

**Cumby City Council  
Regular Meeting Agenda  
Tuesday, February 11<sup>th</sup>, 2020  
City Hall – 100 East Main Street, Cumby, Texas  
6:30 p.m.**

- I. Call to Order**
- II. Establish quorum**
- III. Invocation**
- IV. Pledge of Allegiance**
- V. Reports**
  - A. Police Department**
  - B. Maintenance Department**
  - C. Fire Department**
- VI. Consent Agenda**
  - A. Approve minutes of January 14th, 2019 regular Meeting.**
  - B. Approve January financials.**

**VII. 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*

**VIII. 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 or not 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 taking action 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).*

- X. **Old Business**
  - A. Discuss and consider possible action approving the city employee manual.
  - B. Discuss and consider possible action amending zoning Ordinance 2010-4 for Mobile Homes and HUD-code Manufactured Homes in the City limits.

- XI. **New Business**
  - A. Consider and take necessary action to adopt a resolution adopting necessary civil rights and fair housing policies.
  - B. Consider and take necessary action to adopt a resolution designating authorized signatories for the CDBG grant.
  - C. Discuss and consider possible action to open a non interest bearing account with Alliance Bank for the CDBG grant.
  - D. Consider and take necessary action to adopt a resolution amending its previous resolution calling for a special election to fill a city council vacancy for Alderman, Place 1, to be held on May 2, 2020, making provisions for the conduct of the special election, authorizing a contract with Hopkins County to furnish election services and equipment.
  - E. Consider and take necessary action to adopt a resolution amending its previous resolution calling for a special election to fill a city council vacancy for Alderman, Place 2, to be held on May 2, 2020, making provisions for the conduct of the special election, authorizing a contract with Hopkins County to furnish election services and equipment.
  - F. Discuss and consider possible action on the cost share of the May 2, 2020 Special Election with Cumby I.S.D.
  - G. Discuss and consider possible action for implementing a City of Cumby book exchange box.
  - H. Discuss and consider possible action on city activities and events.

- XII. **Executive Session**

Discussion and Convene in executive session under Texas Government Code 551.074 – Discussion and/or action involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.071 – Consultation with attorney

  - A. Discuss and consider possible action on the appointment of City Judge.

Discussion and Convene in executive session under Texas Government Code 551.074 – Discussion and/or action involving the appointment,

employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.071 – Consultation with attorney

**B. Discuss Personnel.**

**XIII. Reconvene in regular session**

**Announcement of Executive Session and Consideration of Motions authorizing any necessary action as a result of the Executive Session.**

**Attorney consultation on any regular session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item where counsel's duty to the City conflicts with the Open Meetings Act**

**XVI. 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 February 7<sup>th</sup>, 2020 at 3:00 p.m.



*Codi Reynolds*  
Codi Reynolds, City Secretary

# MAINTENANCE REPORT

FOR THE MONTH OF JANUARY THE MAINTENANCE DEPARTMENT:

COMPLETED 31 WORK ORDERS

REPAIRED 2 LEAKS

BLEW OUT 2 SEWERS

FILLED 1 POTHOLE

INSTALLED 2 NEW METERS

REPAIRED 2 STREET SIGN

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

Tuesday, January 14, 2020

Cumby City Hall

PRESENT:

Doug Simmerman      Guy Butler

Betty McCarter      Julie Morris

- I. Mayor Pro Tem Doug Simmerman called the meeting to order at 6:30p.m.
- II. Invocation and Pledge of Allegiance  

Invocation was led by Deidra Maples and the pledge was recited by the mayor, Council, and Citizens in attendance.
- III. Announcements  

Judy Machon announced The Larry Buster Memorial Sulphur Springs Kids' Trout Fishing Day on February 8, 2020 from 10:00 a.m. to 2:00 p.m. in Sulphur Springs.
- IV. Citizens addressed the council.  

Donna Saucier addressed the council regarding changing the street name of I-30 service road in the city limits. She is ok with the name change but wants to wait until after elections.
- V. Reports
  - A. Paul Roberts submitted the Police Department report.
  - B. Mayor Doug Simmerman submitted the Maintenance report.
  - C. Dusty Miller submitted the Fire Department report.
- VI. Consent Agenda
  - A. Approve minutes of the December 10, 2019 regular meeting  

Betty McCarter motioned to approve the minutes and Julie Morris seconded the motion. The motion passed 3-0.
  - B. Approve the December financials  

Julie Morris motioned to approve the December financials and Guy Butler seconded the motion. The motion passed 3-0.
- VII. Old Business
  - A. Mayor Doug Simmerman explained that Mike Ward was not able to schedule The City of Cumby for the financial audit upon approval of his company. Mike Ward was

unable to fit into his schedule. Betty McCarter motioned to rescind the action approving Mike Ward for the Annual Financial Audit. Guy Butler seconded the motion. The motion passed 3-0.

- B. Betty McCarter motioned to use Evans & Knauth for the financial audit. Julie Morris seconded the motion. The motion passed 3-0.
- C. Mayor Doug Simmerman stated that the City's main focus is helping out the citizens that live on the service road not only with mail but in case of emergency. Andy Endsley stated that once approved the process is handled very quickly through ATCOG. Mr. Endsley thinks for emergency response it is best to name 2 separate names. Numbers will be kept odd on the north side and even on the south side. The I-30 service road will be changed to Black Jack Road on the North side with odd numbers. The south side of the service road will be changed to Grove Road with even numbers. Betty McCarter motioned to approve the name change and Julie Morris seconded the motion. The motion passed 3-0.

#### VIII. New Business

- A. Andy Endsley addressed the council and citizens in attendance regarding the Interlocal agreement with Hopkins County Fire. He explained that this should have actually been done a long time ago. It is a yearly agreement. He explained that by executing this agreement the fire marshal of Hopkins County can now come in if needed for investigations and so forth. By doing so this helps cover the legalities since the City of Cumby does not have a fire marshal. Guy Butler motioned to approve the Interlocal Agreement with Hopkins County Fire and Betty McCarter seconded the motion. The motion passed 3-0.
- B. Betty McCarter motioned to approve the Interlocal agreement with ATCOG for city 9-1-1 addressing. Julie Morris seconded the motion. The motion passed 3-0.
- C. The council discussed converting to AVR, Inc. for the water billing software. It is more user friendly for the customers. AVR, Inc. would be an expansion of NetData which is used on the Court side. It is compatible with RG3 Meters. Julie Morris motioned to approve converting to AVR, Inc. and Guy Butler seconded the motion. The motion passed 3-0.
- D. The council held a Public Hearing to discuss amending ordinance 2010-4 prohibiting mobile homes/ HUD manufactured homes inside the city limits. City Attorney, Jay Garrett stated this ordinance would not prohibit replacement of any existing mobile homes or HUD manufactured homes. Any existing would be grandfathered in. The city council serves as the zoning commission. Mayor Doug Simmerman stated that the purpose of this amendment to the ordinance is to help to see more permanent structures. City Attorney, Jay Garrett stated that this would not permit tiny homes from being built as long as they are not prebuilt and towed in. Citizen Ryan Horne stated that he doesn't think this is a direct attack towards anyone but rather a way of building up our community. Citizen Steve Casto stated that the tax base would go up if stick homes are built.

- E. Julie Morris motioned to approve amending Ordinance 2010-4. The motion died for lack of a second. No action was taken.
- F. The council discussed the ordinance for collecting delinquent money for closed utility accounts. This ordinance gives multiple options for collection such as lien, a crime, and a collection process. This ordinance is a way to help protect the city. Julie Morris motioned to approve the Ordinance 2020-02-01 and Guy Butler seconded the motion. The motion passed 3-0.
- G. Betty McCarter motioned to approve removing Chief of Police, Paul Robertson off of seizure account \*\*\*0358 and adding City Secretary, Codi Reynolds as a signer. Guy Butler seconded the motion. The motion passed 3-0.

IX. Entered into Executive Session

The City Council of the City of Cumby entered into Executive Session (Closed Meeting) at 7:20 p.m. pursuant to the provisions of Chapter 551, Subchapter D, and Texas Government Code, to discuss the following:

- A. Discuss Police Department

X. Exited Executive Session

The City Council of the City of Cumby reconvened into Regular Session (Open Meeting) at 7:37 p.m. pursuant to the provisions of Chapter 551, Subchapter D, and Texas Government Code, to discuss the following:

- A. Mayor Doug Simmerman announced that no action was taken.

XI. Mayor Doug Simmerman adjourned the meeting at 7:37 p.m.

Approve:

\_\_\_\_\_  
Doug Simmerman, Mayor Pro Tem

Attest:

\_\_\_\_\_  
Codi Reynolds, City Secretary

11:19 AM  
02/04/20  
Accrual Basis

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

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	Jan 31, 20
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Pending Seizure Account	8,155.03
General Bank Accounts	
Arson	403.36
General Operating	6,058.07
Municipal Court Security	2,531.07
Municipal Court State Fees	46,028.74
Municipal Court Technology	901.25
Parks & Recreation	959.84
Police Training	126.85
Seizure	287.90
General Bank Accounts - Other	-454.39
Total General Bank Accounts	56,842.69
Utility Bank Accounts	
Water & Sewer	304.18
Street Maintenance	848.25
Water Deposit Account	1,579.38
Obligation	6,774.92
Total Utility Bank Accounts	9,506.73
Total Checking/Savings	74,504.45



**City of Cumby**  
**Profit & Loss**  
 January 2020

	Jan 20
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Subdivision Fees - PD	90.00
Fines	
Service Fee Collected	93.40
Fines - Other	81,077.65
<b>Total Fines</b>	<b>81,171.05</b>
Interest Earned	2.12
Public Safety Department	
Accident Report	52.00
<b>Total Public Safety Department</b>	<b>52.00</b>
<b>Tax &amp; Franchise Fees</b>	
Property Reduction Sales Tax	1,449.00
Property Tax	19,962.97
Sales Tax	5,796.01
Street Sales Tax	1,449.00
<b>Total Tax &amp; Franchise Fees</b>	<b>28,656.98</b>
<b>Water - Sewer</b>	
Water - Sewer Adjustments	-92.26
Garbage Revenue	5,348.36
Late Fee	896.50
Reconnect Fee	35.00
Sales Tax Collected	604.87
Service Fee Collected	463.50
Sewer Revenue	7,530.64
Tap fee	3,500.00
Water Revenue	
Water Deposits Applied	500.00
Water Revenue - Other	15,930.26
<b>Total Water Revenue</b>	<b>16,430.26</b>
<b>Total Water - Sewer</b>	<b>34,716.87</b>
Water Deposit	125.00
<b>Total Income</b>	<b>144,814.02</b>
<b>Expense</b>	
<b>Administration</b>	
Reimbursement for Travel/Gas	680.90
Insurance	7,069.25
Mayor/Council Monthly Fee	225.00
Membership	567.00
Office Supplies	363.79
Postage	581.39
Property Tax Fees	6,696.65
Public Notice	114.10
Technology	5,522.50
Telephone	345.33
Utilities	3,416.02
<b>Total Administration</b>	<b>25,581.93</b>
<b>Debt Service</b>	
Payment Processing Center	6,834.30
<b>Total Debt Service</b>	<b>6,834.30</b>
<b>Mayor &amp; Council</b>	
Mayor & Council Expense	150.00
<b>Total Mayor &amp; Council</b>	<b>150.00</b>

**City of Cumby**  
**Profit & Loss**  
 January 2020

	Jan 20
<b>Municipal Court</b>	
Collection Service Fee	668.27
Convience Fee	4.09
Report Fee	667.70
Security	160.00
State Fees	30,179.50
Telephone	126.13
Travel & Training	100.00
	31,905.69
<b>Total Municipal Court</b>	31,905.69
<b>Payroll Expenses</b>	49,795.23
<b>Public Safety</b>	
<b>Police Department</b>	
K-9	211.85
Legal Fees	305.00
Auto Repair & Maintenance	1,231.02
Fuel	1,352.48
Office Supplies	16,960.97
Uniforms	94.17
	20,155.49
<b>Total Police Department</b>	20,155.49
<b>Total Public Safety</b>	20,155.49
<b>Public Works</b>	
Street Repair	300.00
	300.00
<b>Total Public Works</b>	300.00
<b>Water/Sewer</b>	
Mowing	2,000.00
Automobile Repairs	2,280.90
Chemicals	43.72
Deposit Refund	563.49
Equipment Repairs	881.03
Garbage Collection Fee	4,696.81
Legal Fee	12,156.30
Maintenance	1,599.18
Office Supplies	208.57
Operating Supplies	834.48
Permit	48.63
Postage	268.55
Sales Tax Paid	1,302.56
Testing	100.00
Tools & Equipment	437.56
Utilities	210.39
	27,632.17
<b>Total Water/Sewer</b>	27,632.17
<b>Total Expense</b>	162,354.81
<b>Net Ordinary Income</b>	-17,540.79
<b>Net Income</b>	-17,540.79

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

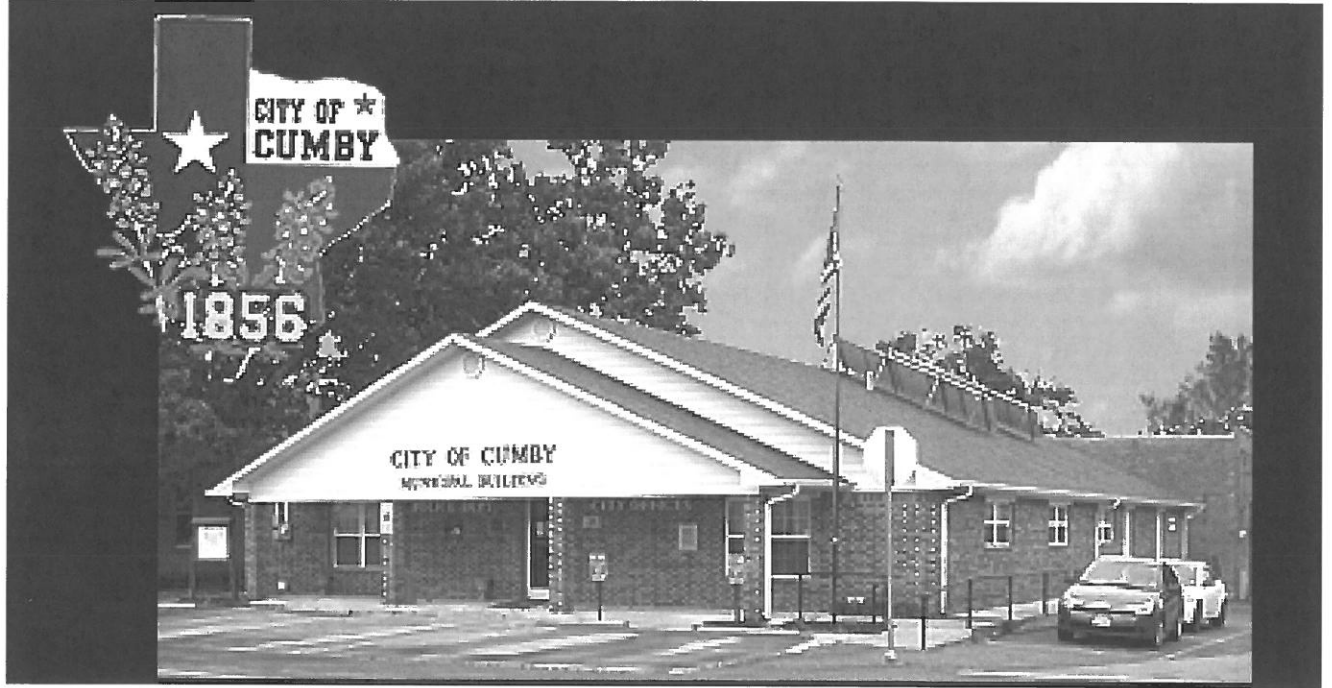
	Jan 20	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Subdivision Fees - PD	90.00			
Fines	93.40			
Service Fee Collected	81,077.65			
Fines - Other				
Total Fines	81,171.05			
Interest Earned				
Public Safety Department	2.12			
Accident Report				
Total Public Safety Department	52.00			
Tax & Franchise Fees				
Property Reduction Sales Tax	1,449.00			
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Water Revenue - Other	15,930.26			
Total Water Revenue	16,430.26			
Total Water - Sewer	34,716.87			
Water Deposit	125.00			
Total Income	144,814.02			
Expense				
Administration	680.90			
Reimbursement for Travel/Gas	7,069.25			
Insurance	225.00			
Mayor/Council Monthly Fee	567.00			
Membership				

## City of Cumby Profit & Loss Budget vs. Actual January 2020

	Jan 20	Budget	\$ Over Budget	% of Budget
<b>Office Supplies</b>	363.79			
Postage	581.39			
Property Tax Fees	6,696.65			
Public Notice	114.10			
Technology	5,522.50			
Telephone	345.33			
Utilities	3,416.02			
<b>Total Administration</b>	<b>25,581.93</b>			
<b>Debt Service</b>				
Payment Processing Center	6,834.30			
<b>Total Debt Service</b>	<b>6,834.30</b>			
<b>Mayor &amp; Council</b>				
Mayor & Council Expense	150.00			
<b>Total Mayor &amp; Council</b>	<b>150.00</b>			
<b>Municipal Court</b>				
Collection Service Fee	668.27			
Convenience Fee	4.09			
Report Fee	667.70			
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<b>Public Safety</b>				
Police Department				
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<b>Total Police Department</b>	<b>20,155.49</b>			
<b>Total Public Safety</b>	<b>20,155.49</b>			
<b>Public Works</b>				
Street Repair	300.00			
<b>Total Public Works</b>	<b>300.00</b>			

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

	Jan 20	Budget	\$ Over Budget	% of Budget
<b>Water/Sewer</b>				
Mowing	2,000.00			
Automobile Repairs	2,280.90			
Chemicals	43.72			
Deposit Refund	563.49			
Equipment Repairs	881.03			
Garbage Collection Fee	4,696.81			
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Sales Tax Paid	1,302.56			
Testing	100.00			
Tools & Equipment	437.56			
Utilities	210.39			
<b>Total Water/Sewer</b>	<b>27,632.17</b>			
<b>Total Expense</b>	<b>162,354.81</b>			
<b>Net Ordinary Income</b>	<b>-17,540.79</b>			
<b>Net Income</b>	<b>-17,540.79</b>			



# **CITY OF CUMBY**

## **PERSONNEL POLICY**

**&**

## **EMPLOYEE HANDBOOK**

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## GENERAL

### DEFINITIONS

As used in this policy, the following terms shall have the following meanings:

**Anniversary Date:** Refers to any anniversary date as determined from a given employee's first active day of employment, not from the day of his/her hiring.

**City:** Refers to the City of Cumby, Texas.

**Driver:** Employee operating a City owned or City rented vehicle.

**Employee:** Any person employed by the City of Cumby who is receiving compensation from the City for services rendered or labor performed and has been appointed by the City Council or hired by a Department Head (Public Works Director or City Secretary). **Employee does not include individuals under ("Contract Labor").**

**Full-Time Employee:** An employee, who after completing his/her probationary period (as defined below) has been assigned to work a required minimum 30 hours each of every week, for 52 consecutive weeks per year (exclusive of time off provided for this policy) on a permanent basis. Full-time employees are eligible to receive all benefits offered by the City.

**Part-Time Employee:** Employees who have been hired on a temporary basis with their job lasting less than a year whether working 40 hours or less; or employees hired to work less than 30 hours per week and given specific designation of part-time employee. Part-time employees are not eligible for city benefits.

**Immediate Family:** Shall include employee's spouse, spouse's parents, parent or step-parent, child or step-child, grandparent, grandchild, brother or step-brother, and sister or step-sister.

**Policy:** Refers to this current version of the Personnel Policy & Employee Handbook.

**Probationary Period:** All full-time employees shall be subject to a ninety (90) day probationary period, after which time, if such probation is successfully completed, an employee shall be given all benefits available at the time offered at the time by the City.

### PURPOSE

This policy is intended to conform to the laws of the State of Texas in regards to municipalities and to conform to the applicable Federal Laws, and nothing in this policy is intended to supplant, replace, or countermand State or Federal Laws, nor to change or vary any rights or duties of City employees under State or Federal Law. This policy represents an effort to establish governing upon which a progressive program of employee relationship may be based, and by doing so to make the City a more attractive place to work. It is understood that this policy will require modification from time to time and it should not be regarded as fixed or unchangeable, but subject to growth and change. Nothing herein shall give any employee a

property interest in maintaining employment. All employees may be terminated at any time without cause, at the will and discretion of the City Council.

#### INTENT NOT TO DISCRIMINATE

The City will comply with the Civil Rights Act of 1964 (P.L. 88-352) and subsequent amendment thereto, and will not discriminate in its policies because of handicap, race, color, creed, national origin, religion, sex, or age. However, it must be recognized that in certain job classifications and performance of the duties of certain positions, qualifications set that may be direct or restrict, in certain cases the field of applicants to those who qualify for that particular position. It is also recognized that, by virtue of certain state laws, restrictions will be placed on positions that require certain educational and experience qualifications. Such restrictions, when applied, will be applicable to all candidates for the position without regard to handicap, race, creed, color, national origin, sex, or age, as the case may be. It is also the policy of the City of Cumby to comply with Equal Opportunity Legislation and shall be cited as an Equal Opportunity Employer.

#### ROLE OF MAYOR AND CITY COUCIL

The City Council is the policy making body of the City, and the Mayor is its presiding officer as well as the person who normally represents the City on ceremonial occasions.

The Mayor and Council may carry out all duties provided by any ordinance or law.

The Mayor and Council may freely communicate with employees for purposes of inquiry and oversight, subject to the Open Meetings Act.

#### COLLECTIVE BARGAINING

Section 617.002, Texas Government Code, prohibits a municipality from recognizing any individual, group of individuals or organizations, as representatives of their employees for the purpose of collective bargaining.

#### PROBATIONARY PERIOD

During the first ninety (90) calendar days after the original employment, each employee shall be considered a probationary employee. The Mayor, Council, or Department Head (whichever applicable to that particular employee) shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their job. Only those employees who meet acceptable standards during their probationary periods shall be retained.

#### DUTY OF EMPLOYEES

Employees are expected to render efficient and steady service to the City and recognize, through their compliance, the right of the City Council to establish rules and regulations governing the work and conduct of its employees. All employees are expected to deal with fellow employees, supervisors, Council, Mayor, and especially the public in a courteous and professional manner. Each citizen is to receive the employee's prompt attention to his/her request and problems. When an employee is away from the City representing the City in an

official capacity, he/she will act in accordance with his/her position to bring respect and honor to the City.

#### AT-WILL EMPLOYMENT

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause.

Although adherence to this Policy is considered a condition of continued employment, this Policy does not constitute a contract of employment. Nothing in this Policy is intended to alter the continuing at-will status of employment with the City. Nothing contained in a City Ordinance or resolution constitutes a contract of employment, and the City has the right to change the content of City Ordinances or Resolutions related to employment matters at any time, with or without notice, and with or without cause.

#### BACKGROUND TEST

All applicants shall be required to agree to a background test prior to employment to check for criminal history. The City Council shall designate the agency to run the background check, and it will be performed at the City's expense.

Due to sensitive nature of holding an position in a municipality, the City Council will consider any criminal background on a case-by-case basis.

#### PERSONNEL FILE

The City of Cumby maintains an official personnel file on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel action forms, and other employment records.

#### **Restrictions & Confidentiality of File**

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act (PIA). Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the PIA, may be released pursuant to such Act. Additionally, direct or hiring supervisors and management personnel of the City who have legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written Public Access Non-Disclosure form at the time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

### **Employee Access to File**

Employees who wish to view their own file shall contact the City Secretary to schedule an appointment. With reasonable notice, employees may review their own personnel file in the presence of the City Secretary or assistant City Secretary. The employee may review the files and take notes or request copies of select pages but shall not add or remove anything from their personnel file at that time.

### **Personal Data Changes**

It is the responsibility of each employee to notify Human Resources (City Secretary's Office) of any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, insurance data, etc.

## **DRUG AND ALCOHOL POLICY**

### **GENERAL**

The City of Cumby is committed to the principal of keeping illegal drug use out of the workplace and society in general. Drug use in the workplace endangers fellow workers, public safety, employee morale, and production. Moreover, the Texas legislature has passed an act that requires employers to adopt a Drug Abuse Policy. Accordingly, the following policy is implemented in accordance with the ***Drug Free Workplace Act of 1988*** to help insure and maintain a drug free, healthful, safe, and secure working environment.

### **DEFINITION OF DRUG**

For the purpose of this policy the definition of a "drug" includes alcoholic beverages, inhalants, illegal drugs, and misuse of prescription drugs.

### **POLICY**

The unlawful manufacture, distribution, dispensation, possession, or use of a drug on City premises is absolutely prohibited. Violations of the Policy will result in disciplinary action, which, at the City's discretion and depending upon the seriousness of the violation, may range from required participation and successful completion in a rehabilitation program to termination of employment. Depending upon the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violator of this Policy. In accordance with the ***Drug Free Workplace Act of 1988***, as a condition of employment, employees must comply with this Policy, and notify their immediate supervisor within 5 days of the conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment. The City will in turn, as required by the Act, report such convictions within 10 days of learning the conviction to the appropriate federal agency.

### **TESTING**

All applicants shall be required to have a urine test for the purposes of determining drug abuse prior to employment. The City Council shall designate the laboratory used for the test, and the test will be at the City's expense.

## SEXUAL HARASSMENT POLICY

### DEFINITION

Sexual Harassment is any repeated or unwanted verbal or nonverbal sexual advances, sexually explicit derogatory remarks, or statements made in the workplace which the person making such actions or statements knows or should know are offensive or objectionable to another; which causes another discomfort or humiliation; or which interferes with job performance; and which includes the following:

- A. Submission to the conduct as either an explicit or implicit term or condition of employment, or,
- B. Submission or rejection of the conduct is used as a basis for employment decisions affecting the employee, or,
- C. The conduct has the purpose or effect of substantially interfering with work performance, or creating an intimidating, hostile, or offensive work environment.

Sexual Harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, and that lowers morale, and therefore interferes with work effectiveness.

### POLICY

The City will maintain a workplace free of sexual harassment or intimidation. **Conduct violation of this policy is not within the course and scope of employment and may subject the person participating in such conduct to criminal prosecution. The City will not tolerate such conduct on the part of any officers or employees. A finding of sexual harassment can result in a warning in the harasser's personnel file, demotion, suspension without pay, or termination.**

### RESPONSIBILITY

#### **Department Head's Responsibility**

Each Department Head has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual treatment. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment.

#### **Employee's Responsibility**

Any employee who believes he or she has been subjected to harassment prohibited by this policy should immediately tell the harasser to stop his/her unwanted behavior and immediately report that behavior as outlined below.

Any employee who believes that he or she is being harassed should report the incident(s) to his/ her Department Head as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where it is not practical to report the incident(s) to the Department

Head (such as where the Department Head is unavailable or where the allegation of misconduct involves the Department Head) the employee may instead report the incident(s) to the Mayor.

If an employee becomes aware of harassing conduct, regardless of whether such harassment directly affects the employee, the employee should immediately report that information to his/her Department Head or the Mayor.

### **Administration's Responsibility**

Department Head's shall immediately inform the Mayor about any incident(s) reported to them by employees.

The Mayor shall respond to all complaints in accordance with this Policy.

The Mayor shall prohibit retaliation of any kind against employees who, in good faith, bring sexual harassment complaints or assist in investigating complaints.

## **PROCEDURE FOR COMPLAINT**

### **Complaint to Be In Writing**

The employee alleging sexual harassment must provide details of the alleged conduct in writing in order for the City to pursue the complaint. If the complainant refuses to provide details sufficient to allow the City to properly investigate the complaint, the matter may or may not be further investigated by the City. The determination as to whether further investigate shall be at the discretion of the Mayor and the City Attorney.

### **Investigation**

Immediately upon receipt of a complaint of sexual harassment, the Mayor will conduct a thorough investigation to determine if sexual harassment has occurred or if any policy has been breached. If such investigation confirms the allegation, appropriate disciplinary action, up to and including termination, will be taken. Any evidence deemed relevant may be considered during the investigation and review of the complain including but not limited to:

- Nature of seriousness of the complained action;
- The effectiveness and advisability of counseling;
- Any contribution on the part of the complainant.

### **Suspension Without Pay During The Investigation**

If the circumstances warrant, the respondent may be suspended with or without pay for a period not to exceed two (2) weeks, pending a complete investigation.

### **Respondent's Written Answer**

After the Mayor has completed the initial investigation, the respondent will be given a copy of the complaint filed against him or her and shall be informed of the seriousness of the allegation. The respondent will have the opportunity to respond to the allegation in writing within forty-eight (48) hours after the receipt of a copy of the complaint. In the event the

respondent requires additional time to prepare a response, the respondent may request additional time from the Mayor. A request for additional time may or not be unreasonably denied.

### **Decision**

Following the receipt of the respondent's answer and the completion of any additional investigation, a written decision will be delivered to the complainant and the respondent. The decision may include, but should not necessarily be limited to, no adverse personnel action, counseling, admonishment, reprimand, demotion, suspension with pay, suspension without pay, and/or termination of employment.

### **Sexual Harassment Complaint Records**

All records concerning a sexual harassment complaint shall be kept locked in a file in the City Secretary's office. Access shall only be with the Mayor's approval to parties who have a direct and relevant need to know, unless access is otherwise required by state law.

## **WAGES AND HOURS**

### **WAGES**

The wage of each new employee shall be set by the appropriate Department Head and approved by the Mayor. New Department Heads appointed by the Council will have wages set by the council. All salary increases/decreases are set and approved by the Council. Payments to employees will be in compliance with the Fair Labor Standards Act.

Pay periods are from 12:00 a.m. Friday to 11:59 p.m. Thursday. Payroll will be disbursed weekly; pay day is every Thursday, unless it falls on an officially approved holiday, in which case pay day will be the day before the holiday begins.

### **PAY RAISES AND PROMOTIONS**

No employee is entitled to a pay raise or promotion solely by the virtue of being with the City for a particular length of time or solely by the virtue of seniority over other employees. No employee is automatically entitled to a pay raise each year; however, cost of living raise will be considered during a yearly review. All raises and promotions, if any, will be given on a basis of merit, of the best interest of the City, and funds available to the City.

### **RETIREMENT PLAN**

Full time employees are required to participate in the City's retirement plan through Texas Municipal Retirement System. Employees contribute 5% of their gross weekly pay, which is payroll deducted and pre-tax. The City matches each employee's contributions with an equal amount. Employees are considered "fully vested" after 5 years of continuous employment with the City.

## HOURS OF WORK IN GENERAL

### **Regular Work Hours**

Non-exempt employees normally work 40 hours in a seven-day workweek. Exempt employees may be required to work more than 40 hours in certain weeks. The workweek begins at 12:00 a.m. Friday and 11:59 p.m. Thursday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., Monday through Friday. Flexible schedules MAY be considered for certain employees, only if first approved by the Department Head and/or Council. Any approved flexible schedules must be turned in to the City Secretary, for the purpose of properly calculating payroll.

In times of disaster or emergency, working hours shall be determined by the Mayor.

### **City Hall Hours**

Normal City Hall hours shall be 8:00 a.m. to 5:00 p.m. Monday through Friday.

### **Breaks**

Full-time employees are allowed two fifteen minute breaks. One in the morning and one in the afternoon. Overtime requires extra breaks at the rate of one break per every three (3) hours per work.

### **Time Clock**

Hourly employees in the City's Public Works Department and City Hall office employees (excluding Police Department) shall clock in when arriving for work and clock out when leaving work. Any mistakes or corrections must be initialed by the Public Works Director or City Secretary, along with an explanation for the correction. Supervisors & employees are NOT ALLOWED to clock in/out for other employees.

### **Attendance and Punctuality**

The City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead up to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor by telephone within 30 minutes of the time employee was scheduled to report to work. Text messaging is considered proper notification with prior supervisor approval. Confirmation that the text was sent is required. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waves this requirement. An employee who does not personally reach the supervisor by phone must leave a detailed text message with the information described above. In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination.



## COMPENSATORY/ OVERTIME

### **Exemptions from FLSA (Overtime Compensation)**

Exempt (Administrative) employees are those who are not covered by the overtime requirements of the Fair Labor Standards Act (FLSA). Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

Extra hours worked by administration employees may be used as a factor in granting or denying paid leave other than vacation or sick leave.

### **Overtime Worked**

The policy of the City is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA). In this City, this is 40 hours per seven day workweek.

On-call employees shall receive 110.00 per weekend on call (55 x 2 weekend days worked).

### **Overtime Compensation**

All time cards are to reflect the actual hours worked. It is anticipated that on occasion an employee may have to work overtime. Supervisors must approve overtime in advance of the time worked. Failure to receive prior approval could lead to disciplinary measures up to and including termination.

Approved paid absences, including, but not limited to, vacation leave, sick leave, holiday leave, FMLA, military leave, jury and witness duty, and unpaid leave, are not counted as time worked for the purposes of computing overtime.

Nonexempt employees are compensated for overtime worked (defined as more than 40 hours of work in a seven-day period) by being given either:

- Payment at the rate of time and one half times the employee's regular rate;
- Compensatory time off may be taken in lieu of paid overtime if approved by Department Head.

## HOLIDAYS

Full time employees are entitled to the following paid Holidays as approved by the City Council.

<b>HOLIDAY</b>	<b>DAY/DATE OBSERVED</b>
NEW YEAR'S EVE	DECEMBER 31
NEW YEAR'S DAY	JANUARY 1
MARTIN LUTHER KING JR DAY	3 <sup>RD</sup> MONDAY IN JANUARY
PRESIDENT'S DAY	3 <sup>RD</sup> MONDAY IN FEBRUARY
GOOD FRIDAY	FRIDAY BEFORE EASTER SUNDAY
MEMORIAL DAY	LAST MONDAY IN MAY
INDEPENDENCE DAY	JULY 4
LABOR DAY	1 <sup>ST</sup> MONDAY IN SEPTEMBER
VETERAN'S DAY	NOVEMBER 11
THANKSGIVING DAY	4 <sup>TH</sup> THURSDAY IN NOVEMBER
DAY AFTER THANKSGIVING	4 <sup>TH</sup> FRIDAY IN NOVEMBER
CHRISTMAS EVE	DECEMBER 24
CHRISTMAS DAY	DECEMBER 25
EMPLOYEE BIRTHDAY*	BIRTH DATE OF EMPLOYEE

\*Employees will be allowed their OWN birthday as a holiday.

Should the date of any official holiday fall on a Saturday, the Holiday will be taken on the preceding Friday. If the official Holiday falls on a Sunday, the following Monday will be observed.

When a holiday occurs during an employee's vacation, that holiday will not be charged against his/her as a vacation day.

### VACATION

#### IN GENERAL

Full time employees are eligible for paid vacation after one year of employment with the City. Vacation time is awarded on the employee's anniversary date and according to the length of tenure as follows:

<b>LENGTH OF EMPLOYMENT</b>	<b>HOURS AWARDED</b>
ONE YEAR	40
TWO TO FOUR YEARS	80 PER YEAR
FIVE TO TEN YEARS	120 PER YEAR
TEN YEARS AND UP	160 PER YEAR

#### ACCUMULATION OF VACATION TIME

40 hours of vacation time may be carried over from one year to the next. Any remaining vacation time above the allowable 40 hours will be discarded. Exceptions MAY be made due to unusual circumstances, and must be approved by the Council.

If an employee's total vacation time is at least 80 hours, up to 40 of those hours may be sold back to the City in lieu of time off. Employee must have prior written consent from the appropriate Department Head or obtain Council approval.

#### TERMINATION OF EMPLOYMENT-VACATION LEAVE EARNED

If an employee's service is terminated at any time for reason **other than** discharge for cause, the employee shall be paid for all vacation leave earned up to the date of termination; but will not earn addition leave credit for any period of time the employee is carried on the payroll in vacation leave status.

#### SCHEDULING

Vacation leave shall be scheduled with the employee's Supervisor to the convenience of the employee, but in so far as possible as not to cause interference with the normal function of the City.

#### EXTENSION OF VACATION

The Mayor and Council reserve the right to extend vacation of any employee, with or without pay, beyond that to which such employee would otherwise be entitled under the provision of the Article.

### **OTHER ABSENCES FROM WORK**

#### FAMILY DEATH LEAVE

Following the death of an immediate family member, employees may take up to 4 calendar days, with pay, for arrangements and services. An additional 10 working days may be taken, WITH council approval, without pay.

#### EMERGRNCY SITUATIONS OR EVACUATIONS

The Mayor, in situations of an unusual nature, may grant a leave of absence with or without pay. This leave is designed to provide time off for probationary and permanent employees who have emergencies arise in their immediate family, such as family illness, accident or injury. In no case should this leave exceed 3 working days annually.

Pay for elective or mandatory evacuation due to natural or manmade disaster will be considered on a case by case basis.

### INJURIES ON THE JOB

City employees are provided with Worker's Compensation insurance. Any injury on the job requiring the employee to seek medical attention must be reported to the City Secretary immediately. Certain protocol must be followed in filing the Worker's Compensation claim. For example, unless the injury requires emergency treatment, only certain medical providers will be covered by the insurance.

If an employee sustains a bona fide, on the job, work-related injury which renders him/her unfit for performing duties on the job, the employee will receive pay from the Worker's Compensation insurance group beginning after the 7<sup>th</sup> day of missed work.

An employee receiving workers' compensation payments is not entitled to receive additional holiday pay or other holiday benefits.

Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work, or is released by physician to return to work.

### JURY DUTY AND WITNESS SERVICE

Employees will be granted paid leave for Jury/Witness duty provided they supply evidence of such service or appearance. If an employee is dismissed from jury duty before noon, he/she is expected to return to work. If an employee is requested to report to jury duty at noon or later, he/she shall report to work that morning and will be allowed enough time to go home and dress before reporting for such jury duty. The employee will retain compensation paid to the employee for jury duty.

### FAMILY AND MEDICAL LEAVE

Full time employees may be granted up to twelve weeks family and medical leave (FMLA) without pay. Accumulated sick and vacation leave may be used during this time in order to continue receiving pay as long as possible. Absences longer than twelve weeks must be approved by the City Council or the employee's position will be considered vacated. The City of Cumby will follow federal laws regarding family and medical leave, according to FMLA.

### ADDITIONAL PERSONAL LEAVE WITHOUT PAY

An employee may, under appropriate circumstances, request a leave of absence without pay. Permission for leave must be secured prior to the first day of leave, and must be approved by the Mayor, or in his or her absence, Mayor Pro Tem.

## DISCIPLINARY ACTION

### GENERAL

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the best interests of the City, its citizens, and employees.

The City will use a progressive disciplinary system. The City is NOT obligated to use all the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the use of the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Verbal correction
- Written reprimand
- Suspension (without pay)
- Termination

All forms of discipline, other than verbal warnings, must be documented and placed in the employee's personnel file. Supervisors shall document verbal warnings for their records. In the event an employee is discharged, the supervisor shall forward a copy of the documentation to the City Secretary to place in the employee file for future reference.

#### PROHIBITED ACTIVITIES

Disciplinary Action will be imposed for violations of City departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules of regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens, or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable at the workplace. **Lying, stealing, or falsification of a government document are automatic termination.** The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment.

- Theft or inappropriate use or removal of City property or other property not belonging to the employee;
- Falsification of timekeeping or other records, including employment application;
- Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment or vehicles;
- Violation of the City's policy regarding sexual or other unlawful harassment;
- Interfering with work schedules or another employee's ability to work;
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval;
- Breaks more than the allotted time allowed;
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;
- Unauthorized disclosure of confidential information;
- Violation of City or departmental policies, codes of conduct, rules and procedures;

- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- Making or publishing a false, vicious, or malicious statements about the City, a City employee, citizen, or others;
- Unsatisfactory performance or conduct;
- Inefficiency, incompetence, or neglect of duty;
- Fighting, provoking, or instigating a fight or threatening violence;
- Disruptive activity in the workplace;
- Engaging in work stoppage;
- Conduct which results in waste or damage of a co-worker's, City, or citizen-owned property;
- Insubordination or other disrespectful or unprofessional conduct;
- Discourteous treatment of the public;
- Violation of local, state, or federal law;
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime;
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension;
- Failure or refusal to follow lawful orders;
- Sleeping on the job;
- Dishonesty, including misrepresentation during the hiring process;
- An accumulation of minor infractions;
- Job abandonment occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive work days.

The employee is deemed to have abandoned his or her job and shall be terminated.

#### APPEALS

The employee reserves the right to appeal any disciplinary action performed by the employee's Department Head, the Mayor, or Mayor Pro Tem, before the City Council. Appeals must be in writing, and if the employee is suspended, the appeal must be filed the first working day after the suspension. If discipline was not suspension, employee must file written appeal within five days of disciplinary action. Written appeals must include the date, and explanation of why the disciplinary action is unjust, and the employee's signature. City Council will have five working days to investigate the situation and respond to the employee

The decision of the City Council is final. If the Council's decision is in favor of the employee, his/her record will be adjusted accordingly, and any back pay benefits lost will be returned in full. Copies of all appeals will be kept in the employee's personnel file.

## USE OF CITY PROPERTY

### GENERAL

The City attempts to provide employees with adequate tools, equipment, and vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City provided safety equipment must be used always.

### USE OF TOOLS, EQUIPMENT, AND PROPERTY

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damage, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

The employee using the equipment is responsible for checking fluid levels, tire pressure, hydraulics, blades, and anything else applicable to that piece of equipment, both before and after use. Immediately after use, the employee using the equipment will return the cleaned, maintained equipment to where it is kept. Anything needing attention gets reported to the employee(s) in charge of maintenance.

Employees must notify their supervisor immediately if any equipment, machinery, tools, etc., appears to be damaged or defective or need repair. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

City properties, materials supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal use of City property, materials, supplies, tools, or equipment is permitted at any time. Upon termination of employment, employees must return any City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee.

### USE OF CITY VEHICLES

City owned vehicles may be used only for official City business and may only be driven by authorized City employees. If an employee drives a City owned vehicle, or vehicle rented by the City, on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must be at least 18 years of age, have a valid driver's license necessary for legal operation of that vehicle in the State of Texas, must maintain a driving record satisfactory to the City's general liability insurance carrier, and must inform their

supervisor of **any** changes of status in their licenses. The City of Cumby at any time may request a copy of any employees driver's license and/or MVR for those operating City vehicles.

- Probation, suspension, or revocation of the driver's license of an employee who is required to operate a vehicle or heavy equipment may result in demotion, restriction, or dismissal.
- Employees driving City of Cumby vehicles or City rented vehicles on City business are required to adhere to all driving laws and regulations governing the State of Texas, including speed limits.
- City of Cumby vehicles are to be driven by authorized employees ONLY. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Public Works Director or Mayor.
- All drivers and City authorized passengers operating or riding in a City vehicle must wear seatbelts, even if airbags are available.
- The private use of any City vehicle for personal benefit is prohibited.
- Public Works employees that are required to operate his/her duties will drive a City vehicle while on the clock. Personal vehicles will NOT be used to perform daily rounds, work orders, call outs, or any other of the employee's normally performed duties.
- Drivers must pay his/her own moving violation or parking tickets. The City is NOT responsible for drive/employee/passenger traffic tickets.
- Reading, personal grooming, texting or any other such action that may cause a distraction are strictly prohibited while operating a City of Cumby vehicle or a vehicle rented by the City of Cumby.
- The driver of a City vehicle must keep the vehicle clean at all times, and washed and vacuumed as often as necessary.
- Drivers are responsible for the security of the City vehicles being used by them. The vehicle engine must be shutoff, keys removed, and vehicle doors locked whenever the driver exits the vehicle for any amount of time.
- THE USE OF A CITY OF CUMBY VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICANTS AND/OR PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS IS FORBIDDEN AND IS SUFFICIENT CAUSE FOR IMMEDIATE DISMISSAL.
- Drivers must never allow passengers to ride in a trailer or truck bed or any part of the vehicle not designed for passengers.
- A driver who has one or more Type A Violations in the past 3 years may be subject to disciplinary actions, including possible dismissal a driver who has 3 or more accidents regardless of fault in the past 3 years may be subject to disciplinary actions, including possible dismissal.
- A driver who has any combination of an accident and Type A violations which equal four or more in the last 3 years may be subject to disciplinary actions, including possible dismissal.

#### Type A Violations

- Driving while intoxicated



- Driving while under the influence of illegal drugs
- Negligent homicide arising out of the use of a motor vehicle
- Operating during a period of suspension or revocation
- Using a motor vehicle for the commission of a felony
- Aggravated assault with a motor vehicle
- Operating a motor vehicle without the owners authority (grand theft)
- Permitting an unlicensed driver to drive
- Reckless driving
- Racing
- Hit and run (bodily injury or property damage)

#### VEHICLE INSURANCE AND ACCIDENT REPORTING

The City maintains up-to-date insurance coverage on all vehicles owned by the City. The Public Works Director or Assistant Public Works Director will ensure that current insurance cards are placed in all City vehicles.

ACCIDENTS INVOLVING CITY OF CUMBY VEHICLES, REGARDLESS OF SEVERITY, MUST BE REPORTED TO THE PROPER LAW ENFORCEMENT AND THE APPROPRIATE SUPERVISOR AND/OR MAYOR. FAILING TO STOP AFTER AN ACCIDENT AND/OR FAILURE TO REPORT AN ACCIDENT WILL RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING DISMISSAL. Accident reports, along with any law enforcement report, must be filed by the employee with the supervisor and the City Secretary.

### SAFETY

#### PURPOSE

To define health and safety practices utilized by the City to assist in providing a safe, healthy work environment for employees, citizens, customers, and visitors.

#### REPORT OF ACCIDENT

The City will take all practical steps to eliminate or reduce an employee's exposure to accidental injury or to conditions that would be injurious to his or her health. In the case of accidents resulting in injury, employees must immediately report the incident to his or her supervisor. If the injury requires medical treatment and/or time off, the incident must be reported immediately to the City Secretary for a worker's compensation claim.

#### REPORTING UNSAFE ACTS

Employees shall cooperate with the City by observing reasonable safety regulations and working in a safe manner. Each employee is expected to obey safety ruled and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

### SAFETY SUGGESTIONS

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improves safety in the workplace are encouraged to raise them with their supervisor, another supervisor or manager, or bring them to the attention of the City Council. Reports and concerns about workplace safety issues may be made anonymously, if the employee wishes. All reports can be made without fear of reprisal.

### PROFESSIONAL DEVELOPMENT

Any employee is allowed to obtain outside employment providing it does not conflict with his/her City employment. A full time that has outside employment must consider the City to be his/ her primary employer.

### REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When the city requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay, for associated costs, including tuition or registration fees, hotel costs, and transportation cost directly to the entity involved.

Employees that drive a personal vehicle must keep a mileage log and will be reimbursed at a rate determined by the IRS Guidelines. The mileage log must be turned into the City Secretary. Meal Per Diem will be paid out at a rate of \$40 per day per person while at conference; however, if any meals are provided by the hotel or conference/seminar, Per Diem will be paid at the following rates for any meals not provided to the employee:

Breakfast: \$10

Lunch: \$15

Dinner: \$20

### WATER & WASTEWATER LICENSES

#### **Classes**

The City will pay registration fees, lodging, and Per Diem for employees attending classes required to obtain water and /or wastewater licenses. Employees shall drive a city-owned vehicle to attend classes; however, if for some reason a City vehicle is unavailable, the City will reimburse the employee for mileage at a rate determined by the IRS Guidelines.

#### **Testing**

The City will pay testing fees and Per Diem (lunch only) for employees required to travel to Tyler, TX or elsewhere to take a water and/or wastewater exam. Employee shall drive a City-owned vehicle. Employees will be given two (2) chances to pass the test. If the employee does not achieve a passing grade after two (2) attempts, he/she will continue taking the test at the employee's own expense until a passing grade is received.

### **Certification Pay**

After an employee has passed certain exams and obtained his/her license, the employee shall receive monthly Certification pay based on the level of license obtained. In addition to the employee's regular rate of pay, the Certification Pay will be paid on the first payday of every month. The rates are as follows:

<u>WATER OR WASTEWATER</u>	<u>MONTHLY PAY</u>
Class D License	\$25
Class C License	\$50
Class B License	\$75
Class A License	\$100

Certification Pay only applies to employees who obtain licenses while employed with the City of Cumby. A new hire already holding water and/or wastewater licenses will not receive Certification Pay for those licenses; however he/she can obtain the next level license while employed with the City of Cumby and receive the appropriate rate of Certification Pay for the new license(s).

### PROFESSIONAL MEMBERSHIP AND SEMINARS:

Subject to the prior approval of the Mayor, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, the employee may be reimbursed for conference or seminar expenses if the conference or seminars related to his or her work and proper authorization is obtained in advance.

### MISCELLANEOUS

#### APPEARANCE AND DRESS:

Each employee is expected to dress appropriately and to maintain the standards of personal grooming as required in representing the City of Cumby.

#### RESIGNATION

An employee who intends to resign must notify his or her Department Head, the Mayor, or in the Mayor's absence the Mayor Pro Tem, in writing, the date on which he or she wishes resignation to be effective. This notification should be given at least ten (10) working days prior to the employee's last day of employment.

An employee who resigns without sufficient notice is subject to having a written reprimand placed in his or her personnel file documenting this violation of personnel policies, unless there is a valid reason for not giving sufficient notice that is approved by the mayor.

The City, at its option, may elect to accept a resignation immediately.

Employees who fail to give at least ten days notice will not be eligible for rehire and will not be eligible for unused vacation time.

SEVERABILITY

The provisions of these policies are severable. If any provision or part of a provision is invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal law or regulations will supersede these policies from the effective date of the law or regulation forward.

SIGN AND ACCEPT

All employees shall be given a copy of this policy, and sign a receipt for the same. The acknowledgement for receipt shall be kept in the employee's file.

\_\_\_\_\_  
Employee name (printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

CITY ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CUMBY AMENDING ORDINANCE 2010-4 OF THE CITY OF CUMBY AND REPEALING ALL LAWS OR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; ESTABLISHING STANDARD RULES AND GUIDELINES FOR THE REGULATION, PROHIBITION, AND LIMITING OF INSTALLATION, USE, PLACEMENT, AND LOCATION OF MOBILE HOMES AND HUD CODE MANUFACTURED HOMES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Cumby, Texas, has authority to regulate, limit, prohibit, and direct the installation, placement, and planning of housing within the municipality through zoning, land use, and its powers to protect the public health, safety, and general welfare; and

**WHEREAS**, the City of Cumby, Texas, has adopted various ordinances regulating mobile homes and HUD-Code manufactured homes; and

**WHEREAS**, the City Council for the City of Cumby desires to amend its rules, procedures, and guidelines related to Mobile Homes and HUD-Code Manufactured Homes as they are defined by the United States Department of Housing and Urban Development; and

**WHEREAS**, the City Council of the City of Cumby, Texas, finds that it is in the best interest of the public safety, health and general welfare, as well as to proper planning and management of zoning and land use, to amend its ordinances regulating Mobile Homes and HUD-Code Manufactured Homes;

**WHEREAS**, a public hearing on this matter was held by the City Council as required by law;

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

**SECTION 1. Other Ordinances and Laws.** Ordinance 2010-4 is amended as stated herein and only those parts of said Ordinance or other ordinances that conflict herein are hereby replaced and repealed and declared no further in force or effect.

**SECTION 2. Controlling Ordinance.** This ordinance shall control over any conflicting terms of Ordinance 2010-4 and any other ordinances amending ordinances thereunder, except as may be otherwise stated herein.

**SECTION 3. Definitions.**

- a. "MOBILE HOME" - a structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at

least 40 body feet in length or, when erected on site, at least 320 square feet. Tex. Occ. Code § 1201.003 (20).

b. “HUD CODE MANUFACTURED HOME” - a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. Tex. Occ. Code § 1201.003 (12). (A HUD CODE MANUFACTURED HOME displays a red certification label on the exterior of each section. This label serves as the manufacturer’s certification that the section is built in accordance with Federal Housing and Urban Development standards.)

c. “MANUFACTURED HOME” or “MANUFACTURED HOUSING” – is a HUD CODE MANUFACTURED HOME or a MOBILE HOME. Tex. Occ. Code § 1201.003 (18).

d. “PERSON, FIRM OR CORPORATION” - includes a natural person, entity, firm, partnership, association, limited liability company, joint venturer, or corporation.

Other terms herein shall have the meanings defined in other ordinances of the City, except where the context clearly requires otherwise.

**SECTION 4. Mobile Home and Manufactured Homes Prohibited.** No MOBILE HOME or MANUFACTURED HOME shall be permitted within the City limits of the City of Cumby, Texas. Any MOBILE HOME and/or MANUFACTURED HOME located in the City legally, prior to the enactment of this ordinance and used and occupied as a residential dwelling shall be allowed to remain. Existing MOBILE HOMES and/or MANUFACTURED HOMES may be replaced with another MOBILE HOME and/or MANUFACTURED HOME of similar or higher quality only.

**SECTION 5. Existing Mobile Homes and Manufactured Homes.** This ordinance does not make unlawful any MOBILE HOME and/or MANUFACTURED HOME already in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any nonconforming MOBILE HOME and/or MANUFACTURED HOME is removed from its location, it shall not be allowed to relocate within the city limits of the City of Cumby, Texas.

**SECTION 6. Mobile Home and Manufactured Home Use.** A MOBILE HOME and/or MANUFACTURED HOME shall not be used as an office or business building in any zoning district, except as an office on the site in connection with: a) a MANUFACTURED HOME PARK, or b) a bona fide retail MANUFACTURED HOME sales lot or park, as provided in the City’s Code of Ordinances.

**SECTION 7. Violations and Penalties.** Any person, firm or corporation who commits any of the following shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than FIVE HUNDRED DOLLARS (\$500.00) for: a) Any

violation of this ordinance; or b) Providing false information to a City official concerning licensing or permitting under this ordinance this ordinance or compliance with this ordinance. Each day or portion of a day during which any violation occurs or continues shall be a separate offense.

**SECTION 8. 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 9. 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 10. 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 11. 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

RESOLUTION No. \_\_\_\_\_

**A RESOLUTION ADOPTING THE ATTACHED POLICIES IN CONNECTION WITH THE CITY OF CUMBY, TEXAS PARTICIPATION IN FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS AND ADHERENCE TO THE REGULATIONS DESCRIBED THEREIN.**

Whereas, the City of Cumby, Texas, (hereinafter referred to as "City") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the City, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, the City, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

Whereas, the City, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, that the CITY OF CUMBY ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Section 504 Policy and Grievance Procedures;
5. Limited English Proficiency Plan;
6. Fair Housing Policy; and
7. Code of Conduct Policy

Passed and approved this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

Attest:

\_\_\_\_\_  
Codi Reynolds, City Secretary

**CITIZEN PARTICIPATION PLAN**  
**TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Cumby, 100 East Main Cumby, Texas, 75433 903-994-2272, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City of Cumby, at 100 East Main Cumby, Texas, 75433 or may call , 903-994-2272.
2. A copy of the complaint or grievance shall be transmitted by the City Secretary to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date

### SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u the City of Cumby agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Cumby, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date

**EXCESSIVE FORCE POLICY**

In accordance with 24 CFR 91.325(b)(6), the City of Cumby hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of City of Cumby to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of City of Cumby to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. City of Cumby will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Cumby, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date

**SECTION 504 POLICY AGAINST DISCRIMINATION  
BASED ON HANDICAP AND GRIEVANCE PROCEDURES**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Cumby hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Cumby does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Cumby recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Cumby shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Cumby shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
  - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Cumby to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - b. Complaints should be addressed to: City Secretary, 100 East Main Cumby, Texas, 75433, 903-994-2272, who has been designated to coordinate Section 504 compliance efforts.
  - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by City Secretary. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
  - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by City Secretary, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
  - g. The Section 504 coordinator shall maintain the files and records of the City of Cumby relating to the complaints files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Cumby within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Cumby complies with Section 504 and HUD regulations.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date



**LIMITED ENGLISH PROFICIENCY PLAN**

Grantee:	City of Cumby
Community Population:	712
LEP population:	14 (2.0%)
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	English

<b>Program activities to be accessible to LEP persons:</b>	
<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding TxCDBG application, grievance procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action, and other vital hearings, documents, and program requirements
<input type="checkbox"/>	Other program documents:

<b>Resources available to Grant Recipient:</b>	
<input checked="" type="checkbox"/>	Translation services: _____ City will retain translation services upon request.
<input checked="" type="checkbox"/>	Interpreter services: <u>City will retain translation services upon request</u>
<input type="checkbox"/>	Other resources:

<b>Language Assistance to be provided:</b>	
<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>City will provide translated documents upon request and retain services to accommodate populations with limited English proficiency.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons <u>City will identify community liaisons that will assist to provide accommodations to LEP persons and provide these services upon request</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>City will conduct public meetings in multiple languages upon request.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>City will reference the availability of accommodations in public notices and post documents to accommodate LEP person in public buildings</u>
<input type="checkbox"/>	Other services:

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date

### FAIR HOUSING POLICY

In accordance with Fair Housing Act, the City of Cumby hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Cumby agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Cumby agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Cumby will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Cumby, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date

**CODE OF CONDUCT**  
**CONFLIC OF INTEREST POLICY PERTINING TO PROCUREMENT PROCEDURES**

As a Grant Recipient of a federal or state grant contract (including TxCDBG), the City of Cumby shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the federal or state grant contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Cumby shall participate in the selection, award, or administration of a contract supported by federal or state grant funds (including TxCDBG) if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Cumby shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving federal or state grant funds (including TxCDBG), that has any grant-related function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the federal or state grant activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a federal or state grant contract or award, or that is required to complete some or all work under the federal or state grant contract in order to meet any National Program Objectives.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a federal or state grant contract or award (including TxCDBG), or that is required to complete some or all work under the federal or state grant contract in order to meet a National Program Objective, that might potentially receive benefits from the federal or state grant award may not participate in the selection, award, or administration of a contract supported by federal or state grant funding.

Any alleged violations of these standards of conduct shall be referred to the City of Cumby's Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

\_\_\_\_\_  
Date

## RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS, ENVIRONMENTAL DOCUMENTS, AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONTRACT NUMBER 729091.

WHEREAS, the City of Cumby, Texas (hereinafter referred to as "City") has received a 2019 Texas Community Development Block Grant Program (hereinafter referred to as "TxCDBG") award to provide infrastructure improvements, and;

WHEREAS, it is necessary to appoint persons to execute contractual documents, environmental documents, and documents for requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution, and;

WHEREAS, the City acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.), the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG Depository/ Authorized Signatories Designation Form (Form A202).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, AS FOLLOWS:

The Mayor, Mayor Pro-Tem, and City Secretary be authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the TxCDBG contract.

The Mayor, Mayor Pro-Tem, and City Secretary be authorized to execute the *State of Texas Purchase Voucher and Request for Payment Form* documents required for requesting funds approved in the TxCDBG contract.

Passed and approved this \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Doug Simmerman, Mayor Pro-Tem

Attest:

\_\_\_\_\_  
Codi Reynolds, City Secretary

### Depository/Authorized Signatories Designation Form

Grant Recipient City of Cumby TxCDBG Contract No. 7219091

The individuals listed below are designated by resolution as authorized signatories for contractual and environmental review documents.

_____ (Name)	Doug Simmerman
_____ Mayor	_____ (Name)
_____ (Title)	_____ Mayor Pro-Tem
_____ (Signature)	_____ (Title)
	_____ (Signature)

In addition to the individuals listed above, the individuals listed below are designated by resolution as authorized signatories for the *Request for Payment Form* (Form A203)—(At least two (2) signatories required).

Codi Reynolds	--
_____ (Name)	_____ (Name)
_____ City Secretary	_____ --
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)
--	--
_____ (Name)	_____ (Name)
_____ --	_____ --
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

**NOTE:** A copy of a Resolution passed by the city council or county commissioner’s court authorizing the signatories must be submitted along with this form. Grant Recipients are strongly encouraged to use the sample resolution provided.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, AMENDING ITS PREVIOUS RESOLUTION CALLING FOR A SPECIAL ELECTION TO FILL A CITY COUNCIL VACANCY FOR ALDERMAN, PLACE 1, TO BE HELD ON MAY 2, 2020, MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION, AUTHORIZING A CONTRACT WITH HOPKINS COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.**

**WHEREAS**, on or about December 10, 2019, the City Council for the City of Cumby, Texas passed a Resolution calling for a special election to fill a city council vacancy for Alderman, Place 1, to be held on May 2, 2020 and making other provisions and authorizations as provided therein; and

**WHEREAS**, the City Council has since discovered that the deadline for the filing for place on the ballot for such election was erroneously listed incorrectly on such Resolutions; and

**WHEREAS**, the City Council desires to correct such error by the passing of this Resolution, thereby amending the previous Resolution as listed more fully below.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY THAT:**

Section 5 of Resolution No. 12-01-19 is hereby amended as follows and only those parts of said Resolution that conflict herein are hereby replaced and repealed and declared no further in force or effect:

**“SECTION 5 – FILING FOR PLACE ON BALLOT**

Applications for candidacy to the office of City Council Alderman, Place 1 shall be made to the City Secretary of the City of Cumby beginning January 15, 2020 and ending on March 3, 2020 at 5 p.m., in manner and form as prescribed by law.

The names of eligible and qualified candidates for such office shall be placed on the ballots for such election by the City Secretary at the time and in the manner prescribed by law.”

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Douglas Simmerman, Mayor

**ATTEST:**

\_\_\_\_\_  
Codi Reynolds, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Edgar J. Garrett, Jr., City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, AMENDING ITS PREVIOUS RESOLUTION CALLING FOR A SPECIAL ELECTION TO FILL A CITY COUNCIL VACANCY FOR ALDERMAN, PLACE 2, TO BE HELD ON MAY 2, 2020, MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION, AUTHORIZING A CONTRACT WITH HOPKINS COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.**

**WHEREAS**, on or about October 8, 2019, the City Council for the City of Cumby, Texas passed a Resolution calling for a special election to fill a city council vacancy for Alderman, Place 2, to be held on May 2, 2020 and making other provisions and authorizations as provided therein; and

**WHEREAS**, the City Council has since discovered that the deadline for the filing for place on the ballot for such election was erroneously listed incorrectly on such Resolutions; and

**WHEREAS**, the City Council desires to correct such error by the passing of this Resolution, thereby amending the previous Resolution as listed more fully below.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY THAT:**

Section 5 of Resolution No. 19-01-19 is hereby amended as follows and only those parts of said Resolution that conflict herein are hereby replaced and repealed and declared no further in force or effect:

**“SECTION 5 – FILING FOR PLACE ON BALLOT**

Applications for candidacy to the office of City Council Alderman, Place 2 shall be made to the City Secretary of the City of Cumby beginning January 15, 2020 and ending on March 3, 2020 at 5 p.m., in manner and form as prescribed by law.

The names of eligible and qualified candidates for such office shall be placed on the ballots for such election by the City Secretary at the time and in the manner prescribed by law.”

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Douglas Simmerman, Mayor

**ATTEST:**

\_\_\_\_\_  
Codi Reynolds, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Edgar J. Garrett, Jr., City Attorney



[https://www.kentuckynewera.com/living/article\\_673a4250-3cec-11e7-8244-0be84749049d.html](https://www.kentuckynewera.com/living/article_673a4250-3cec-11e7-8244-0be84749049d.html)

FEATURED

## Little red box holds free books for anyone who walks by

By Meredith Willse, New Era staff writer  
May 19, 2017



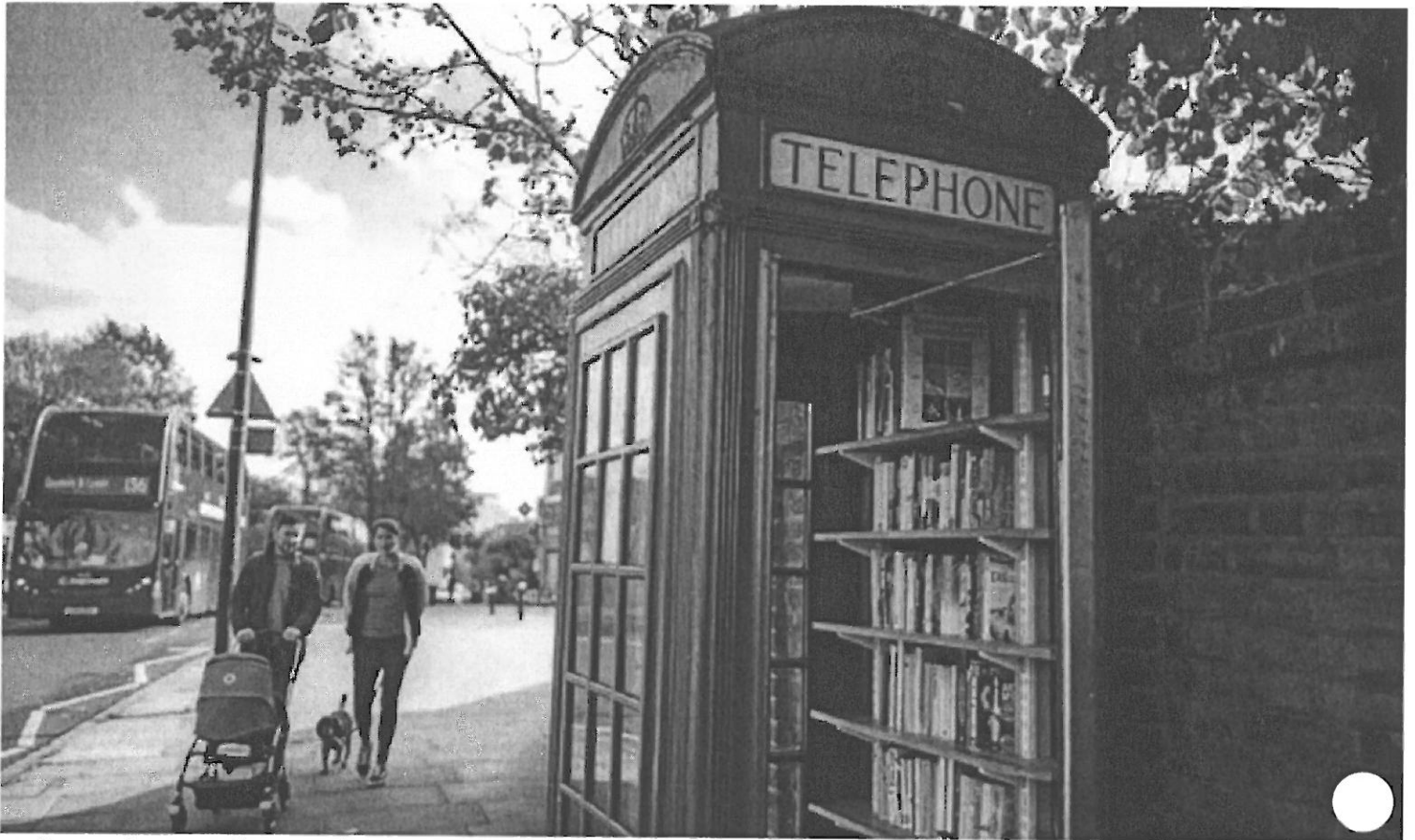
A Little Free Library is now at Challenge House 1 at the corner of Central and Broad streets. Anyone can stop and take a exchange a book or donate a book for free.

Photos by Meredith Willse

Her dream for Challenge House No. 1 at the corner of Central and Broad streets was to have a community garden and a Little Free Library.



# The Guardian



## Ringing the changes: how Britain's red phone boxes are being given new life

It's a design classic, but in these days of ubiquitous mobile phones, only 10,000 of the red kiosks remain on the streets. Can they survive the next decade?

**Stephen Moss**

Tue 27 Aug 2019 07.35 EDT

**J**ohn Farmer, who describes himself as an activist shareholder, is a man with a mission - to save Britain's red phone boxes. These were once a feature of every high street in the country, but now number only 10,000 or so (and half of those are decorative rather than operational). At the recent annual general meeting of British Telecom, which even in the age of the mobile phone has a statutory obligation to maintain a payphone network, Farmer demanded that more be done to maintain the traditional red boxes. It was a point he has made at past AGMs - always, he says, to audience applause.

In 2015 the traditional red phone box was voted the greatest British design of all time, ahead of the Routemaster bus, the Spitfire, the union jack and Concorde. It was designed in 1924 by the architect Sir Giles Gilbert Scott, whose other creations include Liverpool's Anglican cathedral and