Seminars/Training	0.00	0.00	0.00	0.0%
Software	0.00	0.00	0.00	0.0%
Telephone	0.00	0.00	0.00	0.0%
Testing	0.00	0.00	0.00	0.0%
Tools & Equipment	0.00	0.00	0.00	0.0%
Utilities	20.00	0.00	20.00	100.0%
Total Water/Sewer	15,280.98	0.00	15,280.98	100.0%
Total Expense	76,001.26	0.00	76,001.26	100.0%
Net Ordinary Income	17,035.43	0.00	17,035.43	100.0%
Net Income	17,035.43	0.00	17,035.43	100.0%

9:31 AM

11/06/20

Accrual Basis

City of Cumby
Balance Sheet
As of **October 31, 2020**

Oct 31, 20

ASSETS

Current Assets

Checking/Savings

Seizure ***4821

1,218.55

*Pending Seizure Account

63,091.44

+General Bank Accounts

CDBG Grant

1.74

Arson

403.81

Demolition Fund

725.00

General Operating

8,097.85

Municipal Court Security

2,526.43

Municipal Court State Fees

22,445.87

Municipal Court Technology

2,586.72

Parks & Recreation

960.27

Police Training

1,034.26

General Bank Accounts - Other

-454.39

Total General Bank Accounts

38,327.56

Utility Bank Accounts

Water & Sewer

1,144.28

Street Maintenance

426.82

Water Deposit Account

5,255.65

Obligation

15,606.26

Total Utility Bank Accounts

22,433.01

Total Checking/Savings

125,070.56

City of Cumby
Profit & Loss
 October 2020

	Oct 20
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	60.00
Fines	50,472.49
Misc Revenues - Utility	1,349.37
Permits/Registrations	500.00
Property Sale	3,000.00
Public Safety Department	
Accident Report	22.00
Total Public Safety Department	22.00
Tax & Franchise Fees	
Franchise	4,852.66
Property Reduction Sales Tax	1,701.59
Property Tax	21,346.50
Sales Tax	6,806.37
Street Sales Tax	1,701.59
Total Tax & Franchise Fees	36,408.71
Water - Sewer	
Garbage Revenue	4,449.55
Late Fee	728.50
Sales Tax Collected	368.19
Service Fee Collected	7.00
Sewer Revenue	6,155.68
Water Revenue	13,022.84
Total Water - Sewer	24,731.76
Water Deposit	1,295.00
Total Income	117,839.33
Expense	
Administration	
Legal Fees	4,901.16
Mayor/Council Monthly Fee	225.00
Office Supplies	175.03
Postage	83.97
Professional Fees	250.00
Technology	983.25
Telephone	546.36
Utilities	3,936.64
Total Administration	11,101.41
Mayor & Council	
Mayor & Council Expense	150.00
Total Mayor & Council	150.00
Municipal Court	
Collection Service Fee	5,529.47
Judge	300.00
Report Fee	677.44
Seat Belt Fee	1,154.84
Security	320.00
State Fees	48,385.44
Technology	1,189.00
Telephone	171.93
Total Municipal Court	57,728.12
Payroll Expenses	
Child Support	574.60

City of Cumby
Profit & Loss
 October 2020

	Oct 20
Payroll Expenses - Other	56,504.28
Total Payroll Expenses	57,078.88
Public Safety	
Police Department	
Auto Repair & Maintenance	3,714.33
Fuel	864.41
Telephone	189.95
Total Police Department	4,768.69
Total Public Safety	4,768.69
Public Works	
Street Lights	312.95
Total Public Works	312.95
Seizure Expenditure	
Software	1,200.00
Total Seizure Expenditure	1,200.00
Water Deposit Refund	138.70
Water/Sewer	
Automobile Repairs	27.92
Chemicals	1,192.26
Fuel	798.75
Garbage Collection Fee	4,442.54
Maintenance	2,937.03
Operating Supplies	55.84
Testing	415.71
Utilities	11.78
Total Water/Sewer	9,881.83
Total Expense	142,360.58
Net Ordinary Income	-24,521.25
Net Income	-24,521.25

City of Cumby Profit & Loss Budget vs. Actual October 2020

	Oct 20	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Subdivision Fees - PD	60.00	1,500.00	-1,440.00
Accumulated Funds	0.00	23,849.57	-23,849.57
Fines	50,472.49	425,000.00	-374,527.51
Interest Earned	0.00	25.00	-25.00
License & Permits	0.00	1,000.00	-1,000.00
Misc Revenues - Utility	1,349.37		
Permits/Registrations	500.00	1,000.00	-500.00
Property Sale	3,000.00		
Public Safety Department			
Accident Report	22.00	500.00	-478.00
Training	0.00	1,000.00	-1,000.00
Total Public Safety Department	22.00	1,500.00	-1,478.00
Seizure Funds	0.00	1,218.19	-1,218.19
Tax & Franchise Fees			
Franchise	4,852.66	30,000.00	-25,147.34
Property Reduction Sales Tax	1,701.59		
Property Tax	21,346.50	94,289.00	-72,942.50
Sales Tax	6,806.37	120,000.00	-113,193.63
Street Sales Tax	1,701.59		
Total Tax & Franchise Fees	36,408.71	244,289.00	-207,880.29
Water - Sewer			
Garbage Revenue	4,449.55		
Late Fee	728.50		
Sales Tax Collected	368.19		
Service Fee Collected	7.00		
Sewer Revenue	6,155.68		
Water Revenue	13,022.84		
Water - Sewer - Other	0.00	456,000.00	-456,000.00
Total Water - Sewer	24,731.76	456,000.00	-431,268.24
Water Deposit	1,295.00		
Total Income	117,839.33	1,155,381.76	-1,037,542.43
Expense			
Administration			
Office Expense	0.00	2,000.00	-2,000.00
Bonus	0.00	3,000.00	-3,000.00
Election	0.00	9,000.00	-9,000.00
Insurance	0.00	29,000.00	-29,000.00

City of Cumby
Profit & Loss Budget vs. Actual
October 2020

	Oct 20	Budget	\$ Over Budget
Legal Fees	4,901.16	2,000.00	2,901.16
Maintenance	0.00	1,000.00	-1,000.00
Mayor/Council Monthly Fee	225.00	6,300.00	-6,075.00
Membership	0.00	1,300.00	-1,300.00
Office Supplies	175.03	2,000.00	-1,824.97
Postage	83.97	500.00	-416.03
Professional Fees	250.00	10,000.00	-9,750.00
Public Notice	0.00	2,000.00	-2,000.00
Software	0.00	1,000.00	-1,000.00
Technology	983.25	2,000.00	-1,016.75
Telephone	546.36	1,800.00	-1,253.64
Training	0.00	2,500.00	-2,500.00
Testing and Background	0.00	500.00	-500.00
Utilities	3,936.64	7,250.00	-3,313.36
Total Administration	11,101.41	83,150.00	-72,048.59
Arson Expenditure			
Debt Service	0.00	403.72	-403.72
Payment Processing Center			
TWDB Bond	0.00	6,500.00	-6,500.00
	0.00	30,000.00	-30,000.00
Total Debt Service	0.00	36,500.00	-36,500.00
Interes Expenses - TWBD			
Mayor & Council	0.00	20,019.00	-20,019.00
Mayor & Council Expense	150.00		
Total Mayor & Council	150.00		
Municipal Court			
Alarm	0.00	1,500.00	-1,500.00
Collection Service Fee	5,529.47		
Judge	300.00		
Legal Fees	0.00	3,600.00	-3,300.00
Office Expense	0.00	7,500.00	-7,500.00
Postage	0.00	2,000.00	-2,000.00
Report Fee	677.44	2,000.00	-2,000.00
Seat Belt Fee	1,154.84	1,000.00	-322.56
Security	320.00	2,500.00	-1,345.16
State Fees	48,385.44	12,000.00	-11,680.00
Technology	1,189.00	150,000.00	-101,614.56
Telephone	171.93	5,500.00	-4,311.00
Travel & Training	0.00	1,200.00	-1,028.07
Utilities	0.00	1,000.00	-1,000.00
	0.00	7,750.00	-7,750.00
Total Municipal Court	57,728.12	197,550.00	-139,821.88

City of Cumby
Profit & Loss Budget vs. Actual
October 2020

	Oct 20	Budget	\$ Over Budget
Park Improvements	0.00	3,960.27	-3,960.27
Payroll Expenses			
Insurance Assistance	0.00	57,200.00	-57,200.00
Child Support	574.60	5,975.84	-5,401.24
Payroll Expenses - Other	56,504.28		
Total Payroll Expenses	57,078.88	63,175.84	-6,096.96
Public Safety			
Police Department			
K-9	0.00	1,000.00	-1,000.00
Legal Fees	0.00	3,000.00	-3,000.00
Auto Repair & Maintenance	3,714.33	15,000.00	-11,285.67
Equipment	0.00	8,000.00	-8,000.00
Equipment Repairs	0.00	3,000.00	-3,000.00
Fuel	864.41	28,000.00	-27,135.59
Investigation	0.00	1,000.00	-1,000.00
License & Support	0.00	1,500.00	-1,500.00
Office Supplies	0.00	3,000.00	-3,000.00
Telephone	189.95	4,000.00	-3,810.05
Testing Supplies	0.00	1,200.00	-1,200.00
Training	0.00	1,000.00	-1,000.00
Uniforms	0.00	1,500.00	-1,500.00
Utilities	0.00	8,500.00	-8,500.00
Total Police Department	4,768.69	79,700.00	-74,931.31
Total Public Safety	4,768.69	79,700.00	-74,931.31
Public Works			
Street Lights	312.95	5,000.00	-4,687.05
Street Signs	0.00	500.00	-500.00
Debris Cleanup	0.00	1,000.00	-1,000.00
Mosquito Control	0.00	1,000.00	-1,000.00
Street Repair	0.00	11,500.00	-11,500.00
Total Public Works	312.95	19,000.00	-18,687.05
Seizure Expenditure			
Software	1,200.00		
Total Seizure Expenditure	1,200.00		
Water Deposit Refund			
Water/Sewer	138.70		
Automobile Repairs	27.92	4,000.00	-3,972.08
Chemicals	1,192.26	8,000.00	-6,807.74
Equipment Repairs	0.00	12,000.00	-12,000.00
Fuel	798.75	7,500.00	-6,701.25

City of Cumby
Profit & Loss Budget vs. Actual
October 2020

	Oct 20	Budget	\$ Over Budget
Garbage Collection Fee	4,442.54	60,000.00	-55,557.46
Legal Fees	0.00	3,500.00	-3,500.00
Maintenance	2,937.03	75,000.00	-72,062.97
Office Supplies	0.00	2,000.00	-2,000.00
Operating Supplies	55.84	3,000.00	-2,944.16
Permit	0.00	3,000.00	-3,000.00
Postage	0.00	2,000.00	-2,000.00
Sales Tax Paid	0.00	3,000.00	-3,000.00
Seminars/Training	0.00	500.00	-500.00
Software	0.00	1,000.00	-1,000.00
Telephone	0.00	3,000.00	-3,000.00
Testing	415.71	2,500.00	-2,084.29
Tools & Equipment	0.00	5,000.00	-5,000.00
Utilities	11.78	15,000.00	-14,988.22
Total Water/Sewer	9,881.83	210,000.00	-200,118.17
Total Expense	142,360.58	713,458.83	-571,098.25
Net Ordinary Income	-24,521.25	441,922.93	-466,444.18
Net Income	-24,521.25	441,922.93	-466,444.18

City of Cumby
Profit & Loss Budget vs. Actual
 October 2020

	% of Budget
Ordinary Income/Expense	
Income	
Subdivision Fees - PD	4.0%
Accumulated Funds	0.0%
Fines	11.9%
Interest Earned	0.0%
License & Permits	0.0%
Misc Revenues - Utility	
Permits/Registrations	50.0%
Property Sale	
Public Safety Department	
Accident Report	4.4%
Training	0.0%
Total Public Safety Department	1.5%
Seizure Funds	0.0%
Tax & Franchise Fees	
Franchise	16.2%
Property Reduction Sales Tax	
Property Tax	22.6%
Sales Tax	5.7%
Street Sales Tax	
Total Tax & Franchise Fees	14.9%
Water - Sewer	
Garbage Revenue	
Late Fee	
Sales Tax Collected	
Service Fee Collected	
Sewer Revenue	
Water Revenue	
Water - Sewer - Other	0.0%
Total Water - Sewer	5.4%
Water Deposit	
Total Income	10.2%
Expense	
Administration	
Office Expense	0.0%
Bonus	0.0%
Election	0.0%
Insurance	0.0%

City of Cumby
Profit & Loss Budget vs. Actual
 October 2020

	% of Budget
Legal Fees	245.1%
Maintenance	0.0%
Mayor/Council Monthly Fee	3.6%
Membership	0.0%
Office Supplies	8.8%
Postage	16.8%
Professional Fees	2.5%
Public Notice	0.0%
Software	0.0%
Technology	49.2%
Telephone	30.4%
Training	0.0%
Testing and Background	0.0%
Utilities	54.3%
Total Administration	13.4%
Arson Expenditure	0.0%
Debt Service	
Payment Processing Center	0.0%
TWDB Bond	0.0%
Total Debt Service	0.0%
Interes Expenses - TWBD	
Mayor & Council	0.0%
Mayor & Council Expense	
Total Mayor & Council	
Municipal Court	
Alarm	0.0%
Collection Service Fee	
Judge	8.3%
Legal Fees	0.0%
Office Expense	0.0%
Postage	0.0%
Report Fee	67.7%
Seat Belt Fee	46.2%
Security	2.7%
State Fees	32.3%
Technology	21.6%
Telephone	14.3%
Travel & Training	0.0%
Utilities	0.0%
Total Municipal Court	29.2%

**City of Cumby
Profit & Loss Budget vs. Actual
October 2020**

	% of Budget
Park Improvements	0.0%
Payroll Expenses	
Insurance Assistance	0.0%
Child Support	9.6%
Payroll Expenses - Other	
Total Payroll Expenses	90.3%
Public Safety	
Police Department	
K-9	
Legal Fees	0.0%
Auto Repair & Maintenance	0.0%
Equipment	24.8%
Equipment Repairs	0.0%
Fuel	3.1%
Investigation	0.0%
License & Support	0.0%
Office Supplies	0.0%
Telephone	4.7%
Testing Supplies	0.0%
Training	0.0%
Uniforms	0.0%
Utilities	0.0%
Total Police Department	6.0%
Total Public Safety	6.0%
Public Works	
Street Lights	6.3%
Street Signs	0.0%
Debris Cleanup	0.0%
Mosquito Control	0.0%
Street Repair	0.0%
Total Public Works	1.6%
Seizure Expenditure	
Software	
Total Seizure Expenditure	0.0%
Water Deposit Refund	
Water/Sewer	
Automobile Repairs	0.7%
Chemicals	14.9%
Equipment Repairs	0.0%
Fuel	10.7%

City of Cumby
Profit & Loss Budget vs. Actual
October 2020

	% of Budget
Garbage Collection Fee	7.4%
Legal Fees	0.0%
Maintenance	3.9%
Office Supplies	0.0%
Operating Supplies	1.9%
Permit	0.0%
Postage	0.0%
Sales Tax Paid	0.0%
Seminars/Training	0.0%
Software	0.0%
Telephone	0.0%
Testing	16.6%
Tools & Equipment	0.0%
Utilities	0.1%
Total Water/Sewer	4.7%
Total Expense	20.0%
Net Ordinary Income	-5.5%
Net Income	-5.5%

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS LIMITING CITY SPENDING TO A SINGLE VENDOR OR PAYEE WITHOUT A CONTRACT TO \$2,500.00 AND FURTHER PROVIDING WITH RESPECT THERETO PROCEDURE FOR CITY COUNCIL TO APPROVE SUCH SPENDING; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Cumby, Texas, desires to establish rules governing placing limit of \$2,500.00 on spending to a single vendor or payee without a contract; and

WHEREAS, the City Council also desires to establish rules providing that any proposed spending over \$2,500.00 to a single vendor or payee without a contract must have City Council approval;

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

SECTION 1. Requirement of approval by City Council of certain spending.

A. No single vendor or payee without a contract may be paid any amount over \$2,500.00 within a single year unless submitted to and approved by a majority vote of the City Council

B. Any applicable proposed spending item must be submitted to the City Secretary and placed on the next held City Council Meeting accompanied by supporting documentation establishing the validity and necessity of such spending.

SECTION 2. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 3. Severability. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Cumby, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the _____ day of _____, 2020.

Douglas Simmerman, Mayor

ATTEST:

Codi Reynolds, City Secretary

APPROVED AS TO FORM:

Edgar J. Garrett, Jr., City Attorney

POLICY FOR PERSONNEL RECORDS

THE PURPOSE OF THIS POLICY IS TO ESTABLISH STANDARDS AND PROCEDURES FOR THE MAINTENANCE OF CONFIDENTIALITY, DISCLOSURE OF INFORMATION, AND SECURITY OF PERSONNEL RECORDS, IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.

I. POLICY STATEMENT

The City of Cumby, Texas recognizes its responsibility to maintain accurate personnel records, to protect the confidentiality and privacy of personnel records, and to secure personnel records except where federal, state, and local laws and regulations provide for disclosure. The City also recognizes the right of employees to access their personnel records.

II. PURPOSE

The purpose of this policy is to establish standards and procedures for the maintenance of confidentiality, disclosure of information, and security of personnel records, in accordance with federal, state, and local laws and regulations.

III. DEFINITIONS

Within the context of this policy, the following definitions apply:

- A. Confidential – Private, not intended to be shared with others.
- B. Confidentiality – Assurance that City of Cumby employees and vendors protect personally identifiable information (PII) and do not disclose or transmit information to unauthorized parties.
- C. Disclosure – The act of permitting access to, the release, transfer, or other communication of personnel records or the PII contained therein, orally, in writing, by electronic means, or by any other means to any party.
- D. Legitimate Job-Related Interest – City of Cumby Council members', employees', and vendors' need to review a personnel record to conduct his/her professional responsibilities.

- E. Personally, Identifiable Information (PII) – Any information that, alone or in combination, would make it possible to identify an individual with reasonable certainty.
- F. Personnel File – The file maintained by the Office of the City of Cumby Secretary for each City of Cumby employee that contains pre-employment and current employment personnel records.
- G. Personnel Records – Records directly related to an employee, in any format and location, that are maintained by the City of Cumby Secretary, except for those confidential records required by Texas Commission on Law Enforcement (“TCLOE”) to be maintained solely by the City of Cumby Police Department.
- H. Vendor – A person or organization that has a legal binding agreement with the City of Cumby to perform a special task, such as an attorney, auditor, school resource officer, medical consultant, or therapist.

IV. STANDARDS

- A. All City of Cumby Council members, employees, and vendors will adhere to federal, state, and local laws and regulations as well as City of Cumby policies, procedures, and guidelines for maintaining the accuracy, integrity, quality, and confidentiality of personnel records in any format and location.
- B. The storage, retention, and destruction of personnel records will adhere to federal, state, and local laws and regulations; City of Cumby procedures.
- C. Access to confidential personnel records will be granted only for the purpose of serving legitimate job-related interest or as required by federal, state, and local laws and regulations.
- D. The release of the home addresses, telephone numbers, Driver’s License Numbers, Social Security Numbers, Passport Numbers and dates of birth of public employees is prohibited by state law, unless the employee gives permission or the City of Cumby determines that inspection of such information is needed to protect the public interest.
- E. Personnel information released in compliance with a lawfully issued subpoena will be limited to the specifics cited in the subpoena.

V. RESPONSIBILITIES

- A. All City of Cumby Council members, employees, and vendors will maintain the confidentiality of personnel records.
- B. City of Cumby Council members, employees, and vendors may disclose an City of Cumby employee's PII to appropriate parties in an emergency if knowledge of the information is necessary to protect the health or safety of the employee or other individuals.
- C. City of Cumby Council members, employees, and vendors may disclose an City of Cumby employee's PII.
- D. The Mayor will monitor standards and procedures related to the confidentiality of personnel records as set forth in federal, state, and local laws, regulations and policies.
- E. The City of Cumby will inform City of Cumby employees annually of the general provisions of this policy including procedures related to the protection and confidentiality of personnel records.
- F. The Office of the City of Cumby Secretary will serve as the custodian of employee personnel records in the employee's personnel file and will protect the confidentiality of those records.
- G. The City of Cumby Secretary and immediate supervisors will protect the confidentiality of all active or inactive personnel records stored in City of Cumby files and records.
- H. The City of Cumby Secretary and immediate supervisors will review the standards and procedures related to the confidentiality and disclosure of personnel records with the appropriate employees.
- I. City of Cumby Staff and immediate supervisors will ensure that personnel records in their offices will be maintained, reviewed, updated, retained, and destroyed in accordance with policy.

VI. DELEGATION OF AUTHORITY

The Mayor is authorized to develop procedures for the implementation of this policy. The repository of employee records shall be with and maintained by the City of Cumby Secretary, except for those confidential records required by Texas Commission on Law Enforcement ("TCLOE") to be maintained in and by the City of Cumby Police Department.

MEMO

DISCUSS PROVIDING A 75.00\$ ANNUAL STIPEND
TO MAINTENANCE DEPARTMENT EMPLOYEES
TOWARDS PURCHASE OF WORK BOOTS.

September 9, 2020

City of Cumby, TX

We are pleased to confirm our understanding of the services we are to provide City of Cumby for the year ended September 30, 2020. We will audit the financial statements of the governmental activities and the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Cumby as of and for the year ended September 30, 2020. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Cumby's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Cumby's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison Schedules

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of City of Cumby's financial statements. Our report will be addressed to City Council of City of Cumby. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with

U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Cumby's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare the financial statements of City of Cumby in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of K. Evans & Associates, PLLC and constitutes confidential information. Kirk Evans is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for the audit will not exceed \$15,000. You will also be billed for other out-of-pocket costs (such as report reproduction, postage, travel, copies, online bank confirmations, etc.) A progress invoice will be presented at the close of fieldwork and the final invoice when the report is delivered. All invoices are due upon receipt. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to City of Cumby and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign below and return it to us.

Very truly yours,

K. Evans & Associates, PLLC

RESPONSE:

This letter correctly sets forth the understanding of City of Cumby.

Management _____

Title _____

Date _____

INTERLOCAL AGREEMENT

This Interlocal Agreement (“Agreement”), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the “Act”), by and between the Ark-Tex Council of Governments, hereinafter referred to as “ATCOG”, and Cumby, Texas, a local government, hereinafter referred to as “City”.

WHEREAS, ATCOG is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government code; and

WHEREAS, pursuant to the Act, ATCOG is authorized to contract with eligible entities to perform governmental functions and services;

WHEREAS, City has represented that it is an eligible entity under the Act, that its governing body has authorized this Agreement, and that it desires to contract with ATCOG on the terms set forth below;

WHEREAS, City requested the professional services of ATCOG in connection with the planning and groundwork of grant(s) related to the Texas Department of Agriculture (TDA) and/or the Department of Commerce (EDA) for grant assistance and/or grant administration for a period beginning October 13, 2020 and ending December 31, 2021.

NOW, THEREFORE, ATCOG and the City do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

City represents and warrants to ATCOG that (1) it is eligible to contract with ATCOG under the Act because it one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), and (2) it possesses adequate legal authority to enter into this Agreement.

ARTICLE 2: APPLICABLE LAWS

ATCOG and City agree to conduct all activities under this Agreement in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Agreement.

ARTICLE 3: WHOLE AGREEMENT

This Agreement and any attachments, as provided herein, constitute the complete agreement between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

This Agreement shall commence on October 13, 2020, unless otherwise specifically provided by the terms of this Agreement.

ARTICLE 5: SCOPE OF SERVICES

For the purposes and consideration herein stated and contemplated, ATCOG shall provide professional services with respect to basic data gathering, project scoping recommendations, preparation or completion of forms and documents required by TDA and/or EDA, subsequent revisions or modifications necessary to fulfill City requirements or to support continued eligibility, preparing City correspondence, acting as City liaison, and any other work tasks and efforts determined necessary and directed or expended by ATCOG to promote an application's approval.

Contingent upon approval of a TDA/EDA grant application, and subsequent awarding contract to City, ATCOG shall provide necessary and appropriate grant management and administrative services during the implementation of activities undertaken by City with the TDA and/or EDA grant funds awarded to City without regard to race, sex, religion, color, age, disability or national origin. All activities shall be performed in accordance with the terms of the Contract between TDA and/or EDA and City.

City will pay ATCOG for the general administration of the grant based on completion of grant management milestones. The amount charged is based on the application specifications.

ARTICLE 6: CHANGES AND AMENDMENTS

This Agreement may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Agreement which are required by changes in Federal and State law or regulations are automatically incorporated into this Agreement without written amendment hereto and shall become effective on the date designated by such law or regulation.

ARTICLE 7: TERMINATION PROCEDURES

ATCOG or the City may cancel this Agreement at any time upon thirty (30) days written notice by certified mail to the other party to this Agreement. The obligation of the City, including its obligation to ATCOG costs incurred under this Agreement prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Agreement, until performed or discharged by the City.

ARTICLE 8: SEVERABILITY

All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

ARTICLE 9: FORCE MAJEURE

To the extent that either party to this Agreement shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with ATCOG.

THIS INSTRUMENT HAS BEEN EXECUTED IN TWO ORIGINALS BY THE PARTIES HERETO AS FOLLOWS:

City of Cumby, Texas
City

100 East Main Street
Mailing Address

Cumby TX 75433
City State Zip Code

By: _____
Douglas Simmerman, Mayor

Date: _____

Ark-Tex Council of Governments
4808 Elizabeth, Texarkana, TX 75503

By: _____
Chris Brown, Executive Director

Date: _____

Attest: _____
Toni Lindsey, Regional Development Coordinator

Date: _____

City shall reimburse ATCOG for management/administrative services provided for completion of the following project milestones after the award of a contract per the following percentages:

Milestone / Task	% of Contract Fee
• Establishment of Recordkeeping System	5%
• Completion of Environmental	10%
• Completion of Special Conditions Clearance	10%
• Completion of the Bid/Contract Award Process	10%
• Completion of all Acquisition Activities	10%
• Labor Standards Compliance/Completion of Construction	15%
• Comply with EEO / Fair Housing Requirements	10%
• Program and Financial Management	20%
• Filing of all Required Close-out Information	10%
Total	<hr/> 100%

Standing Orders

I. Municipal Court.

The Municipal Court (herein referred to as "Court") is responsible for processing all citations for the Cumby Police Department involving Class "C" Misdemeanors as well as Cumby City Ordinance Violations.

The Court is under the supervision of the Mayor or City Secretary in the absence of the Mayor.

The Court is staffed by two full-time clerks and a part-time Municipal Court Judge (herein referred to as "Judge") that presides over hearings/trials for the Court.

The hours of the Court are Monday-Friday, 8:00am to 5:00pm.

II. Responsibilities of the Court.

Municipal Court Clerks are responsible for the following:

- Serving as administrators of the Court
- Putting into operation the orders of the judge, procedures, and policies set by the Court
- Prepare paperwork necessary for the Court

Municipal Court Judge are responsible for the following:

- Ensuring that all persons before the Court are treated equally
- Ensuring orders of the Court are enforced
- Presiding over bench trials, jury trials, and show cause hearings
- Conducting arraignments
- Set terms of and conditions of deferred dispositions and other sentences
- Accept pleas, and set fine amounts

Prosecutors are responsible for the following:

- Prosecuting cases for the City of Commerce
- Signing dismissals for cases
- Subpoena witness needed for hearings/trials
- Requesting discovery from the Commerce Police Department
- Attend Pretrial Conferences

III. Court Appearances.

A person may contact the Court during business hours with questions regarding their citation. The Defendant is required to make their appearance in person, with exceptions allowed by the Judge.

It may take the Court up to 48 hours to get the citation entered in the system.

The date, time, and location for the court appearance is located on the bottom of the citation; except on Parking citations; in which case the court date is within ten (10) days of receiving the citation.

Minors (person under the age of 18) must appear in Court with their parent or legal guardian.

Failure to appear for an initial appearance will result in an additional charge of "Failure to Appear" or "Violate Promise to Appear."

IV. Pleas.

A person may enter one of the following pleas for their case: **Not Guilty, Guilty, or Nolo Contendere (No Contest).**

Not Guilty: You are stating to the Court that you believe you are innocent of the charge and would like to be placed on a trial docket. A jury trial will be scheduled unless you waive your right to a jury trial and request a bench trial (a trial before the judge).

Guilty: You are stating to the Court that you are guilty of the offense charged, and you are waiving your right to a jury trial. You will be required to pay the fine and court costs.

Nolo Contendere (No Contest): Means you do not wish to contest the citation, but you are not admitting guilt. You are waiving your right to a jury trial and will be required to pay the fine and court costs.

If a person chooses to enter a plea of Not Guilty, he/she has the option to set the case for a Settlement Conference (which is a meeting with the Prosecutor); Bench Trial (a trial in front of the Judge) or a Jury Trial (which is a trial in front of their peers).

Only the person whose name appears on the citation (other than their attorney) can enter a plea.

V. Settlement Conferences.

A Settlement Conference is a meeting between the Prosecutor and the defendant or the defendant's attorney to try and come to an agreement on their case.

Settlement Conferences are set by the prosecutor.

VI. Discovery.

If a defendant wishes to request evidence from the Prosecutor prior to their Pretrial, Bench Trial, or Jury Trial he/she must file a Motion for Discovery with the Court within ten (10) days of the trial date. The Court will request the evidence from the Cumby Police Department and provide a copy to the Defendant two (2) days prior to the conference/trial.

Normal items that are requested: Copy of Citation, Photographs, Videotape, Audiotape, and Arrest Reports/Affidavits/Offense Reports.

The Court will contact the Defendant to pick up the requested items once available. The Defendant will need to sign a receipt for the items.

VII. Subpoenas.

The Prosecutor will send the court the request for subpoena to any witness required for the Bench Trial/Jury Trial at least 15 days prior to trial.

VIII. Bench Trial/Jury Trial.

The Defendant has the option between a Bench Trial and Jury Trial.

Bench Trials will be set by the court.

Failure to appear for the trial date will result in an additional "Failure to Appear" charge.

IX. Continuances.

The Defendant has the right to request a continuance for the Settlement Conference, Bench Trial, and Jury Trial.

Continuances for a Bench Trial/Jury Trial need to be made two weeks prior to the trial date.

The Court will grant continuances on a case by case basis.

X. Jury Selection/Service.

Jurors are selected at random from the City of Cumby Utility records.

Jury Summons will contain the date and time for the individual to appear at the City of Cumby Municipal Court, 100 East Main Street Cumby, Texas.

If a person receives a jury summons, they must appear unless excused by the Judge. (Exemptions to Jury Service are set by law. A person may contact the court upon receiving the jury summons to see if he/she may be exempt from service).

Each person is paid \$6.00 for their service, whether they are chosen to serve on the jury or not.

The Court will be able to provide excuses for missing work or school due to jury duty.

If a person fails to appear for jury duty, he/she will be scheduled for a Show Cause Hearing to explain to the Court why they failed to answer the jury summons.

They could be fined an amount not to exceed \$100.00 for not showing good cause to the Court why they failed to answer the jury summons.

If a person fails to appear for the Show Cause Hearing, they can be found in contempt and fined an amount not to exceed \$100.00.

XI. Show Cause Hearings.

The Court will issue a Show Cause Hearing for a defendant failing to comply with the court order: failure to appear, failure to follow the terms of the judgement, and failure to appear for jury duty.

If a person fails to appear for the Show Cause Hearing, he/she can be found in contempt. A fine amount not to exceed \$100.00 and an arrest warrant will be issued for the individual (except for FTA on Jury Summons).

XII. Driving Safety Course (DSC).

If a person receives a moving violation, they have the options to take a driving safety course if they have a valid Texas Driver's License and have not taken the course within the last 12 months.

The Court fee for DSC is \$129.00, which must be paid when the certificate of completion is returned to the Court.

The Court gives a person up to ninety (90) days to complete the course; however, they can ask for an extension if they are unable to complete the course in that time frame (granted at the Court's discretion).

Taking the DSC will keep the violation from going on the defendant's driving record, however, it will show they did take the course.

DSC is unavailable for the following:

- CDL Holders, even if in their private vehicle
- Speeding 25 mph over limit or over 95 mph
- Passing a school bus
- Hit/Run Offenses (occupied vehicles)
- Serious traffic violations
- Construction Zone while workers are present

Failure to complete a DSC, returning the certificate of completion, or paying the fee of \$129.00 will result in the defendant having to pay the full amount of the citation and being ordered to appear for a Show Cause Hearing.

XIII. Community Service.

A person has the option of Community Service to discharge their fines/court costs.

The rate for Community Service is \$12.50 per hour.

Community Service can be completed at any non-profit organization, either in Hopkins County or the county the defendant resides in.

Examples of Community Service is donating to the food bank, donating school supplies (during the summer months), help at the animal shelter, or working with one of the City of Cumby Departments that accepts community service workers or any other non-profit agency/organization.

The Court gives a person anywhere from ninety to one hundred eighty (90-180) days to complete their community service obligation.

Failure to return the signed community service worksheet will result in the defendant owing the full amount of the ticket and being ordered to appear for a Show Cause Hearing.

XIV. Deferred Disposition (Probation).

In order to qualify for Deferred Disposition, the citation must be paid in full by the end of the deferred (probation) period.

Deferred Disposition is placing the defendant on probation for ninety to one hundred eighty (90-180) days. They are unable receive any additional citations during the deferral (probation) period.

Deferred Disposition not available for:

- Offenses committed in a construction maintenance work zone
- DUI and consumption (with 2 prior convictions)
- CDL Holders at the time of their citation or currently

Parking Citations.

Parking citations are issued to a license plate, not an individual.

Citations are to be paid within 10 days of receiving it. If not paid; letters are sent out to the presumed owner of the vehicle.

After two (2) years, parking citations may be dismissed because there may be no complaint filed.

XV. Modifications to Standing Orders.

Since the law is a dynamic entity that can change every two years with each legislative session and City Council ordinances can change; updates to these orders may be modified at any time with the acceptance of the Cumby City Council.

MEMO

THE ORDINANCE IS NOT INCLUDED IN THE AGENDA PACKET AT THIS TIME (THE APPENDIX IS THERE). I WILL HAVE THE ORDINANCE TO YOU ON TUESDAY BEFORE THE MEETING TAKES PLACE.

APPENDIX- WATER AND SEWER RATES EFFECTIVE DECEMBER 2020

DEPOSIT- RESIDENTIAL OWNER	\$125.00	
DEPOSIT- RESIDENTIAL RENTER	\$175.00	
DEPOSIT- COMMERCIAL	\$300.00	
LATE FEE	\$20.00	
DISCONNECT FEE	\$35.00	
CONNECT/ RECONNECT FEE	\$35.00	
TRANSFER FEE	\$35.00	
WATER TAP FEE- RESIDENTIAL	\$750.00	STANDARD INSTALLATION
WATER TAP FEE- COMMERCIAL	\$1000.00	STANDARD INSTALLATION
WASTEWATER TAP FEE- RESIDENTIAL	\$1000.000	STANDARD INSTALLATION
WASTEWATER TAP FEE- COMMERCIAL	\$1000.00	STANDARD INSTALLATION

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
3,001-5,000 GALLONS	\$7.50 per 1,000 gallons
5,001-15,000 GALLONS	\$8.00 per 1,000 gallons
15,001-50,000 GALLONS	\$8.50 per 1,000 gallons
50,001 GALLONS AND UP	\$9.00 per 1,000 gallons

MONTHLY WATER RATES- CUSTOMERS 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
3,001-5,000 GALLONS	\$5.70 per 1,000 gallons
5,001 GALLONS AND UP	\$7.00 per 1,000 gallons

MONTHLY WATER RATES- COMMERCIAL WATER RATES INSIDE AND OUTSIDE CITY LIMITS

MONTHLY BASE RATE	\$42.00 includes 2,000 gallons
2,001-3,000 GALLONS	\$5.50 per 1,000 gallons
3,001-5,000 GALLONS	\$5.78 per 1,000 gallons
5,001 GALLONS AND UP	\$7.00 per 1,000 gallons

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

WASTEWATER RATES

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

APPENDIX- WATER AND SEWER RATES EFFECTIVE DECEMBER 2020

MONTHLY GARBAGE RATES

RESIDENTIAL WITHIN CITY LIMITS (1 CART)	\$14.50
RESIDENTIAL OUTSIDE CITY LIMITS (1 CART)	\$17.75
MULTIPLE UNIT	\$50.00
COMMERCIAL	\$30.00

HOUSING AUTHORITY

WATER USAGE UP TO 20,000 GALLONS	\$220.00
OVER 20,000 GALLONS	\$5.50 per 1,000 gallons or part thereof
OVER 50,000 GALLONS	\$7.00 per 1,000 gallons or part thereof

SEWER USAGE UP TO 20,000 GALLONS	\$220.00
OVER 20,000 GALLONS	\$4.50 per 1,000 gallons or part thereof

Above rates subject to: Any additional tax.

ORDINANCE NO. 2020-11-02

AN ORDINANCE OF THE CITY COUNCIL OF CUMBY TEXAS TO ADOPT THE SULPHUR SPRINGS NEWS TELEGRAM AS THE OFFICIAL CITY NEWSPAPER.

WHEREAS, the City Council of the City of Cumby, Texas has determined the need to adopt an official newspaper for the year 2020; and

WHEREAS, the City Council of the City of Cumby, Texas has determined that the designation of the official newspaper for the City of Cumby is in the best interest of the City.

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

SECTION 1. That the Sulphur Springs News Telegram be adopted as the official newspaper for the City.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

SECTION 3. That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Cumby, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 4. This Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED, this the ____ day of _____ 2020.

By: _____
Mayor

By: _____
City Secretary