

**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 May 10, 2022, 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 email: alderman1@cityofcumby.com; alderman2@cityofcumby.com; alderman4@cityofcumby.com; cumbyalderman5@gmail.com.

The meeting agenda and agenda packet are posted online at <https://www.cityofcumby.com/index.shtml>

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.**

- o Melanie Seely: Recommendation to add something to city hall after-hours answer message to call "911" to reach dispatch or Hopkins County.

5. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV'T CODE 551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. "Items of Community Interest" include items posted at the bottom of this Agenda

- o May 30, 2022, is Memorial Day and City Hall will be closed

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, Regular Meeting, April 12, 2022
- 6.2. Approval – City Council Minutes, Special Meeting May 4, 2022
- 6.3. Approval – 2022 April Financials
- 6.4. Approval – Vendor Balance Detail (April 2022)
- 6.5. Public Works Department Activity Report
- 6.6. Police Department Activity Report
- 6.7. Municipal Court Activity Report
- 6.8. Building Permit Activity Report
- 6.9. Fire Department Activity Report

7. EXECUTIVE SESSION:

- 7.1. 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:
 - 7.1.1. § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Security Systems for City Hall.
 - 7.1.2. Discussion: § 551.089 Deliberation regarding Security Devices for Municipal Court Proposed Security System. (Alderman Ryan Horne)
 - 7.1.1. Discussion: § 551.071(2) attorney advice on use of funds received into the Municipal Court for fines. (Alderman Lackey)

8. RECONVENE INTO OPEN SESSION:

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

9. OLD BUSINESS

- 9.1. **Discussion/Action:** Resolution R-2022-05-1008 Appointing an Auditor for the City (Alderman Crocker)
- 9.2. **Discussion/Action:** Resolution R-2022-05-1009 Amending Resolution No. 001-2014 A Resolution of the City Council of the City of Cumby, Texas Repealing any Previous Resolution or Investment Policy and Providing for Investment Policy Scope, Standard of Care, Investment Objectives, Delegating of Authority and Appointment of Investment Officer, Ethics and Conflicts of Interest, Authorized Investments, Strategies, Safekeeping and Custody, Diversification, Internal Controls, Market Yield, Reporting, Adopting and Providing an Effective Date. Declaring Investment Officer for City of Cumby (Mayor Simmerman)
- 9.3. **Discussion/Action:** Ordinance O-2022-5-005 - Amending Ordinance 2022-02-06 costs for Building Plan review to capture fees from Building Inspector consulting firm and amending Move Permit Clause. (City Secretary / Mayor Doug Simmerman)
- 9.4. **Discussion:** Status of Payment plan for IRS outstanding past due amount of \$16,698.78 (City Secretary)

10. NEW BUSINESS

- 10.1. **Discussion/Action:** Appointment of committee to review Ordinances / Resolutions to determine which is the “newest” and effective for City of Cumby. Option for discussion is to hire firm to complete codification of City of Cumby Resolutions / Ordinances (fees have been requested from two companies that provide codification services.) (Alderman Crocker)
- 10.2. **Discussion:** AVR billing system; more specifically the current Ordinance for rates and what AVR currently has in our billing system and what we need to do to correct this issue. (Alderman Lackey)
- 10.3. **Discussion/Action:** Ordinance No. 2022-05-006 – An Ordinance amending trash rates, water and wastewater tap fees for City of Cumby Utility customers. (Mayor Simmerman)
- 10.4. **Discussion/Action:** Responsibility and Role of City Secretary (City Secretary & Mayor Simmerman) – Roles and responsibilities assigned to City Secretary and discussion of how the Council / Mayor would advise priorities and scheduling
- 10.5. **Discussion/Action:** Ordinance O-2022-05-007 Amending Ordinance 2020-12-01 Amending Bank Signatures (City Secretary / Mayor Simmerman)
- 10.6. **Discussion/Action:** Ordinance O-2022-05-008 Amending Ordinance 2020-12-01 – Amending Financial Institution Processes (City Secretary / Mayor Simmerman)
- 10.7. **Discussion:** Appointment of Municipal Judge for City of Cumby (Alderman Lackey)

10.8. Discussion and/or Action: Authorizing the Staff and the Mayor to take all reasonable steps to seek out Juvenile Case Manager Services for the City of Cumby and bring back to Council for approval a suitable agreement, including, but not limited to an interlocal agreement, for such services. (Alderman Lackey)

11. ADJOURNMENT

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV'T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy TEX. GOV'T CODE 551.144(c) and the meeting is conducted by all participants in reliance on this opinion. The Council may vote and/or act upon each of the items set out in this agenda. In addition, the city Council for the City of Cumby has the 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)


City Council Comment Guidelines:

- Expressions of thanks, congratulations, or condolences.
- Information regarding holiday schedules
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person's public office or public employment is not honorary or salutory recognition for purposes of this subdivision.
- A reminder about an upcoming event organized or sponsored by the governing body.
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body or an official or employee of the municipality or county; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on May 6, 2022, at a place convenient and readily accessible to the general public at all times, and to the city's website, <https://www.cityofcumby.com>, in compliance with Chapter 551, Texas Government Code.




Betty Jo Hardman, City Secretary