



**CITY COUNCIL MINUTES**

**October 1, 2021**

**STATE OF TEXAS**

**COUNTY OF WISE**

**CITY OF NEW FAIRVIEW**

**THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 1ST DAY OF OCTOBER IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING MEMBERS PRESENT:**

**CITY COUNCIL**

**Mayor Nolan Schoonmaker**

**Mayor Pro Tem John Taylor**

**Place 1 Councilwoman Julie Burger**

**Place 2 Councilman Scott Johnson**

**Place 3 Councilman Steve Misner**

**Place 4 Councilwoman Cindy Poe**

**STAFF**

**Ben Nibarger, City Administrator**

**Brooke Boller, Interim Deputy City Secretary / City Clerk**

**Larry Collister, City Attorney**

**ABSENT**

**REGULAR SESSION: 7:00 PM**

1. Call to Order and roll call. **(Regular Session called to order by Mayor Nolan Schoonmaker at 7:10 pm; Roll Call with the above-mentioned names present.)**
2. Pledge to the flags.
  - A. United States of America
  - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
3. **EXECUTIVE SESSION:** The Council will conduct an executive, or closed, session pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultations with Attorney) of the Texas Government Code to (i) deliberate the appointment, employment evaluation, duties, discipline, or removal of the City Secretary and (ii) discuss legal matters and potential legal issues related to the same.

**Adjourned to Executive Session at 7:12 pm; reconvened in Regular Session at 8:23 pm.**

4. **OPEN FORUM:** The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda. **(There were no public comment forms completed.)**
5. **OPEN SESSION:**
  - A. City Administrator's report related to action on a resolution removing the City Secretary based on one or more of the stated reasons allowed under Texas Local Government Code, Section 22.077 (a).

**Kathryn Usrey presented an independent review of the City Administrator's report, the due process granted to the City Secretary, and specific claims made against the City Secretary; the City Administrator filed the report with the City Secretary's office as part of the official record of this meeting.**

- B.** City Secretary's statutory opportunity to be heard by the Council prior to any action on her removal as City Secretary for one or more of the stated reasons allowed under Texas Local Government Code, Section 22.007 (a). Notice of the bases for possible action on her removal under Texas Local Government Code, Section 22.077 (a) was provided to the City Secretary on September 16, 2021 and September 23, 2021.

**Monica Rodriguez, through her legal representative, notified the City Attorney that she would not be in attendance in-person, virtually, nor provide a written response to the City Administrator's report; Monica Rodriguez was not present for the meeting.**

- C.** Consider action on a resolution removing the City Secretary based on one or more of the stated reasons allowed under Texas Local Government Code, Section 22.077 (a).

**Motion: Mayor Pro Tem John Taylor**

**Second: Councilwoman Cindy Poe**

**Vote: Mayor Pro Tem John Taylor, Councilwoman Cindy Poe, and Councilman Scott Johnson voted in favor; Councilwoman Julie Burger and Councilman Steve Misner voted in opposition.**

**Result: Resolution passed and Monica Rodriguez was removed from the office of City Secretary.**

**10. ADJOURN:**


**Motion: Councilman Steve Misner**

**Second: Councilwoman Cindy Poe**

**Vote: All in favor; none opposed**

**Result: Meeting adjourned at 8:42 pm**

**MINUTES APPROVED ON THIS, THE 1ST DAY OF NOVEMBER 2021:**

  
Nolan Schoonmaker (Nov 3, 2021 20:55 GMT+2)

**Mayor Nolan Schoonmaker**

  
Scott G Johnson (Nov 3, 2021 16:05 CDT)

**Place 2 Councilman Scott Johnson**

  
John Taylor (Nov 2, 2021 20:17 CDT)

**Mayor Pro Tem John Taylor**


  
Steve Misner (Nov 6, 2021 16:49 CDT)

**Place 3 Councilman Steve Misner**

**Place 1 Councilwoman Julie Burger**

**Place 4 Councilwoman Cindy Poe**

ATTEST:

  
**Brooke Boller,**  
**Interim Deputy City Secretary**














# 20211001 - City Council Minutes Minutes

Final Audit Report

2021-11-06


Created:	2021-11-02
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