

City of Cumby
Special Canvass Meeting Notice
Tuesday, November 17, 2020
6:00 PM

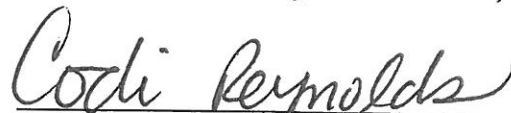
Notice of an agenda for a special canvass meeting of the City Council of the City of Cumby, Texas to be held on Tuesday, November 17, 2020 at 6:00 p.m. at City Hall located at 100 East Main Street in Cumby, Texas.

Zoom Link: <https://us02web.zoom.us/j/81129056999>

Meeting ID: 811 2905 6999

- I. Call to Order
- II. Canvass of the November 3, 2020 Election
- III. Discuss and Adopt Ordinance 2020-11-03 reauthorizing a local sales and use tax within the city at a rate of one fourth (1/4) of one percent (1%) to provide revenue for maintenance and repair of municipal streets.
- IV. Elect Mayor Pro-Tem
- V. Adjournment

I, Codi Reynolds, hereby certify this agenda was posted in public view on Friday, November 13, 2020 at 4:00 p.m.



City Secretary



CITY OF CUMBY

11-3-2020 GENERAL

Run Time 10:32 AM
Run Date 11/11/2020

HOPKINS COUNTY, TEXAS

GENERAL ELECTION

11/3/2020

Page 1 of 1

Unofficial results

Registered Voters
274 of 0 = 0.00 %
Precincts Reporting
0 of 38 = 0.00 %

Mayor - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Doug Simmerman		13	100.00%	86	100.00%	115	100.00%	214	100.00%
	Cast Votes:	13	100.00%	86	100.00%	115	100.00%	214	100.00%
	Undervotes:	3		28		29		60	
	Overvotes:	0		0		0		0	

Alderman, Place 1 - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Sheryl Lackey		5	41.67%	53	52.48%	66	53.66%	124	52.54%
Wayne Mobley		7	58.33%	48	47.52%	57	46.34%	112	47.46%
	Cast Votes:	12	100.00%	101	100.00%	123	100.00%	236	100.00%
	Undervotes:	4		13		21		38	
	Overvotes:	0		0		0		0	

Alderman, Place 2 - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Amber Hardy		3	30.00%	73	75.26%	57	50.44%	133	60.45%
Audri Mayo		7	70.00%	24	24.74%	56	49.56%	87	39.55%
	Cast Votes:	10	100.00%	97	100.00%	113	100.00%	220	100.00%
	Undervotes:	5		17		31		53	
	Overvotes:	1		0		0		1	

City of Cumby Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		15	93.75%	72	66.06%	96	71.11%	183	70.38%
Against		1	6.25%	37	33.94%	39	28.89%	77	29.62%
	Cast Votes:	16	100.00%	109	100.00%	135	100.00%	260	100.00%
	Undervotes:	0		5		9		14	
	Overvotes:	0		0		0		0	

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Doug Simmerman, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of City of Cumby Mayor of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of _____

County of _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

Form #2201 Rev. 05/2020
Submit to:
SECRETARY OF STATE
Government Filings
Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Doug Simmerman, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: City of Cumby Mayor

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: 11/17/2020

Signature of Officer

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Sheryl Lackey, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of City of Cumby Alderman Place 1 of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of _____

County of _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

Submit to:
SECRETARY OF STATE
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P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Amber Hardy, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of City of Cumby Alderman Place 2 of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of _____

County of _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

ORDINANCE NO. 2020-11-03

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS REAUTHORIZING A LOCAL SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE FOURTH (1/4) OF ONE PERCENT (1%) TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS PURSUANT TO THE PROVISIONS OF CHAPTER 327, TEXAS TAX CODE; DIRECTING THE CITY SECRETARY TO NOTIFY THE STATE COMPTROLLER OF PUBLIC ACCOUNTS OF THE RESULTS OF THE LOCAL SALES AND USE TAX ELECTION HELD WITHIN THE CITY ON NOVEMBER 3, 2020; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a special election held on November 3, 2020 (the "Election") pursuant to and in accordance with law there was submitted to the duly qualified voters of the City of Cumby, Texas (the "City") a proposition ("Proposition") pertaining to the reauthorization of a sales and use tax at the rate of one-fourth of one percent (1/4 of 1%) to provide revenue for maintenance and repair of municipal streets pursuant to the provisions of Chapter 327, Texas Tax Code (the "Code"); and

WHEREAS, on November 3, 2020, the returns from the Election were duly canvassed in accordance with law and it was determined by the adoption of Ordinance No. ____ that a majority of the voters of the City voting at the Election voted for the reauthorization of said sales and use tax and by such vote approved the said sales and use tax; and

WHEREAS, Section 327 of the Code provides that a municipality may adopt or reauthorize the sales and use tax authorized by Chapter 327 of the Code at an election held in the municipality; and

WHEREAS, in accordance with the requirements of Chapter 327 of the Tax Code, with the reauthorization of the sales and use tax as described herein, the combined rate of all sales and use taxes, including the tax approved pursuant to the Election, imposed by the City and other political subdivisions of the State having territory in the City will not exceed two percent at any location in the City; and

WHEREAS, the City Council, by the adoption of this Ordinance, desires to reauthorize and levy a sales and use tax at the rate of one-fourth of one percent (1/4 of 1%) to provide revenue for maintenance and repair of municipal streets.

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

Section 1. Tax Adopted. There is hereby reauthorized, adopted, levied and imposed a sales and use tax at the rate of one-fourth of one percent (1/4 of 1%) to provide revenue for maintenance and repair of municipal streets. The said tax is to be used in accordance with and for the purposes authorized by the Proposition and Chapter 327 of the Code. Accordingly, revenue from the said tax may be used only to maintain and repair municipal streets existing on the date of the Election. For purposes of this Ordinance, the term "municipal street" means the entire width of a way held by the City in fee or by easement or dedication that has a part open for public use for vehicular travel; the term does not include a designated state or federal highway or road or a designated county road.

Section 2. Notification to Comptroller. The City Secretary is hereby directed to take all steps necessary to notify the Comptroller of Public Accounts of the State of Texas of the results of the Election described in the recitals above to ensure collection of the tax. The said Comptroller is authorized to assess and collect the said sales and use tax employing the above rate pursuant to applicable provisions of the Code and other law.

Section 3. Incorporation of Recitals. The above and foregoing recitals of this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 4. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 5. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. Effective date. This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Cumby, Texas this the _____ of _____, 2020.

Douglas Simmerman, Mayor

ATTEST:

Codi Reynolds, City Secretary

APPROVED AS TO FORM:

Edgar J. Garrett, Jr., City Attorney