



CITY COUNCIL
November 15, 2021

WORK SESSION: 7:00 PM

1. Call to Order and roll call.
2. Discussion of all items on the agenda.
3. Executive Session Items:
 - A. The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) the Texas Public Information Act ("TPIA") as it applies to the Council members, board and/or commission members, and City staff and legal issues related to the TPIA; and (ii) the Texas Open Meetings Act ("TOMA") as it applies to the Council members and board and/or commission members and legal issues related to the TOMA.
 - B. Section 551.074 - Personnel Matters; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee; (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing: City Administrator
 - C. The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) potential litigation related to the removal of Monica Rodriguez and legal issues related thereto.
4. Work Session discussion items:
 - A. Presentation and discussion with the auditor and staff regarding the final report of the deep dive audit.

- B.** Discuss the New Fairview City Council Procedures and Decorum Policy, the Texas Open Meetings Act, and the Texas Public Information Act related to recent Council member actions and behavior.
 - C.** Discuss with staff the current code enforcement ordinances, policies and procedures, and review a Request for Proposals (RFP) for Abatement Services, that the City will be publishing.
- 5.** Adjournment.

REGULAR SESSION: 7:00 PM or immediately following the Work Session.

- 6.** Call to Order and roll call.
- 7.** 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.
- 8.** **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.
- 9.** **EXECUTIVE SESSION:**
 - A.** The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) the Texas Public Information Act ("TPIA") as it applies to the Council members, board and/or commission members, and City staff and legal issues related to the TPIA; and (ii) the Texas Open Meetings Act ("TOMA") as it applies to the Council members and board and/or commission members and legal issues related to the TOMA.
 - B.** Section 551.074 - Personnel Matters; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee; (b) Subsection (a) does not apply if the officer or

employee who is the subject of the deliberation or hearing requests a public hearing: City Administrator

- C. The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) potential litigation related to the removal of Monica Rodriguez and legal issues related thereto.

10. CONSENT ITEMS: All matters listed as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

- A. Accept the deep dive audit report.

11. NEW BUSINESS: All matters listed as New Business will be discussed and considered separately.

- A. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, amending the FY 2021-2022 budget to improve the audio and visual equipment for virtual meetings in the Council Chambers with a not to exceed cost of \$45,000.
- B. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, amending the Council adopted fee schedule to include commercial safety inspection fees, establish the inspection schedules and criteria, and authorize the City Administrator to enter into agreements with East Wise Fire Rescue and Modern Geosciences to provide the commercial safety inspection services.
- C. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, authorizing the City Administrator to sign an Agreement with Strategic Government Resources (SGR) to conduct an executive search for a City Secretary and provide interim City Secretary services.
- D. Discuss, consider, and act on a resolution approving the results and canvass the votes for the November 2, 2021 Election.
- E. Discuss, consider, and act on the executive session items.
- F. Discuss the New Fairview City Council Procedures and Decorum Policy, the Texas Open Meetings Act, and the Texas Public Information Act related to recent Council member actions and behavior.
- G. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, regarding a financing agreement for the purpose of procuring a hot box, crack seal unit, seal coat unit, a trailer, vehicles, and safety inspection equipment.

- H. Discuss, consider, and act to appoint a New Fairview resident for the Place 4 vacancy on the New Fairview City Council.
 - I. Discuss, consider, and act to remove Don Duval and Alisa Scheps from the Planning and Zoning Commission and appoint qualified residents to serve as an alternate or Commissioner on the New Fairview Planning and Zoning Commission.
12. **ADJOURN:** I, the undersigned authority, do hereby certify the above notice of the meeting of the City Council of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 12th day of November, 2021 at 7:00 PM at least 72 hours proceeding the meeting time.

Brooke Boller, Interim Deputy City Secretary

SEAL:

This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Interim Deputy City Secretary at city hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



City Council Agenda November 15, 2021

Agenda Item:

(Work Session Item)

Agenda Description:

Presentation and discussion with the auditor and staff regarding the final report of the deep dive audit.

Background Information:

The City Council received allegations from a city employee regarding the theft of public funds. The City Administrator was informed of this claim on August 10, 2021, and requested that the City engage its auditor to complete a more “in-depth” audit. Mayor Schoonmaker agreed and instructed the City Attorney to work with the Council members that had received the allegations and provide the necessary materials to the auditor for review. The City Council was informed of the auditor being engaged on August 11, 2021.

The auditor received the materials and completed his review of the specific 140 transactions and presented his findings to the Council on August 19, 2021, during a personnel executive session that the City Administrator pulled into open session. The auditor provided a limited statement, related only to the specific items provided by the City attorney for review, stating that there were no irregularities found. Following the auditor’s report, the Mayor asked if this was sufficient and Council members Julie Burger and Steve Misner stated that the review was too narrow in scope and needed to be expanded.

The Mayor asked the Council, if the review is expanded, when we get the answers back, will we be done with this. Councilwoman Julie Burger responded, do we have to be. Councilwoman Julie Burger presented bank statements to the auditor as evidence of wrongdoing. The City Attorney asked that all materials be delivered to him and he would compile and forward to the auditor. The City Administrator stated that he had requested a deep dive audit of the Mayor as well, and the Council agreed to expand the audit to include a review of 100% of the FY 2020-2021 transactions. The auditor requested that the Council members provide him with “all their concerns” so that when he completed his review and presented his report, there would not be

additional items added at that time. The City Attorney agreed to collect “all concerns” from the Council members and forward to the auditor.

The auditor completed his review on September 29, 2021, and presented an initial verbal report that there were no irregularities found, but there were a few transactions that needed to be recoded. The transaction had been coded incorrectly, either through a data entry error or the original coding of the transaction, but all support documentation was present

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Discussion and acceptance in the consent items

Attachments:

Executive Summary

Final Report: delivered under separate cover

WILLIAM C SPORE, PC
CERTIFIED PUBLIC ACCOUNTANTS
200 N. RUFÉ SNOW DRIVE, STE 116
KELLER, TX 76248
817-421-6619

INDEPENDENT ACCOUNTANT'S REPORT

October 4, 2021

To the City Council
City of New Fairview

Summary of report to be issued.

I have tested all of the disbursements from the City's bank account for the period October 1, 2020, thru August 31, 2021. On these transactions I specifically tested for proper approval, proper support and proper check signature. There were a few transactions that were not properly approved and some that were not supported by paid invoices. These errors were all with vendors that the City uses recurringly (for example, inspectors, contract police, contract maintenance workers). None of these exceptions were deemed to be of a fraudulent nature. All checks were properly signed.

I reviewed the posting in City's general ledger accounting records. On my previous report I noted that the City bank reconciliations contained multiple old outstanding items. City staff has corrected and removed these items, most of which were duplicate transactions within the accounting records. I have reviewed the payroll transactions and no "extra" paychecks were found. The ones previously identified were duplicate checks and in correcting the old outstanding items were removed. Each of the payroll expense accounts contained the proper number of payroll checks.

In reviewing the general ledger postings multiple miss posting were identified, i.e., checks posted to the incorrect the expense accounts. Theses items will be corrected during the upcoming financial audit. I believe that all of the miss posting are unintentional errors which are mostly related to the unfamiliarity of the new accounting software and the new chart of accounts. As the City moves forward these types of errors should be reduced.

This summary is intended solely for the information and use of the City Council of the City of New Fairview and is not intended to be and should not be used by anyone other than this specified party. My final report will be available Around October 15, 2021.

William C. Spore PC
Certified Public Accountants



**City Council Agenda
November 15, 2021**

Agenda Item:

(Work Session Item)

Agenda Description:

Discuss the New Fairview City Council Procedures and Decorum Policy, the Texas Open Meetings Act, and the Texas Public Information Act related to recent Council member actions and behavior.

Background Information:

The Council and staff have been in discussion regarding professionalism. The Mayor invited a facilitator to work with the Council and staff to walk through the recent issues and work towards a more productive and professional City Hall. The item was tabled until the November 15, 2021 Council meeting for further discussion and consideration of action items.

Financial Information:

N/A

City Contact and Recommendation:

Mayor Nolan Schoonmaker

N/A

Attachments:

October 18, 2021 Presentation

Crisis and Brand Protection

PREPARED FOR THE CITY OF NEW FAIRVIEW

Education

Understanding crisis and how it negatively impacts your ability to successfully complete business

What do you mean crisis?

Technical Definition

- A **business crisis** is an event, or a series of events, that causes major disturbance for a business. A crisis typically occurs suddenly and poses intense difficulty or danger for the business, usually in a situation where time is short, and decisions must be taken quickly.

Some examples

- Natural disasters
- Technical disasters
- Accidental, usually unintentional
- Theft
- Shortages
- Loss of key staff
- Disease/infection outbreak
- Public distrust resulting in reputational issues

Education

Understanding that every action a governing body takes is only PART of the story. The more concerning and often longer impacting is the individual markers that remain.

What do you mean Brand protection?

Technical Definition

- Brand protection is **the process of protecting the intellectual property (IP) of companies and their associated brands against counterfeiters**, copyright pirates, and infringers of other types of IP, such as patents, design rights, color mark and trade dress but it can also be your organizations reputation.

Some examples

- How others see the city
- How others see the city employees
- How others see the Mayor
- How others see the council
- How much faith a public body has in you
- How individuals can be later harmed personally and professionally by a negative brand association

Is the City in crisis?



Citizens feel that timely and factual updates are not happening



Constitutes are routinely telling you the same things over and over



Your voice is not unified



Side conversations continue to happen



Facebook and keyboard wars are indeed active



You haven't defined or aligned on a positive narrative



**You are
operating as
individuals**



Your disconnected actions are driving temperament and toxicity up

What are we trying to solve:

City Brand Protection

- Bring trust back into the entire City body
- Prevent future crisis
- Reflect on what could have been done differently

Personal/Professional Individuals Brand Protection

- Ensure future employment and volunteer obligations are not negatively impacted
- Council needs to regain trust

Trust

Remember that you represent an entire community, not a small base.

Discussion/education on personal impact and why this is critical with volunteer representatives.

Desired outcomes:

Work together

- Respectfully use differing opinions to advantage
- Debate and align
- Commit to better future

Person(s) part ways

- Resignation
- Vote to remove
- Litigation

Crisis end

Community could be in lingering crisis if there's not an end to the previous ongoing chaos.
Decide date: Next council meeting

Ground rules for the discussion

- Facts not emotion
- No dehumanizing approaches
- Facilitator is not going to offer personal opinions but can offer possible scenario outcomes, if asked
- Commitment to resolution
- Remain on topic for the task at hand

What *are* you known for vs what you *want* to be known for...

How long are *you* invested in the improvement process...

Which do you want more? To be *right* or to *serve* your city...

\$1200

Financial cost to the City of New Fairview

\$57,100

To date. Potential to continue to negatively impact finances. Productivity losses are not included in this calculation. Ongoing 6-8 Weeks.

7,500

Data retrieval &
forensic report for
wiped hard drive

12,800

Administrative leave
To date- Ongoing

31k

Unbudgeted
Legal Fees

5,800

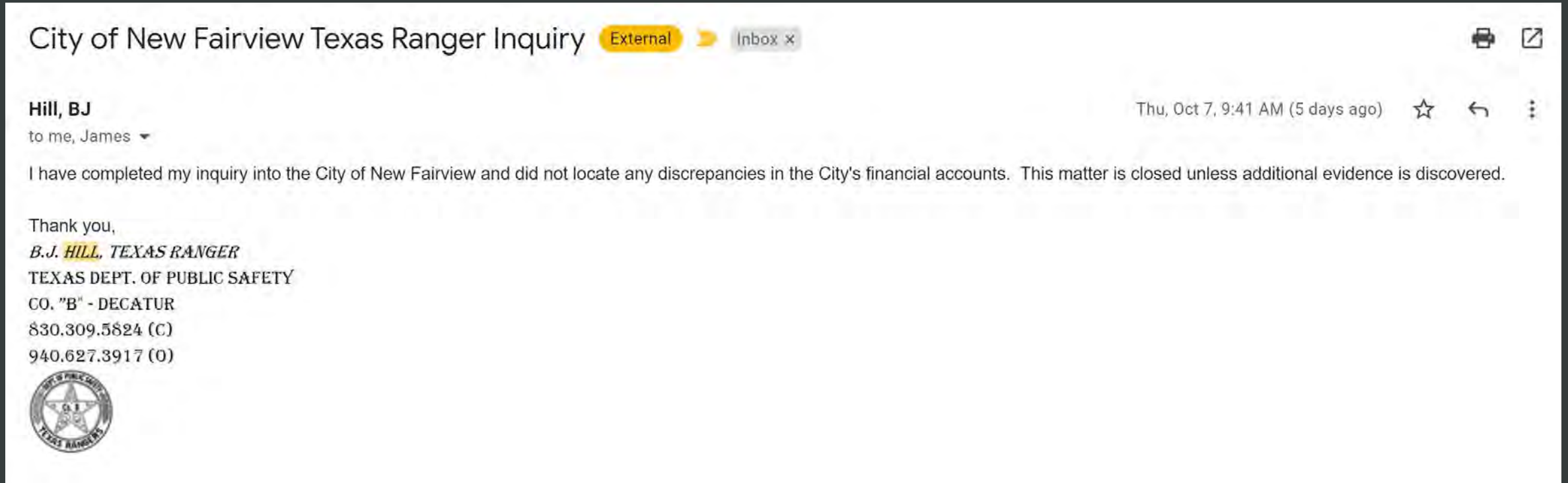
Extra audits and HR
services

Findings from Audit(s)

by William C Spore, PC

- Partial Audit using submitted suspicious claims of fraud
 - August 19, 2021: tested 140 transactions.
 - No exceptions to this test were disclosed
 - Independent Accountant's Report is available
- Full Audit covering every transaction from 1 Oct 2020 to 30 August 2021
 - "There were a few transactions that were not properly approved and some that were not supported by paid invoices. These errors were all with vendors that the City uses recurringly (for example, inspectors, contract police, contract maintenance workers). None of these exceptions were deemed to be of a fraudulent nature. All checks were properly signed."
 - "In reviewing the general ledger postings multiple miss posting were identified, i.e., checks posted to the incorrect the expense accounts. Theses items will be corrected during the upcoming financial audit. I believe that all of the miss posting are unintentional errors which are mostly related to the unfamiliarity of the new accounting software and the new chart of accounts."

Texas Ranger Audit



“Did not locate any discrepancies in the City’s financial accounts”

Council must bear the initial responsibility for the integrity of governance, p 3 of 19

- The Council is responsible for its own development both as a body and as individuals, its responsibilities, its own discipline, and its own performance. *(Introduction and Summary)*
- The Council has a responsibility to improve their professional ability and promote an atmosphere that is conducive to the fair exchange of ideas and policies among members *(1)*
- The council will endeavor to foster good communication between residents and council *(2)*
- The council will endeavor to foster good working relationships with neighboring municipalities *(2)*
- The Council will be dedicated to friendly and courteous relationships with Staff, other council members and the public *(3)*
- The Council will seek to improve the quality and image of public service. *(3)*
- The Council will be committed to improving the quality of life for the individual and the community and be dedicated to the faithful stewardship of the public trust. *(5)*

Tampering with Governmental Records

- Tex. Pen. Code § 37.10 Section 37.10 - Tampering With Governmental Record
 - (a) A person commits an offense if he:
 - (1) knowingly makes a false entry in, or false alteration of, a governmental record;
 - (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
 - (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

Discuss

Next steps

Council must bear the initial responsibility for the integrity of governance, p 12 of 19

- Council members shall demonstrate respect and courtesy to one another, to City Staff, and to members of the public appearing before the council. (Sec1-160 Decorum (a))
- Council members shall seek to phrase and communicate all writings, publications and speeches in a professional and constructive manner. (Sec1-160 Decorum (a))
- Council members will not condone any unethical or illegal activity from any Council Member or members of the staff. (Sec1-160 Decorum (a))

Appendix

Findings from Texas Rangers

- “Did not locate any discrepancies in the City’s financial accounts”

City of New Fairview Texas Ranger Inquiry External > Inbox x



Hill, BJ

to me, James ▾

Thu, Oct 7, 9:41 AM (5 days ago)



I have completed my inquiry into the City of New Fairview and did not locate any discrepancies in the City's financial accounts. This matter is closed unless additional evidence is discovered.

Thank you,

B.J. HILL, TEXAS RANGER

TEXAS DEPT. OF PUBLIC SAFETY

CO. "B" - DECATUR

830.309.5824 (C)

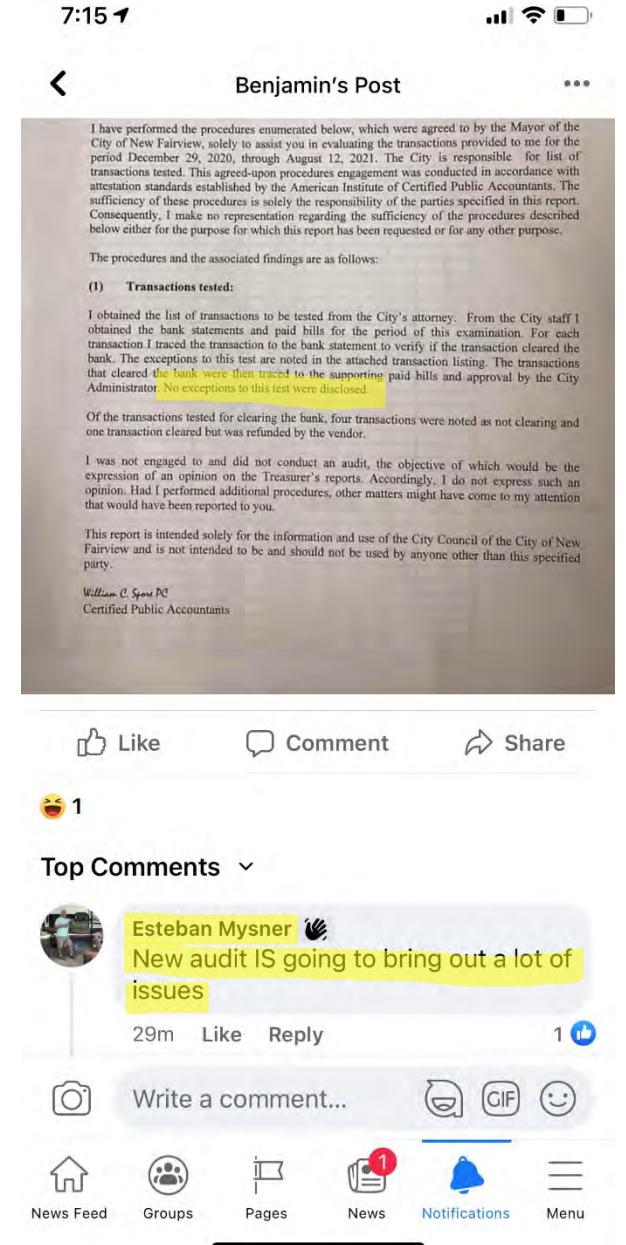
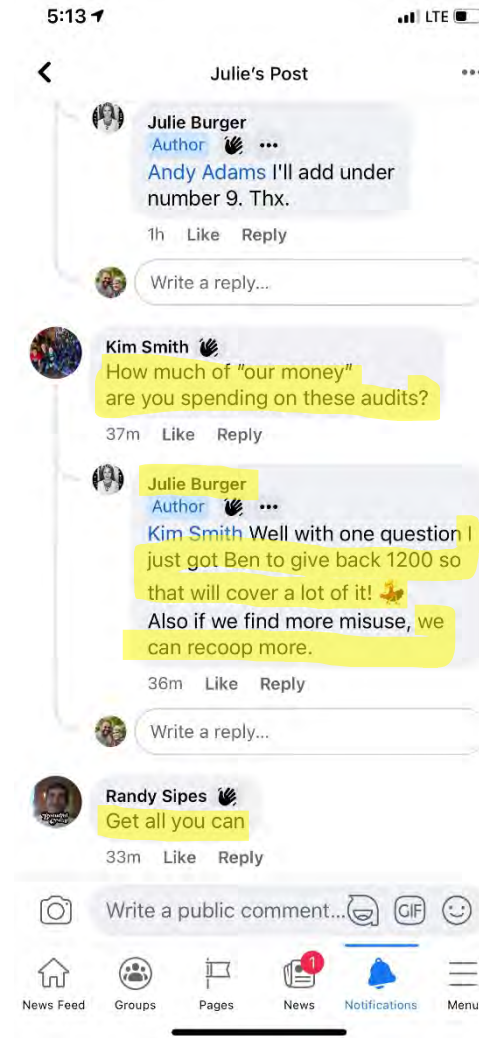
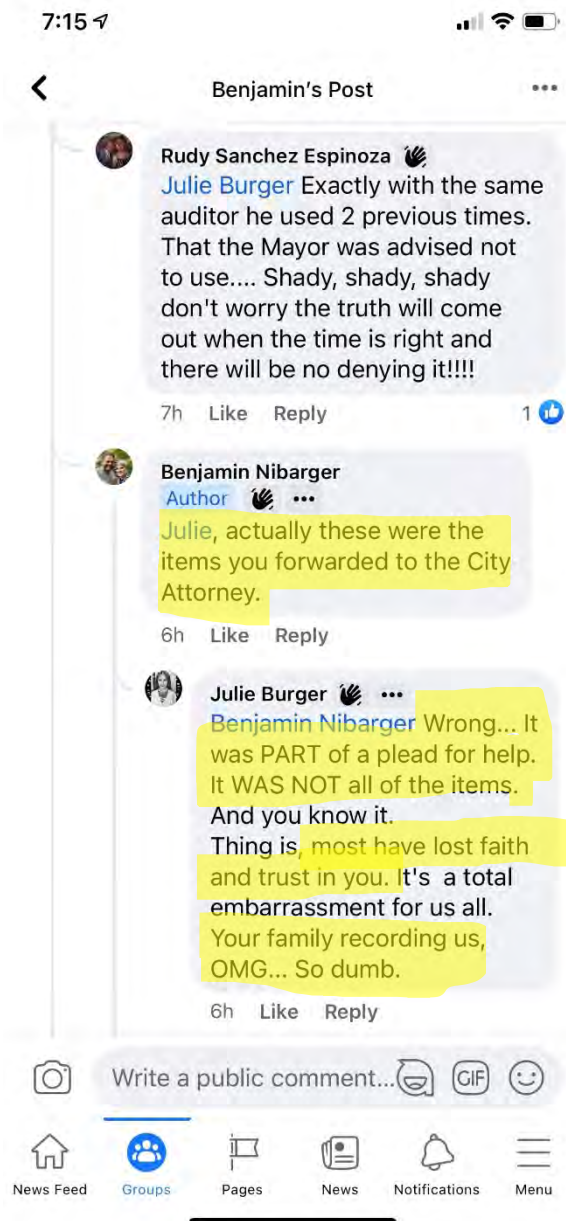
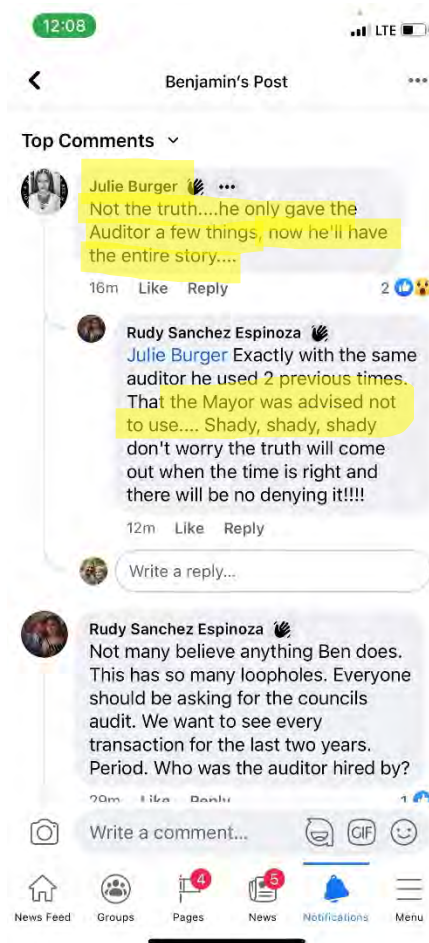
940.627.3917 (O)



Financial Cost to the City of New Fairview

- Extra audits to verify accuracy and proper handling of City funds - **\$3,000 to date**
- Data retrieval and forensic report of wiped hard drive - **\$7,500**
- Hiring of HR professional to verify and validate our HR policies and procedures - **\$2,800 to date**
- Extra City Attorney time to defend, process record requests, interface with City secretary's attorneys, handle Texas Ranger interface, process email/telephone/text from city council members and attended nearly every meeting in August 2021. - **\$31,000** (the City can anticipate a larger bill for September 2021)
- Ongoing paid administrative leave costs - **\$12,800**
- Approximate dollar cost to the City: **\$56,500 to date**
- Lost productivity of staff and consultants – **Six to eight weeks focusing on these issues**
- Possible litigation costs related to Council actions – **Unknown at this time**

A Few Audit Comments on Social Media



Hold Responsible for Innuendos and False Accusations



Nolan Schoonmaker <mayor@newfairview.org>

Innuendos and False Accusations

Cindy Poe <cpoe1227@gmail.com>

Tue, Aug 17, 4:48 PM

To: <nolan.schoonmaker@newfairview.org>

I am trying to decide what my next course of action is. **I feel that Julie Burger as a council member should be held responsible for her accusations and lies.** I am perfectly okay with disagreements that is apart of life. To attack me on a personal family level is not acceptable this can cause harm to my family also. I contacted my attorney, sent him the items I have of Julies comments for his review. He has since informed me I can file a civil suit against the city, the council and individuals on the council. I really have no interest in doing this as I do not want to hurt the city. **I am asking for a public apology from Julie at the next council meeting and her resignation.** If this does not occur then I will determine my next course of action. I want to be transparent in my action which is why I am emailing you.

I would be glad to discuss this with you and the city attorney if you feel it necessary before the Executive Session.

I will see you Thursday night at the Executive Session.

Thank you
Cindy Poe
469-767-4613

Sent from my iPhone



Nolan Schoonmaker <mayor@newfairview.org>

Open Records Request

Cindy Poe <place4@newfairview.org>

Tue, Aug 24, 1:06 PM

To: Ben Nibarger <cityadministrator@newfairview.org>, Nolan Schoonmaker <nolan.schoonmaker@newfairview.org>

The is an **Open Records request for all phone records including text messages, social media records including Messenger, Facebook including items posted on Facebook sites City of Fairview Texas Residents, New Fairview City Hall Transparency, New Fairview People to People from Julie Burger Council Woman of New Fairview, Texas, Monica Rodriguez City Secretary of the city of New Fairview, Texas and Steve Misner Councilman of the City of New Fairview, Texas,**

Thank You
[Quoted text hidden]

9/17/21, 10:10 AM

New Fairview Mail - Open Records Request



Ben Nibarger <cityadministrator@newfairview.org>

Open Records Request

Julie Burger <place1@newfairview.org>
To: Ben Nibarger <cityadministrator@newfairview.org>

Wed, Sep 15, 2021 at 7:00 PM

I do not have any messages or emails that say her name. I have nothing to forward.

Thank you,
Julie
[Quoted text hidden]



Ben Nibarger <cityadministrator@newfairview.org>

Open Records Request

Julie Burger <place1@newfairview.org>
To: Ben Nibarger <cityadministrator@newfairview.org>, Nolan Schoonmaker <mayor@newfairview.org>
Cc: Larry Collister <lcollister@toase.com>

Sat, Aug 14, 2021 at 7:35 AM

Ben & Larry,

I have ZERO to hide. You can see my phone and email all you want. You can see my call log and notice 99% of all my activity has been in phone calls as we were told to do. I wish I had recorded them all for you. I can not help what a worried citizen sent me and it was not Monica. I haven't talked to her since the last meeting we were at and we said hello. My husband's work email has zero to do with the city, but if the lawyer needs to see it, I'll ask him. Again, not a big deal. I'll give the lawyer my facebook and nextdoor login if he wants it. Lol. It's pretty boring. I'm not sure how to PDF my apps, but I can google it. If I did anything wrong, I'll admit it and remove myself from the city council. However, I'm sure my hands are clean. Ben just loves to scare and intimidate people. If he has nothing to hide he wouldn't be worried.

I'd like to request all credit card statements along with the ones ending in 5212 and 1010, along with all bank statements. I also want to see what we spend 1000s on for Amazon. I want to see if you paid the city back for the garage door and the date. I was also giving a few odd invoices I have questions about. I want to come to the city hall with another member and see these things, not from an audit. Where is the money for the ticket writers and why did Brooke mess up the invoices?

In the best interest of the city, we will be asking the council to replace Ben, if that can't happen at least we want to amend all ordinances giving the administratr approval to do things on his own. Since you are no longer trusted! I have fought for and stood up for Ben. I truly had high hopes for him to help the city. We have come to learn he has lied, not asked for a meeting a member requested, and might have used city money for his own personal needs. We are gathering evidence from past city employees and every day I get a call...it's worse. It's just a matter of time before the entire city is made aware and it will not be from me. So, you can see my laptop all you want. My personal advice is you leave as you did your last job, because that is being uncovered too. Most of the city doesn't want you or Brooke here and I'm finding there is safety in numbers. You will not scare me as you have done others, and all the others will be heard!

Julie
[Quoted text hidden]

10:06

Jeff's Post

Top Comments

Julie Burger
Cindy should be thanking you all, since Ben sent 400.00 worth of flowers and hair of that was to HER! On the City dime!!

1h Like Reply 2 🙄

Joy Rhodes
Julie Burger OH Lord!

1h Like Reply 1 👍

Joy Rhodes
Julie Burger just to be clear...the flowers were sent prior to the meeting? That sounds like manipulating a vote. Every girl loves flowers!!

1h Like Reply 1 👍

Julie Burger
Joy Rhodes She also has a paid vacation on the City to a very nice place! To the tune of 1700. Her and Ben go in Oct.

1h Like Reply 1 🙄

9:32

Joy's Post

Anne Chandler Royston
Cindy's a little out there... We need ppl for New Fairview, not those that need / want instant gratification

1h Like Reply 3 👍👍👍

Julie Burger
Anne Chandler Royston And Ben sent 400.00 worth of flowers a few weeks ago and she got 190 worth! On the City dime. She thanked Ben...but y'all bought them!

44m Like Reply

Anne Chandler Royston
Julie Burger -WTH! It will ALL come to light

43m Like Reply 1 👍

Sarah Neathery Adams
Julie Burger wow! Why the hell did she get flowers or anybody of that matter get \$400.00 worth of flowers! CINDEY POE NEEDS TO GO!!!!

23m Like Reply 1 👍

Write a public comment...

News Feed Groups Pages News Notifications Menu

Open Records Request



Ben Nibarger <nibarger.ben@gmail.com>

8/13/2021 11:02 PM



To: Ben Nibarger; Larry Collister; Monica Rodriguez

Council,

I want to express that my only wish has been to serve the community and residents of New Fairview. I plan to continue to do my best to ensure that City Hall operates effectively and efficiently.

I have spent years of my life obtaining the necessary education and experience to serve in trusted positions of the public and have intentionally conducted my actions with integrity. I would never knowingly take actions that would put my name and reputation, nor the reputation of New Fairview at risk.

Let me assure you that the request for the following information is strictly to protect myself from members that have spread unproven claims of financial mismanagement and illegal activities, against the advice of the city attorney, and in doing so placed both themselves and the City at risk, as well as the shared reputation of the City Council of New Fairview.

Dear Officer for Public Information,

In accordance with Texas Public Information Act, Chapter 552, I am requesting an electronic copy of the following records:

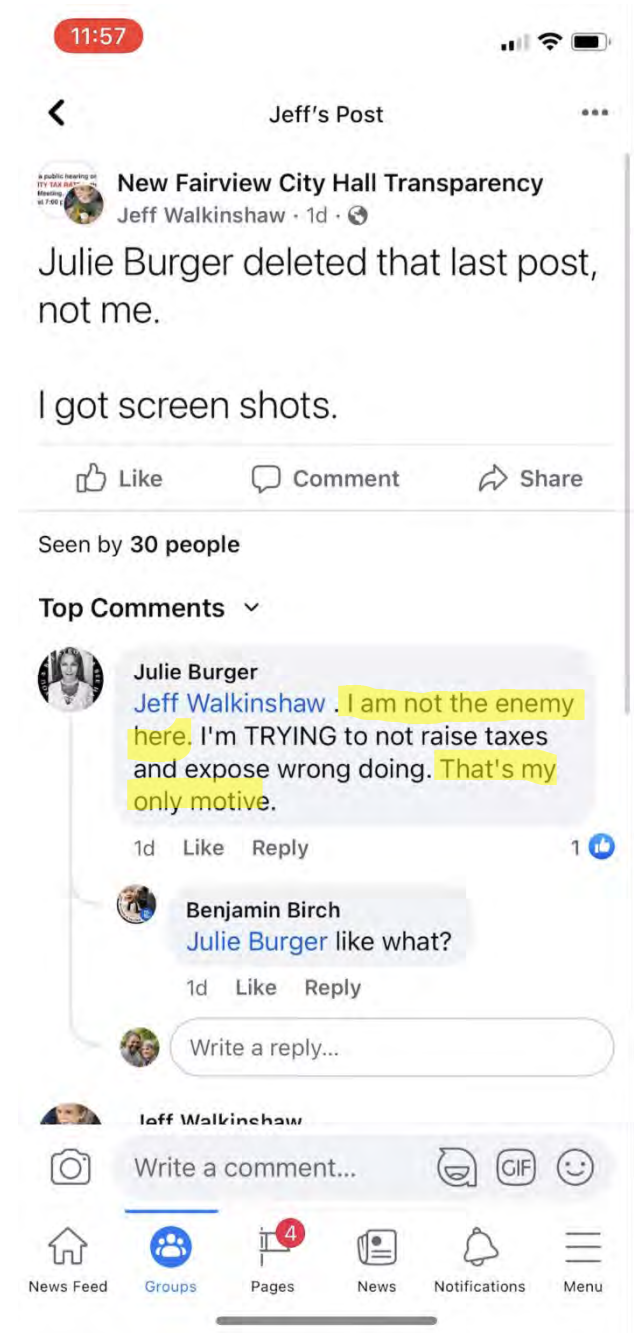
1. All text messages, Facebook messages, Facebook posts, Nextdoor posts, and other social media posts from Julie Burger regarding the business of the City of New Fairview. This should include all posts referencing, or in reference to the City Administrator, Ben Nibarger, the City Secretary, and Monica Rodriguez.
2. All text messages, Facebook messages, Facebook posts, Nextdoor posts, and other social media posts from or to Steve Misner regarding the business of the City of New Fairview. This should include all posts referencing, or in reference to the City Administrator, Ben Nibarger, the City Secretary, and Monica Rodriguez.
3. All electronic emails relating to the business of the City of New Fairview from the following email accounts which Julie Burger has used for city business: place1@newfairview.org, harvey@memberltd.com, burgerhillranch@gmail.com
4. All electronic emails relating to the business of the City of New Fairview from the following email accounts which Steve Misner has used for city business: place3@newfairview.org, stevecm@msn.com.

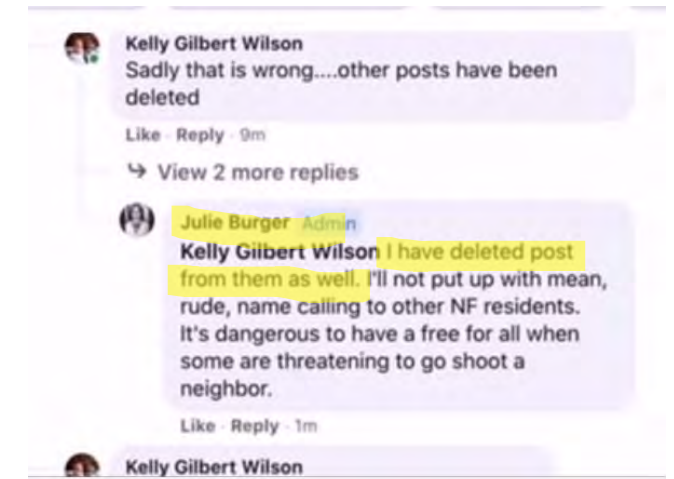
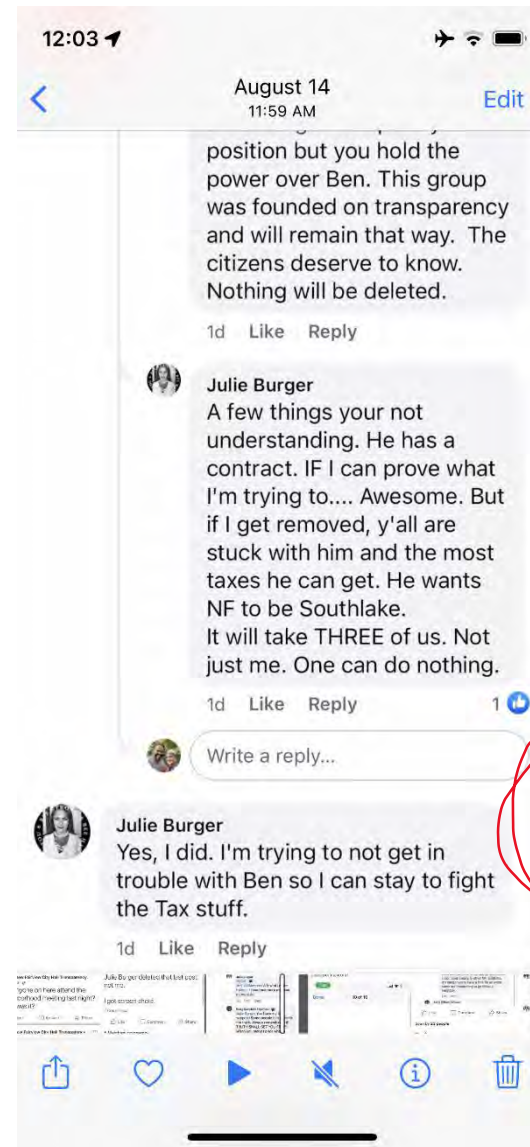
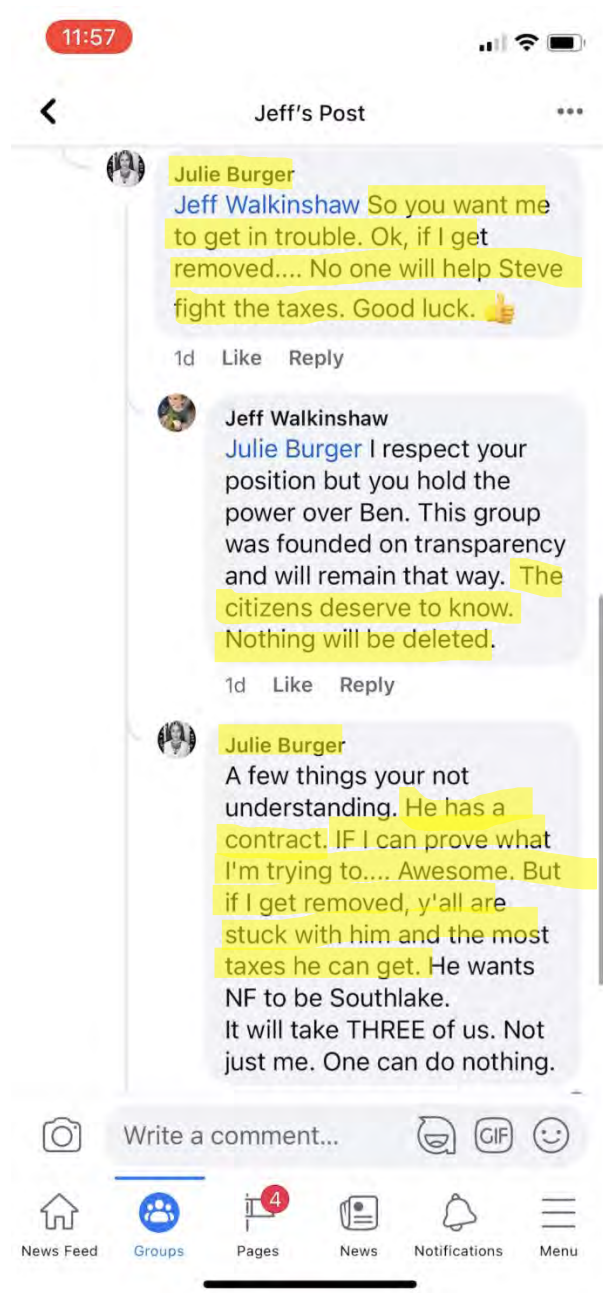
Please return the records in an electronic form, such as a PDF to: Nibarger.ben@gmail.com

Please understand that Texas Penal Code 37.10. Tampering with Governmental Records - A person commits an offense if he: (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record.

Tampering with Governmental Records

- Tex. Pen. Code § 37.10 Section 37.10 - Tampering With Governmental Record
 - (a) A person commits an offense if he:
 - (1) knowingly makes a false entry in, or false alteration of, a governmental record;
 - (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
 - (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;





Is this saying she deleted records?

9/17/21, 10:10 AM

New Fairview Mail - Open Records Request



Ben Nibarger <cityadministrator@newfairview.org>

Open Records Request

Julie Burger <place1@newfairview.org>
To: Ben Nibarger <cityadministrator@newfairview.org>

Wed, Sep 15, 2021 at 7:00 PM

I do not have any messages or emails that say her name. I have nothing to forward.

Thank you,
Julie
[Quoted text hidden]



Ben Nibarger <cityadministrator@newfairview.org>

Open Records Request

Julie Burger <place1@newfairview.org>
To: Ben Nibarger <cityadministrator@newfairview.org>, Nolan Schoonmaker <mayor@newfairview.org>
Cc: Larry Collister <lcollister@toase.com>

Sat, Aug 14, 2021 at 7:35 AM

Ben & Larry,

I have ZERO to hide. You can see my phone and email all you want. You can see my call log and notice 99% of all my activity has been in phone calls as we were told to do. I wish I had recorded them all for you. I can not help what a worried citizen sent me and it was not Monica. I haven't talked to her since the last meeting we were at and we said hello. My husband's work email has zero to do with the city, but if the lawyer needs to see it, I'll ask him. Again, not a big deal. I'll give the lawyer my facebook and nextdoor login if he wants it. Lol. It's pretty boring. I'm not sure how to PDF my apps, but I can google it. If I did anything wrong, I'll admit it and remove myself from the city council. However, I'm sure my hands are clean. Ben just loves to scare and intimidate people. If he has nothing to hide he wouldn't be worried.

I'd like to request all credit card statements along with the ones ending in 5212 and 1010, along with all bank statements. I also want to see what we spend 1000s on for Amazon. I want to see if you paid the city back for the garage door and the date. I was also giving a few odd invoices I have questions about. I want to come to the city hall with another member and see these things, not from an audit. Where is the money for the ticket writers and why did Brooke mess up the invoices?

In the best interest of the city, we will be asking the council to replace Ben, if that can't happen at least we want to amend all ordinances giving the administratr approval to do things on his own. Since you are no longer trusted! I have fought for and stood up for Ben. I truly had high hopes for him to help the city. We have come to learn he has lied, not asked for a meeting a member requested, and might have used city money for his own personal needs. We are gathering evidence from past city employees and every day I get a call...it's worse. It's just a matter of time before the entire city is made aware and it will not be from me. So, you can see my laptop all you want. My personal advice is you leave as you did your last job, because that is being uncovered too. Most of the city doesn't want you or Brooke here and I'm finding there is safety in numbers. You will not scare me as you have done others, and all the others will be heard!

Julie
[Quoted text hidden]

10:06

Jeff's Post

Top Comments

Julie Burger
Cindy should be thanking you all, since Ben sent 400.00 worth of flowers and half of that was to HER! On the City dime!!

1h Like Reply 2

Joy Rhodes
Julie Burger OH Lord!

1h Like Reply 1

Joy Rhodes
Julie Burger just to be clear...the flowers were sent prior to the meeting? That sounds like manipulating a vote. Every girl loves flowers!!

1h Like Reply 1

Julie Burger
Joy Rhodes She also has a paid vacation on the City to a very nice place! To the tune of 1700. Her and Ben go in Oct.

1h Like Reply 1

Kelly Gilbert Wilson
Sadly that is wrong....other posts have been deleted

Like Reply 9m

View 2 more replies

Julie Burger Admin
Kelly Gilbert Wilson I have deleted post from them as well. I'll not put up with mean, rude, name calling to other NF residents. It's dangerous to have a free for all when some are threatening to go shoot a neighbor.

Like Reply 1m

Kelly Gilbert Wilson

9:32

Joy's Post

Anne Chandler Royston
Cindy's a little out there... We need ppl for New Fairview, not those that need / want instant gratification

1h Like Reply 3

Julie Burger
Anne Chandler Royston And Ben sent 400.00 worth of flowers a few weeks ago and she got 190 worth! On the City dime. She thanked Ben...but y'all bought them!

44m Like Reply

Anne Chandler Royston
Julie Burger -WTH! It will ALL come to light

43m Like Reply 1

Sarah Neathery Adams
Julie Burger wow! Why the hell did she get flowers or anybody of that matter get \$400.00 worth of flowers! CINDEY POE NEEDS TO GO!!!!

23m Like Reply 1

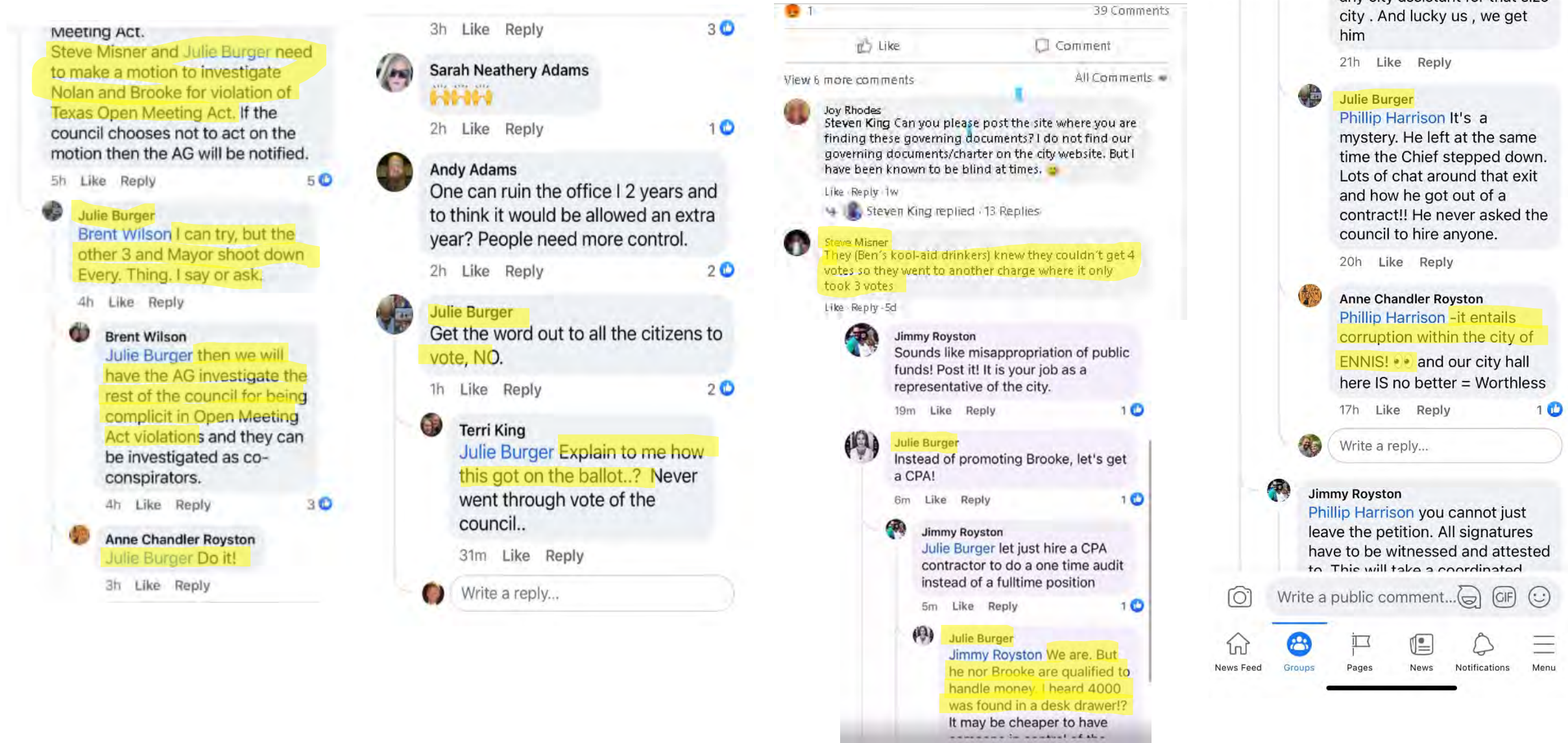
Write a public comment...

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Council must bear the initial responsibility for the integrity of governance, p 3 of 19

- The Council is responsible for its own development both as a body and as individuals, its responsibilities, its own discipline, and its own performance. *(Introduction and Summary)*
- The Council has a responsibility to improve their professional ability and promote an atmosphere that is conducive to the fair exchange of ideas and policies among members *(1)*
- The council will endeavor to foster good communication between residents and council *(2)*
- The council will endeavor to foster good working relationships with neighboring municipalities *(2)*
- The Council will be dedicated to friendly and courteous relationships with Staff, other council members and the public *(3)*
- The Council will seek to improve the quality and image of public service. *(3)*
- The Council will be committed to improving the quality of life for the individual and the community and be dedicated to the faithful stewardship of the public trust. *(5)*

The council will endeavor to foster good communication between residents and council (2)



Meeting Act.
Steve Misner and Julie Burger need to make a motion to investigate Nolan and Brooke for violation of Texas Open Meeting Act. If the council chooses not to act on the motion then the AG will be notified.
5h Like Reply 5

Julie Burger
Brent Wilson I can try, but the other 3 and Mayor shoot down Every. Thing. I say or ask.
4h Like Reply

Brent Wilson
Julie Burger then we will have the AG investigate the rest of the council for being complicit in Open Meeting Act violations and they can be investigated as co-conspirators.
4h Like Reply 3

Anne Chandler Royston
Julie Burger Do it!
3h Like Reply

3h Like Reply 3

Sarah Neathery Adams
2h Like Reply 1

Andy Adams
One can ruin the office I 2 years and to think it would be allowed an extra year? People need more control.
2h Like Reply 2

Julie Burger
Get the word out to all the citizens to vote, NO.
1h Like Reply 2

Terri King
Julie Burger Explain to me how this got on the ballot..? Never went through vote of the council..
31m Like Reply

Write a reply...

39 Comments

Like Comment

View 6 more comments All Comments

Joy Rhodes
Steven King Can you please post the site where you are finding these governing documents? I do not find our governing documents/charter on the city website. But I have been known to be blind at times.
Like Reply 1w
Steven King replied · 13 Replies

Steve Misner
They (Ben's kool-aid drinkers) knew they couldn't get 4 votes so they went to another charge where it only took 3 votes
Like Reply 5d

Jimmy Royston
Sounds like misappropriation of public funds! Post it! It is your job as a representative of the city.
19m Like Reply 1

Julie Burger
Instead of promoting Brooke, let's get a CPA!
6m Like Reply 1

Jimmy Royston
Julie Burger let just hire a CPA contractor to do a one time audit instead of a fulltime position
5m Like Reply 1

Julie Burger
Jimmy Royston We are. But he nor Brooke are qualified to handle money. I heard 4000 was found in a desk drawer!? It may be cheaper to have
... in context of the

Jimmy's Post
any city assistant for that size city. And lucky us, we get him
21h Like Reply

Julie Burger
Phillip Harrison It's a mystery. He left at the same time the Chief stepped down. Lots of chat around that exit and how he got out of a contract!! He never asked the council to hire anyone.
20h Like Reply

Anne Chandler Royston
Phillip Harrison -it entails corruption within the city of ENNIS! and our city hall here IS no better = Worthless
17h Like Reply 1

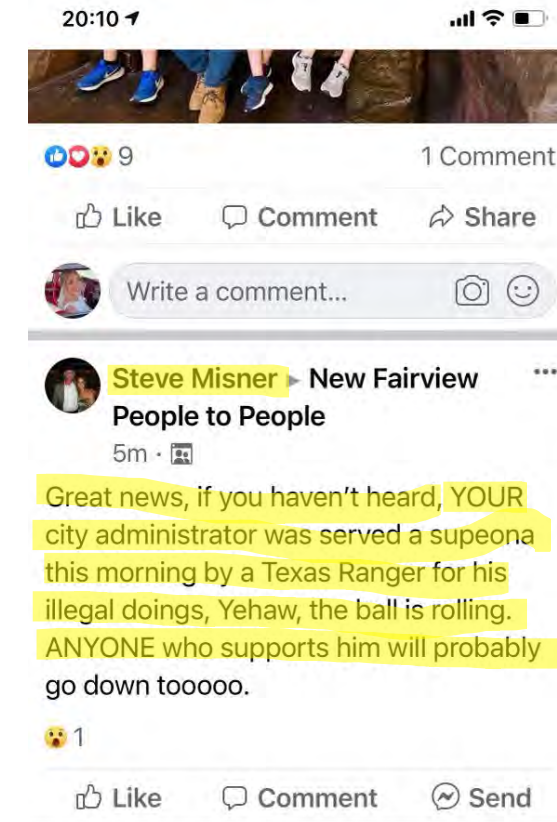
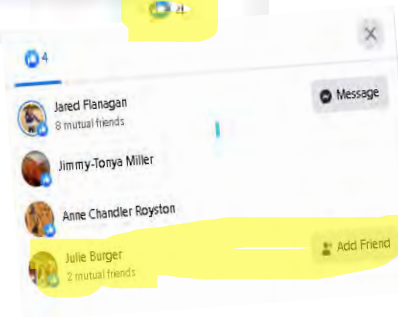
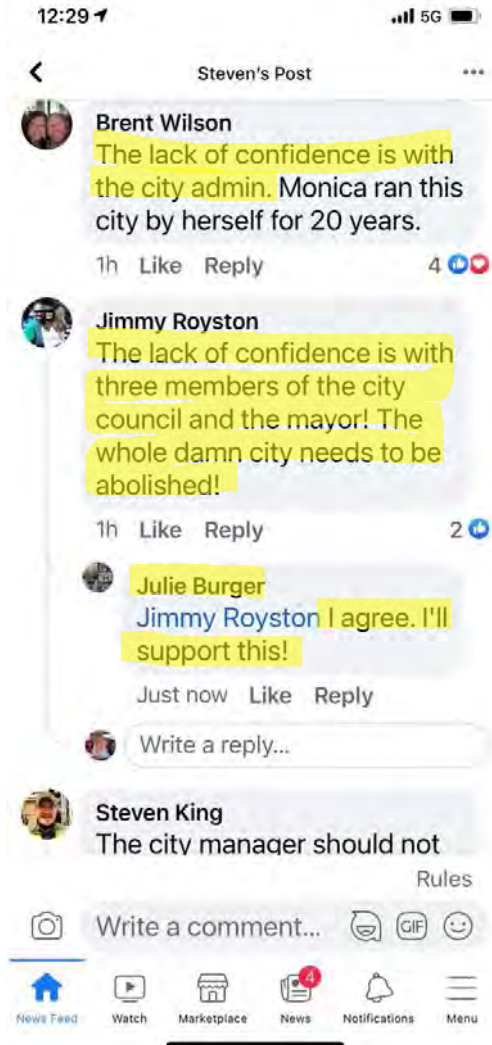
Write a reply...

Jimmy Royston
Phillip Harrison you cannot just leave the petition. All signatures have to be witnessed and attested to. This will take a coordinated
...

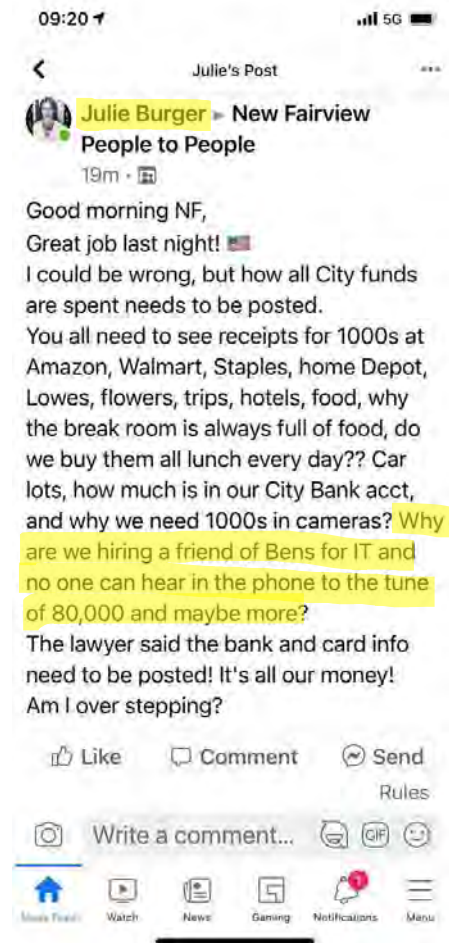
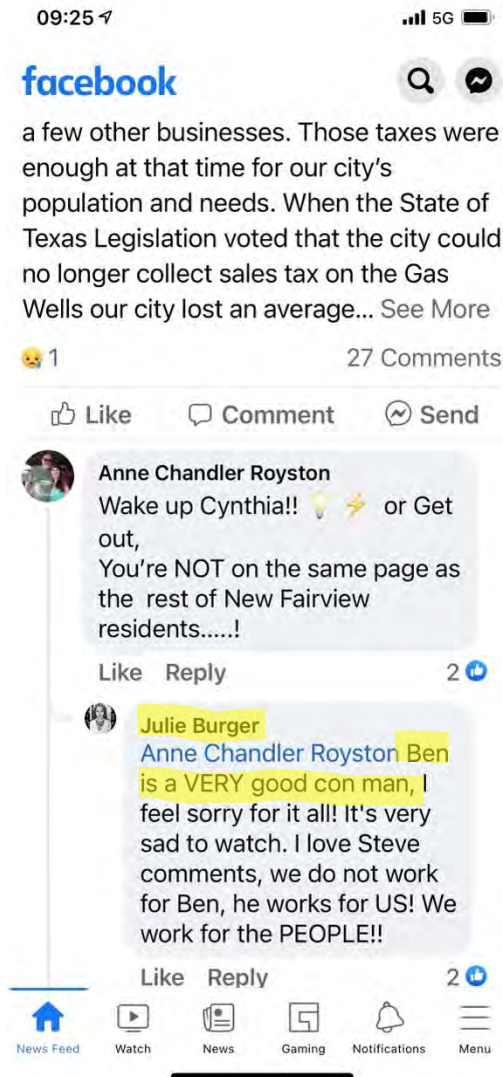
Write a public comment... GIF

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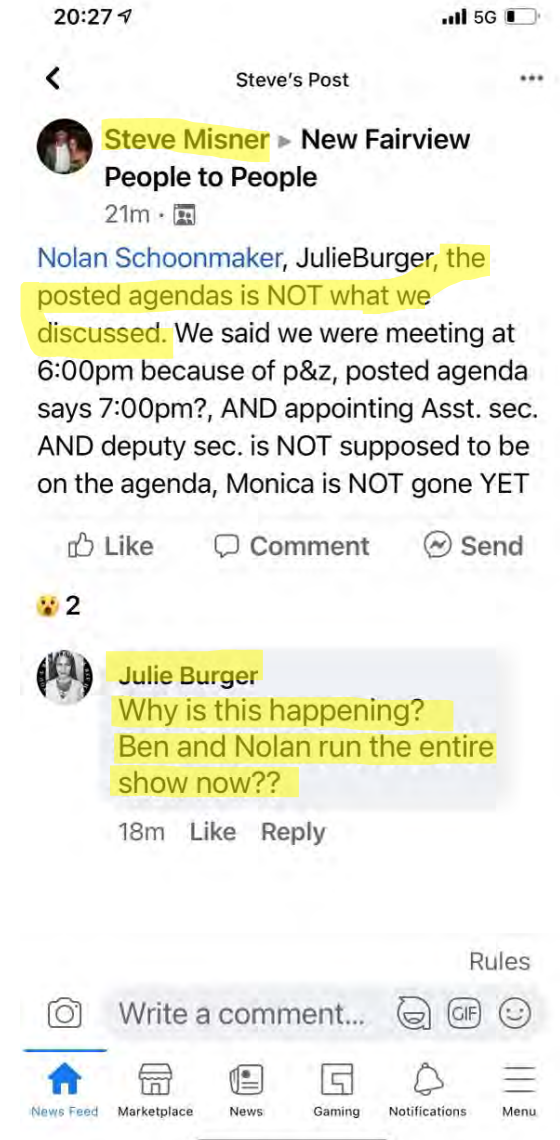
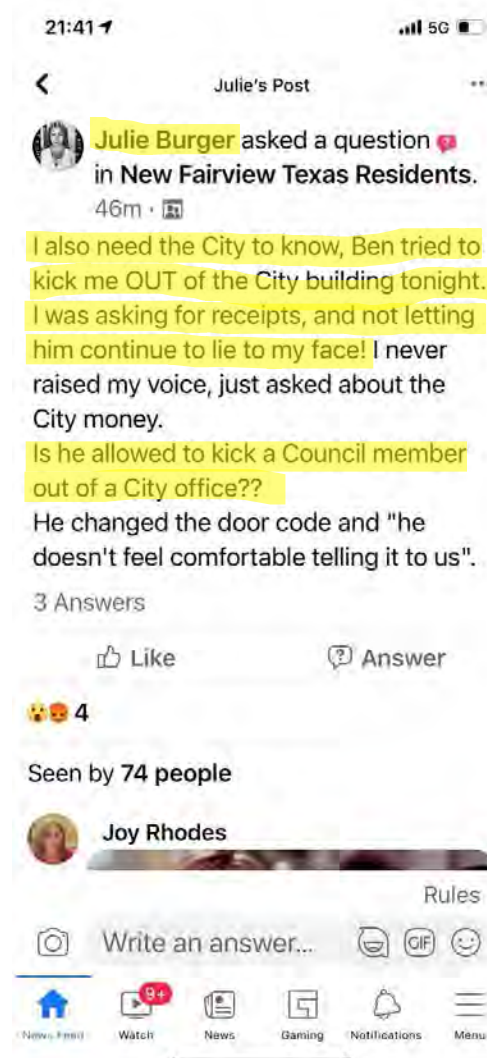
The council will endeavor to foster good communication between residents and council (2)



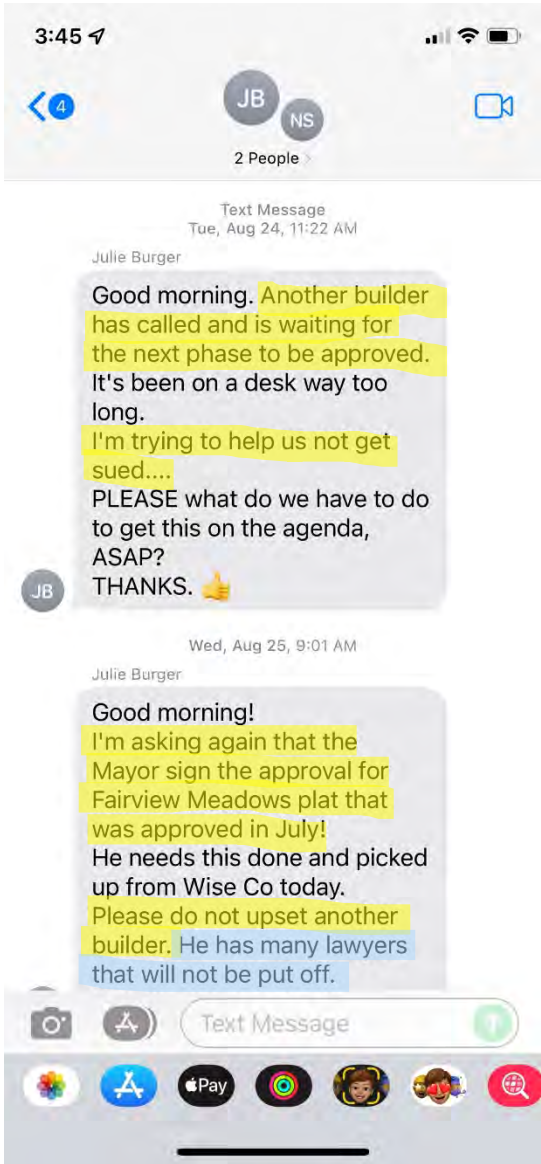
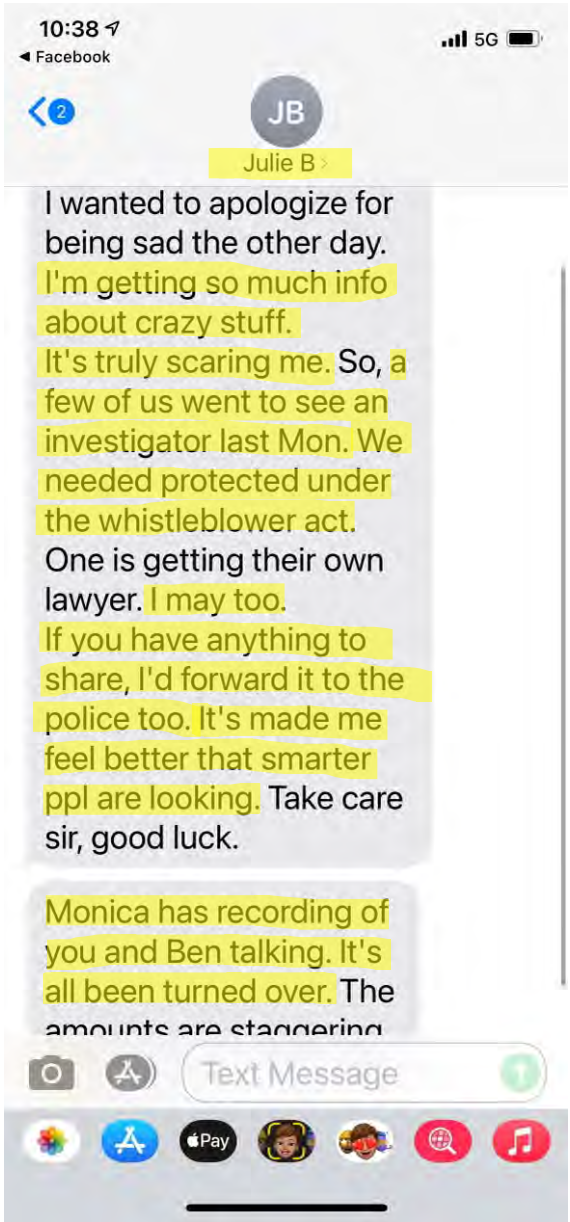
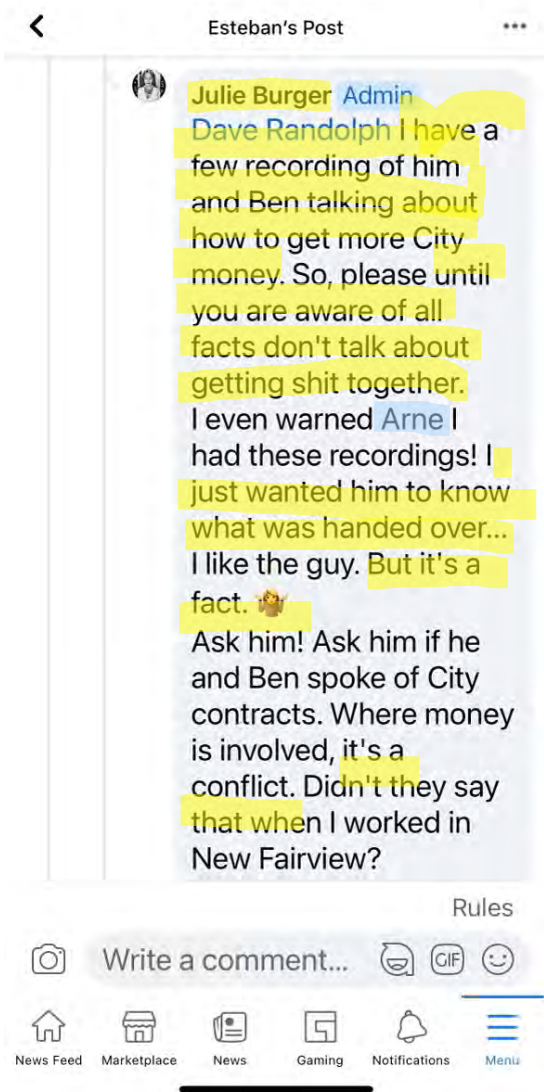
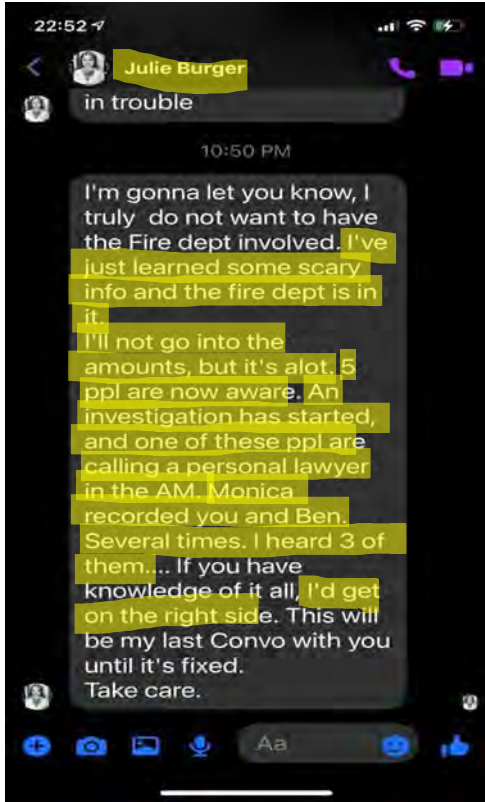
The Council will be dedicated to friendly and courteous relationships with Staff, other council members and the public (3)



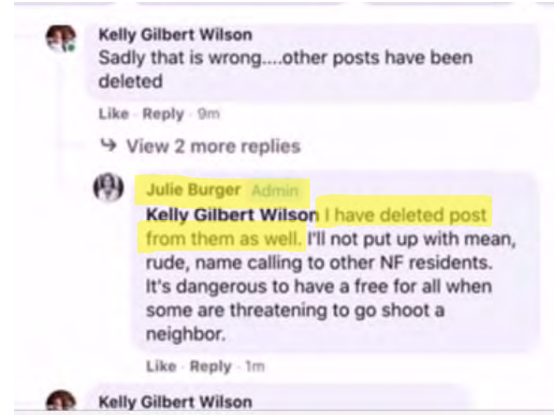
■The Council will seek to improve the quality and image of public service. (3)



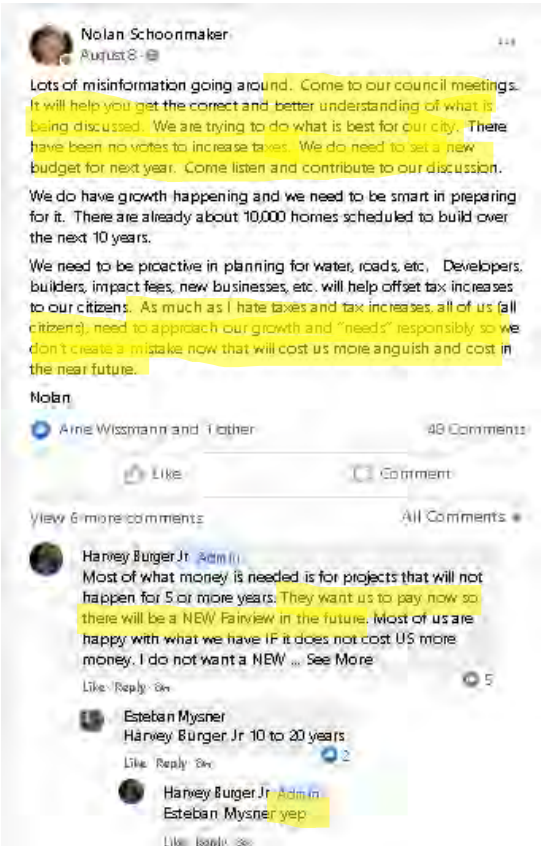
■The Council will be committed to improving the quality of life for the individual and the community and be dedicated to the faithful stewardship of the public trust. (5)



- Council members will not condone any unethical or illegal activity from any Council Member or members of the staff. (Sec1-160 Decorum (a))



Council members shall demonstrate respect and courtesy to one another, to City Staff, and to members of the public appearing before the council.(Sec1-160 Decorum (a))



Email from City Attorney – 15 September 2021

Mayor, Council Members and City Administrator –

Late this past Monday afternoon I finally received a demand letter from Monica Rodriguez’s attorney. Prior to receiving this letter, all I received from her lawyer were very broad allegations and claims without any facts to support any of it. They’ve attempted to lay out some facts and claims. I’ve not fully vetted it against the other information I have and will get a comprehensive evaluation to you prior to the September 23, 2021 Special Meeting. A copy of it is attached for your review.

Claim Submitted to TML

Now that a formal demand has been made, I will be submitting this to the Texas Municipal League’s Risk Pool to take up the investigation and defense of it. This claim will be submitted to TML tomorrow.

Reemphasis of Your Role of Council Members

Recall that you have received several emails from me between August 12 and August 18. I ask you to reacquaint yourself with these emails. I also want to remind you of the discussions we’ve had in closed session about your fiduciary duty and loyalty, as members of Council, run to the City of New Fairview. It is does not run to any employee, including Monica. Please act accordingly. Note these same obligations apply to the City Administrator. Lastly, anything discussed in closed session under the attorney-client privilege is not to be made public without the consent of a majority of the Council.

Communication with Monica Rodriguez

It has not gone unnoticed by Council, the City Administrator, or myself, that there appears to have been interaction between Monica and members of Council. Hopefully, this communication has just been the receipt of documents or information about how the city operates. Remember that all of your communication related to the business of the city can be reached through an open records request. While I cannot tell any of you to not communicate with Monica, or others acting on her behalf; I can tell you, with her formal demand on the city, Monica is now adverse to the city. Her interests and the city’s interests, at least until this gets resolved, are not in alignment. I would recommend that any further communication between any of you and Monica, or anyone on her behalf, cease immediately. Further, her attorney has asked that any request for information or documents from Monica come to him – this applies to Council also. I am now also asking her attorney to have Monica cease her interactions with Council and any city employees.

If you have any questions about your role with respect to this claim and any potential lawsuit, contact me to discuss it.

Larry

- Julie was receiving “stuff” from Monica during our meeting on Monday Night (4 Oct 2021) on her cell phone. She read it to the council.

Summary

- It is my personal opinion that Councilman Misner and Councilwoman Burger have led the charge against the City Government as a whole and individuals both on the city staff and members of the City council.
 - They have received unvalidated information and treated it as truth as they have posted it on community FB pages
 - They have participated in rude, crude and unprofessional behavior with a handful of citizens on multiple social media sites
 - They have displayed hatred, vitriol, and disregard for the truth in their social media posts
 - They have released damaging audio files to the public that were likely illegally obtained by their informants.
 - Councilwoman Burger has admitted to deleting posts even after being informed by the City Attorney and City Administrator that it was a crime. Shows disrespect for the law and the procedures and policies she has vowed to uphold
 - They have added to the citizens distrust of our City Administrator, council member and Mayor by clapping, audible applause, and encouraging inappropriate behavior after a citizen speaks or post a damaging post.
 - Continue to dismiss the truth even after completing the first audit using information provided by Councilwoman Burger

This e-mail is protected by the attorney-client privilege. If you have any doubt that you should be receiving it, delete it now.

Ben,

After reviewing the email below and talking with you on the phone yesterday, you asked that I provide some information about different options in response to the email issue. There could be a vast array of responses under the circumstances, and the decision of how to respond will fall to the discretion of the city council or possibly even the individual council members. The Council could discuss these options in executive session, pursuant to the personnel exception related to elected officials, and decide through deliberation on a course of action. One or multiple of these options could be done to make a response that the city council is comfortable with.

Do Nothing

A possible option is to do nothing. The law does not put an affirmative duty on the city council or the city staff to report these actions. The discussing of the issue in the executive session has already happened and been done, so really this would be not doing anything else at this time.

Document a Response

One option could be to document the response of staff and the council to create a record. This could look like a censure or letter placed in a file as a public record to document that the activity was identified and that City staff and Council responded by confronting the actors, expressly stating that the behavior was illegal, and advising that any additional similar actions would be met with certain consequences, which could include any of the other options listed or that could be identified. This option would be a response that documents in the public record that staff and the council were not ok with this behavior and would be the best option to promote an attitude of peace and comradery amongst the Council.

Public Reprimand/Acknowledgement

The City Council could call a meeting and make a public announcement of the actions that were taken, acknowledge that they were not appropriate, and acknowledge that any future behavior along these lines would not occur and that it would not be tolerated. This would publicly acknowledge the behavior and bring it to the light, without the Council members directly reporting this to the District Attorney's office as potential criminal behavior. This could look like the actors giving a statement of acknowledgement or the other council members making a statement to identify the activity, and the council could discuss how this would best be handled. This option would make the behavior known, but potentially avoid the necessity of the District Attorney's office involvement. This is an option that would accomplish public transparency without a council member requiring that a criminal consideration be made into the circumstances.

Request to resign

Based on the actions that are believed to be a violation of the act, the council could approach the actor(s) with a request that they resign because of the actions. While the Council does not have authority to remove a council member from office, a request for resignation could be made. While I do not intend to pass judgment on the seriousness of this action in the eyes of the Council, I want to suggest that request that a councilmember resign should not be something that is done lightly. The loss of the ability to serve in the position that a person is elected for is a serious consequence, and I want to suggest that it be carefully considered whether that is an appropriate consequence any time that it is considered. If this is the course of action that is taken, this could be done privately or publicly.

Referral to District Attorney

One option could be to refer the information to the District Attorney's office. I am not certain of this process, but I believe it would likely be started with a phone call and a interview with a detective or an investigator from the DA's office. Once the referral is made, the City and the council would be completely unable to control what happens with the information or with the issue from that point forward. There would be no way to control or determine how the District Attorney's office would handle the report, such as whether they would investigate at all or if they would pursue it all the way to a trial. This is in many ways the ultimate response to this incident, as it would directly open the door to potential criminal liability for the actions. If this action were taken, it would not necessarily have to be a public action. It could be possible that the actions could be reported to the DA's office, the DA investigates and decides that it does not want to prosecute under these circumstances, and the case goes away without it making public news. However, even if the city were to decide to make a report without making the information public themselves, the city would have no way to control whether the information would become public through the process.

These are a range of options that could be a response by the city council or an individual member of the city council. I have included some thoughts on each one to try to assist in weighing these actions to determine what the city council would prefer to do. I would be happy to discuss any of these options in further detail or assist in whatever way I can to assist in weighing these potential options. Please let me know if there are any questions or if I can provide any further information on this issue.

Bradley A. Anderle



**City Council Agenda
November 15, 2021**

Agenda Item:

(Work Session Item)

Agenda Description:

Discuss with staff the current code enforcement ordinances, policies and procedures, and review a Request for Proposals (RFP) for Abatement Services, that the City will be publishing.

Background Information:

The Council has directed staff to continue to improve the code enforcement activities, providing budget authority for abatement activities in the current fiscal year to resolve issues where the resident is non-compliant with the notification and request for resolution by the City.

Financial Information:

\$25,000 budgeted for code enforcement and abatement activities in the current fiscal year.

City Contact and Recommendation:

Josh Barnwell, Streets, Facilities, and Maintenance Supervisor
Provide input and information for staff.

Attachments:

Draft RFP for Abatement Services
Code Enforcement Ordinances



**REQUEST FOR PROPOSAL
ON-CALL NUISANCE ABATEMENT SERVICES**

For questions regarding this request for proposal (RFP), please contact:

City of New Fairview

Joshua W Barnwell, Facilities, Streets and Maintenance Supervisor

Email: joshua.barnwell@newfairview.org

Phone: (817) 638-5366 Ext. 1005

or

Ben Nibarger, City Administrator

Email: ben@newfairview.org

Phone: (817) 638-5366

Introduction

Thank you for your interest in this Request for Proposal (“RFP”). The City of New Fairview (“CITY”) intends to retain a qualified contractor(s) to provide on-call public nuisance abatement services for the Code Enforcement Division, as described within this RFP throughout the City of New Fairview. This document details the scope of service to be performed and outlines the evaluation and selection process.

Proposed Initial Term

The City’s Code Enforcement division is requesting proposals from qualified contractors to provide on-call public nuisance abatement services to begin upon approval of the City Council and follow the City’s fiscal year, ending on September 30, 2022. A term extension may be executed pending a review of performance.

Proposal Submission

The original proposal and three (3) copies, plus an electronic copy on a USB drive (PDF), shall be submitted in a sealed envelope that shall plainly indicate on it the title of the proposal and the date _____ for _____ receiving.

**City of New Fairview
Code Enforcement Division
Building Official
999 Illinois Lane
New Fairview, TX 76078**

The outer envelope shall be clearly labeled as RFP for On-Call Public Nuisance Abatement Services. The responders must bear the cost of preparing and submitting their proposal. The City will not reimburse their costs.

City’s Objectives

The City would like to contract with a qualified and dependable individual or firm that can provide on-call public nuisance abatement services as needed by the Code Enforcement Division. The City aims to provide timely, efficient and professional service responsive to the needs of the community of New Fairview.

Scope of Services

The following services shall be provided to the City:

- Abatement of overgrown weeds or dead vegetation to include, but not limited to: dead or hazardous trees, high grass, weeds and shrubs;
- Clean up and removal of trash and debris to include, but not limited to: discarded metal, vehicles, vehicle parts, appliances, waste oil, batteries or similar materials;
- Cleanup and removal of heavy construction or demolition materials, to include but not limited to: concrete, soil, metal rebar, wood and other miscellaneous construction debris;
- Emergency Structural Boarding: to include, but not limited to: structural boarding consistent with HUD specifications or local procedures. Use of wood boarding or alternative materials such as polycarbonate clear boarding, as directed on vacant or damaged structures.

As part of the scope of abatement services, all removed materials are required to be safely transported and removed from nuisance properties to legal disposal and/or recycling site(s).

The individual(s) and/or firm(s) selected contractor(s) shall be appropriately licensed under Texas law and will maintain such license throughout the duration of the service agreement with the City. The contractor(s) must comply with all applicable laws related to the transportation and disposal of waste.

Contractor(s) shall have the ability to send/receive work orders, invoices, and documents, via electronic media. Electronic media shall be deemed to include, but is not limited to, email and fax. Email shall have the capacity of receiving and/or sending large document files, including photographs.

If a contractor(s) encounters problems with an argumentative or non-cooperative property owner or local designated agent, the contractor should call the City of New Fairview Code Enforcement Division (817) 638-5366 or if an emergency arises **Dial 911**.

Failure to perform abatement services as assigned, submission of improper invoices, failure to conform to the requirements of any provision contained herein or in the requested abatement services, may result in nonpayment and termination of the agreement, at the discretion of the City.

Contractors shall furnish, at its own expense, all equipment and materials needed for abatement services including but not limited to:

- Mowers, weed trimmers, brush hogs, saw blades, chain saws, and loaders.
- Caution tape, orange fencing, framing materials, and other materials necessary to secure the site to ensure the health and safety of the public and their workers.
- Any other equipment and/or materials required to address each specific circumstance required for the requested abatement services.

Prior to beginning abatement services, the contractor(s) shall take high resolution digital color photographs (12 megapixels or better) of the abatement site. Photographs shall be taken in the manner prescribed by the City. The photographs shall be dated and time-stamped. The photographs shall include the site condition before the abatement showing grass/weed height, trash, junk vehicles, vehicle parts and debris on their property, tires, any unsecured openings to be secured, hanging dead tree limbs to be removed, standing dead trees to be removed, etc. **Failure to submit proper “before” photographs will result in nonpayment and may result in termination of the Agreement.**

After the completion of abatement services, the contractor(s) shall take high resolution digital color photographs (12 megapixels or better) of the abatement site. These should include, all equipment loaded with trash/junk debris that was removed from the abatement site. These photographs shall be dated, time-stamped and submitted electronically by email to the City. **Failure to submit proper “after” photographs will result in nonpayment and may result in termination of the Agreement.**

If the City requests an estimate for abatement services, the contractor shall provide similar dated and time stamped digital photographs with the estimate. All Costs associated with photography shall be the contractor’s responsibility.

1. Work Orders

Contractor shall provide an itemized abatement services estimate for any bid that exceeds \$500. If the estimate of the abatement services specified in the bid varies more than 2 cubic yards from actual conditions, contractor(s) shall contact the City to reconcile any differences, prior to performing abatement services.

2. Notice to Abate Nuisance

A notice to Abate a Nuisance provided by the City is the primary authority for nuisance abatement. Contractor shall not perform any “Regular Abatement” services until a Notice to Abate Nuisance has been received. In the case of “Emergency Abatement”, the Notice

to Abate Nuisance will include a code case number, site address, and services requested, which shall be included on all correspondence and billing by the contractor(s). If any discrepancy arises with any other documents during the execution of a work order (ie, property, photographs, and legal description on notice/map do not match, etc.), it is the responsibility of the contractor(s) to contact the City before abatement services begin. Failure to do so will result in the contract(s) absorbing all costs of the abatement on incorrectly designated property. Any ambiguity or conflict with other documentation shall be clarified prior to performing abatement services

3. Execution of Abatement Services

Regular Abatement - The contractor will receive written notification from the City requesting an estimate to perform specific abatement activities at a specified location. The estimate must be provided within 24 hours of the date of notification. Contractor shall not commence any abatement services until a Notice of Abate Nuisance is issued by the City.

Emergency Abatement - In emergency situations, Contractor(s) will receive written and verbal notification by the City authorizing the abatement services to be completed. This will serve as the City's official authorization to proceed immediately, based upon the hourly rate(s) provided in this proposal. The City shall issue a Notice to Abate Nuisance as soon as possible to the Contractor(s) for proper invoicing.

Service Requirements:

1. Mowing

Mowing is defined as the removal of tall grass, weeds, vegetation, small saplings, overgrowth and weed eating. All vegetation must be cut to a height of not more than three inches (3"). Trimming must match or be below the adjacent grass or structure.

Failure to rake, blow, and bag all leaves, trash and vegetation clippings will result in nonpayment.

2. Debris/Trash/Junk Removal

All visible trash, junk, vehicles parts, debris, and litter must be removed and disposed of in accordance with all applicable laws and to the satisfaction of the City and in accordance with the work order.

Tree limbs, tree parts, fallen dead trees, bushes or brush less than 6 feet high, and/or on the ground, and/or in the right of ways, easements or in the site distance triangle, will be considered as trash, junk and debris.

3. Securing

All openings shall be secured in accordance with standards as provided by the City of New Fairview Code Enforcement Division.

Because unsecured structures pose an immediate threat to the public, all securing work orders will be complete within 48 hours of receipt unless the City approves other arrangements.

Work orders that include securing must be completed before work orders that do not include securing.

All wood must be cut with a circular saw, chainsaws shall NOT be used.

Submittal Requirements

Candidates shall submit proposals that thoroughly respond to the items listed below. The most effective proposal will address the issues in this section, while minimizing unnecessarily elaborate presentation materials beyond that sufficient to present a complete and effective response. The proposal must be organized and presented in the exact order as outlined in this section. Failure to do so may remove the proposer/contractor/bidder from further consideration.

1. Statement of Understanding

A description of the approach to the performance of the abatement services requested shall illustrate the proposer/contractor/bidder's understanding of the nature of the work being requested and the total cost of services presented in the proposal.

2. Proposed Project Team Members

A brief description of the primary contractor and subcontractor(s), if any, along with an organizational chart of the Project team indicating the primary responsible representative(s) and title(s). Designation of a single point of contact for the project is required. Provide the role and relevant background experience of the primary individual(s) involved in the project, e.g. a brief description of the qualifications of the personnel and responsibilities should be included.

3. References

Include a minimum of three (3) references of persons, firms, or agencies that City staff may contact to verify the experience of the proposer, preferably projects that are similar in nature to this RFP.

4. Scope of Work

Provide a detailed project scope of work based on the RFP. Indicate the hourly fee structure that would be charged for the abatement services performed by the contractor(s), staff and subcontractor(s), if any. Include all classifications of staff that could be provided to the City.

5. Duration of Proposal

Proposals shall remain effective for a minimum of 90 days beyond the submittal date.

For questions regarding this RFP, please contact Joshua W Barnwell or Ben Nibarger by email at joshua.barnwell@newfairview.org or ben@newfairview.org.

Evaluation Process

The contractor(s) will be selected based on qualifications and demonstrated competence and the agreement may not be awarded to the lowest responsible proposer. When selecting the contractor(s), the skill and ability of the entity or individual performing the services is a key component of the selection criteria. The City will select a contractor(s) based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Cost will be only one factor in determining the selection. Contractors will be evaluated and selected based on experience, price and schedule. Contractor(s) should address these criteria in their proposal.

After the submittals are evaluated and ranked, the City, at its sole discretion, may elect to interview one or more respondents. Please note that respondents may be asked to submit additional documentation. In addition, the City reserves the right to select a proposal without conducting interviews.

If a commitment recommended contractor(s) is identified, it will be to the most qualified respondent contractor(s) with whom the City is able to successfully negotiate the compensation and terms and conditions of any and all agreements.

Once the recommended contractor(s) is selected, staff will make recommendations to The New Fairview City Council. Final selection of a contractor(s), terms and conditions of any and all agreements, and authority to proceed with these services, shall be at the sole discretion of the City.

General Conditions

Potential proposers are advised to become familiar with all conditions, instructions, and specifications of this RFP. By submitting a proposal, contractor(s) represent and warrants that it has thoroughly examined and is familiar with abatement services required under this RFP, that

contractor(s) has conducted such additional investigation as it deems necessary and convenient, that contractor is capable of providing the services requested by the City in a manner that meets the City's objectives and specifications as outlined in this RFP, and that contractor(s) has reviewed and inspected all materials submitted in response to this RFP. Once the contractor(s) has been selected, a failure to have read the conditions, instructions, and specifications herein shall not be cause to alter the contract or for the contractor(s) to request additional compensation.

Non-Discrimination Requirement

By submitting a proposal, the contractor(s) represents that it and its subsidiaries will not discriminate in employment practices or in the delivery of services on the basis of race, color, religion, national origin, sex, sexual orientation, age, marital status, political affiliation or disability.

Conditions of Proposal Acceptance

The RFP is not an offer by the City to contract with a contractor(s) responding to this RFP. This RFP does not commit the City to award a contract, to pay any costs incurred in the preparation of a proposal for this RFP, or to procure or contract for any services. The City reserves the right to waive any irregularities or informalities contained within this RFP, and/ or reject any or all proposals received because of this request; negotiate with any qualified source or to cancel the RFP in part or whole. All proposals and materials submitted will become the property of the City and will not be deemed confidential or proprietary. The City reserves the right to award in whole or in part, by item or group of items, when such action serves the best interest of the City. The City and contractor(s) may agree to add additional abatement services to the agreement by mutual agreement at a later date. The City may elect to stop abatement services at any time in the contract and will pay for abatement services completed to that point on a time and material basis.

Grading of Proposals

CHAPTER 3

ANIMAL CONTROL

Article 3.01	General Provisions.....	3-3
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ARTICLE 3.01 GENERAL PROVISIONS***Sec. 3.01.001 Definitions**

The following words and phrases, for purpose of this chapter, have the following meanings:

Animal. Unless otherwise stated includes any living creature including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal control officer. The person or persons that are qualified and designated by the city to represent and act for the city in the impoundment of animals, controlling of stray animals and as otherwise required in this chapter.

[Animal shelter or city shelter.] The shelter provided for by the city, whether owned by the city or contracted for by the city.

At large. An animal that is not confined on or off the owner's or keeper's premises by a containment device of sufficient strength and/or height to prevent an animal from escaping there from inside the house or other enclosure or secured on said premises by a leash of sufficient strength to prevent the animal from escaping from said premises, and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction. An animal shall not be considered "at large" when held and controlled by some person, physically or by means of a leash or chain of proper strength and length to control the actions of the animal or while confined within a vehicle. An animal in the back of a pick-up truck is not an animal running at large. An animal that answers to commands that is under the command of its owner or trainer while on the property of the owner or other property with permission of property owner may be unconfined if being exercised for play or work.

Auction. Any place or facility where animals are bought, sold or traded except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Building. Any enclosed structure intended for use or occupation as a habitation.

Cats. The word "cats" means cats of all ages, both male and female.

Dogs. The word "dogs" means dogs of all ages, both male and female.

Domestic animals. Any animals that are kept for commercial purposes, i.e., breeding, or production of food, fur, eggs, feathers, or fertilizers, including but not limited to the following: sheep, goats, chickens, ducks and geese or other fowl, and includes livestock.

Enter. The intrusion of the entire body.

Exotic animals. Any mammal, amphibian, reptile or fowl which is not naturally tame or gentle and is generally not found in the wild in the continental United States and those regulated and defined by the state department of parks and wildlife as exotic.

* **State law references**—Authority of governing body to regulate animals, V.T.C.A., Local Government Code, sec. 215.025 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code, ch. 821 et seq.

Fowl. Chickens, turkeys, pheasants, quail, geese, ducks, or similar tethered [feathered] animals regardless of age, sex or breed.

Habitation. A structure that is adapted for the overnight accommodation of persons and includes the following:

- (1) Each separately secured or occupied portion of the structure; and
- (2) Each structure appurtenant to or connected with the structure.

Livestock. Domesticated animals normally kept for farm purposes, including but not limited to cattle, horses, sheep, goats and pigs.

Nuisance. Any thing or animal which is injurious to the health or morals or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.

Owner. Any person who has legal or equitable title to any animal, harbors or keeps any animal in his possession, or who permits any animal to remain on or about his premises.

Pet shop. Any person, partnership or corporation, whether operated separate or in connection with another business enterprise except a licensed kennel, that buys, sells or boards any species of pets.

Possession. Actual care, custody, control or management of a certain animal.

Premises. The grounds and all buildings and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Public place. Any place to which the public or a substantial group of the public has access and includes but is not limited to streets, sidewalks, highways, alleyways, parks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Rabies vaccination. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and/or department of state health services and administered by a veterinarian licensed to practice in the state.

Stray. To wander upon a public place or the property of another person.

Vicious animal. Any unprovoked animal, whether on public or private property, who approaches a person or domestic animal and exhibits vicious or terrorizing behavior in an apparent attitude of attack, whether it inflicts injury or not. Vicious animal includes, but is not limited to, any dog with a known propensity to attack without provocation or otherwise cause injury or endanger the safety of human beings or other domestic animals and a dog trained, owned, or harbored for the purposes of dog fighting.

Wild animals. All animals and reptiles which commonly exist in a natural, unconfined state and are usually not domesticated, regardless of the circumstances or duration of captivity. Examples of wild animals include but are not limited to the following: lions, tigers, bobcats, cougars, panthers, leopards, cheetahs, bears, javelinas, wolves, coyotes, elephants, gila monsters, water

moccasins, coral snakes, rattlesnakes, copperheads, king cobras, any poisonous snake or reptile, pythons, boa constrictors, crocodiles and alligators.

(Ordinance 2000-13-0073, sec. I, adopted 8/14/00)

Sec. 3.01.002 Penalty

(a) It shall be unlawful for any person, firm or corporation to violate the provisions of this chapter. Any such violation shall constitute a misdemeanor, and upon conviction thereof shall be punished by fine in accordance with the general penalty provision found in section 1.01.009 of this code.

(b) Each and every day that a violation of this chapter continues shall constitute a separate offense.

(Ordinance 2000-13-0073, sec. IX, adopted 8/14/00)

Sec. 3.01.003 Enforcement

(a) The enforcement of this article shall be the responsibility of the chief of police and his designated animal control officer(s).

(b) Any police officer, the animal control officer, ordinance officer, and the local health official shall have authority to issue citations for violation of the provisions of this chapter.

(c) It shall be unlawful for any person to interfere with any authorized officer performing duties under this chapter.

(Ordinance 2000-13-0073, sec. VIII, adopted 8/14/00)

Sec. 3.01.004 Citations; authority of animal control officers

(a) Citations; right of entry; interference with animal control officer.

- (1) The animal control officer shall have the authority to issue citations for any violation of this chapter.
- (2) It shall be unlawful for any person upon being issued a citation to intentionally or knowingly give the animal control officer other than his true name and address.
- (3) It shall be unlawful to intentionally or knowingly fail to appear in accordance with the terms of a citation issued by the animal control officer.
- (4) If the person being cited is not present, the animal control officer may send the citation to the alleged offender by certified or registered mail, return receipt requested, whereupon service shall be deemed complete.
- (5) It shall be unlawful for any person to intentionally or knowingly interfere with the animal control officer in the performance of his duties.

- (6) The animal control officer shall have right of ingress and egress on private property for the purpose of apprehending an animal at large.

(b) Authority to carry tranquilizer guns. When acting in the course and scope of his employment the animal control officer shall be and is hereby authorized to carry on his person, or in his city vehicle, loaded tranquilizer guns approved by the director of animal control and not in violation of any provision of the Texas Penal Code or any other applicable state law.

(Ordinance 2000-13-0073, sec. IV(B), (C), adopted 8/14/00)

Sec. 3.01.005 Rabies control

(a) Vaccination of dogs and cats required. All dogs and cats within the city, four (4) months of age or over, shall be vaccinated. Such vaccination certificate shall reflect the name of the owner, his address, a description of the dog or cat, the date of the vaccination, the number of the vaccination tag and the kind of vaccination used. The veterinarian shall furnish the owner with a metal tag; on one side shall be stamped the words "Vaccinated against Rabies" and the date of the vaccination; this tag shall be securely attached to the collar or harness of the dog or cat at all times.

(b) Reporting of rabies cases; confinement of suspected rabid animals. It shall be the duty of the owner, custodian, or the veterinarian to report to the city shelter all cases of rabies or suspected rabies of which any of the persons have knowledge. Any animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies, shall be immediately released by the owner to the city for confinement in the shelter or, immediately upon facts having come to the attention of the owner or custodian of such animal with respect to its being rabid or having been exposed to rabies, such dog, cat or other animal shall be immediately and securely quarantined and kept under supervision of the city shelter for a period of not less than ten (10) days.

(c) Confinement of animal that has bitten person.

- (1) When a dog, cat or other animal has bitten, scratched or otherwise attacked a person, that person or anyone having knowledge of such incident shall immediately notify the city and such dog, cat or other animal shall be confined in the shelter or at a veterinary hospital for a period of ten (10) days at the expense of the owner, and such dog, cat or other animal shall, during such period of confinement, be subject to inspection by city personnel, or a licensed veterinarian. If, after the ten (10) day period, the owner fails to pick up the animal, the owner is notified and granted five (5) additional days to pick up the animal at a charge in accordance with the current fee schedule adopted by the city council. After this time limit, the city shelter can then adopt or dispose of the animal.
- (2) If the animal in question has a valid and current vaccination, the owner shall have authority to secure the animal on his own property, provided that the animal be inspected by a veterinarian at the end of the quarantine period.

(d) Quarantine fee. The owner of any dog or cat held in quarantine for observation purposes shall be charged a fee in accordance with the current fee schedule adopted by the city council. This fee is in addition to any impoundment fee.

(Ordinance 2000-13-0073, sec. II, adopted 8/14/00)

State law references—Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.; rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.

Sec. 3.01.006 Animals at large; impoundment

(a) Dogs running at large. Any person owning, possessing, or keeping a dog or dogs within the city, vaccinated or unvaccinated, shall confine such dog or dogs within an adequate fence or enclosure, or within a house, garage or other building, or shall keep such dog or dogs confined by a leash or chain affixed to the dog's collar and attached to some stationary object adequate to prevent the dog or dogs from running at large.

(b) Impounding of dogs. The animal control officer shall take into custody any dog found at large in the city, and shall impound the dog in the city shelter. Such impounded dog shall be held for a period of three (3) days, and at the end of the time, if the dog has not been claimed and the proper fee paid as prescribed herein, the dog shall be adopted or disposed of.

(c) Authority to kill, impound or destroy animals. The animal control officer shall have authority to do the following:

- (1) Kill an animal which poses an imminent danger to a person or property and a real or apparent necessity exists for the destruction of the animal.
- (2) Impound an animal that is diseased and endangers the health and welfare of another animal or person.
- (3) Destroy an impounded animal if the animal control officer determines that recovery of the animal is doubtful due to injury or disease.

(d) Impoundment fees.

- (1) The owner of an impounded animal will pay fees in accordance with the current fee schedule adopted by the city council in order to redeem such animal.
- (2) A handling charge in accordance with the current fee schedule adopted by the city council will be added to the above amount before redemption of the animal.
- (3) Any person claiming an animal that has not been vaccinated for rabies within the last year shall pay an impoundment fee in accordance with the current fee schedule adopted by the city council. Before releasing the animal, the owner shall sign a promise in writing that the animal will be vaccinated for rabies immediately upon release from the shelter. The animal control officer shall keep such a statement in a safe place and, upon receiving proof of the vaccination within five (5) days, shall refund the difference above the normal amount owed. Should such a statement be signed and the animal is impounded again, and the animal not having been vaccinated as promised, then the impoundment fee shall be in accordance with the current fee schedule adopted by the city council. Upon each subsequent impoundment of such animals, [if] the same not have been vaccinated, an additional fee shall be assessed in accordance with the current fee schedule adopted by the city council.

(e) Euthanasia request. If the lawful owner of an animal requests euthanasia due to probable reasons, the owner must first sign the required forms. The city shelter will pay for euthanasia.

(f) Adoption.

- (1) A person who desires to adopt an animal from the shelter shall:
 - (A) Pay an adoption fee in accordance with the current fee schedule adopted by the city council;
 - (B) Pay any license fee if required;
 - (C) Have the animal vaccinated for rabies within five (5) days after adoption; and
 - (D) Have the animal spayed or neutered within fourteen (14) days after adoption, providing the animal is of the proper age for such procedure.
- (2) The city shelter shall make the final determination whether a dog or cat is healthy enough for adoption. However, such a decision by the animal control officer to permit adoption of a particular dog or cat shall not constitute a warranty, expressed or implied, of the health or age of the animal.

(Ordinance 2000-13-0073, sec. III, adopted 8/14/00)

State law reference—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

Sec. 3.01.007 Nuisances

(a) Noisy animals. No person shall willfully or knowingly keep or harbor on his premises or elsewhere any animal or fowl of any kind that makes or creates an unreasonable disturbance of the neighbors or the occupants of adjacent premises or persons living in the vicinity thereof or persist [permit] such animal to make or create disturbing noises by howling, barking, crowing, bawling or otherwise. A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by the city shelter or any police officer of such disturbance and shall have failed or refused to correct such disturbance and prevent its recurrence.

(b) Unsanitary of offensive conditions. The harboring of any animal in such a manner as to endanger the public health by the accumulation of animal wastes which create foul and offensive odors or create a breeding place for flies or mosquitoes.

(c) Trespasses by animal. It shall be unlawful for any person to maintain any animal in any area which constitutes a nuisance by reason of repeated trespasses on public or private property.

(Ordinance 2000-13-0073, sec. IV(A), adopted 8/14/00)

Sec. 3.01.008 Confinement of stray animal by individual

If a stray animal is found upon the premises of another, the occupant of the premises may confine the animal only for so long as reasonably necessary to notify the shelter and have the animal impounded. In attempting to confine the animal, the occupant shall not use any force that is intended or known by the occupant to cause, or in the manner of its use is capable of causing, death or injury to the animal. (Ordinance 2000-13-0073, sec. V(A), adopted 8/14/00)

Sec. 3.01.009 Abandonment of animal

It shall be unlawful for any person to intentionally or knowingly abandon any animal within the corporate limits of the city. (Ordinance 2000-13-0073, sec. V(B), adopted 8/14/00)

Sec. 3.01.010 Cruelty

(a) Confinement of animal in motor vehicle or trailer. It shall be unlawful for any person to intentionally or knowingly confine or allow to be confined any animal in a motor vehicle or trailer under such conditions or for such a period of time as may endanger the health or well-being of the animal due to heat, lack of food or water or any other circumstance which causes suffering, disability or death of the animal.

(b) Inspection of premises where animals are kept. Premises where livestock, fowl or pets are kept or maintained shall be subject to inspection, upon receiving a complaint, by the city shelter at any reasonable hour of the day while in the presence of the owner.

(c) Cruelty to animals. No person shall overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal, or cause any of these acts to be done.

(d) Poisoning animals. No person shall in any place accessible to birds, dogs, cats or other animals, with the intent to kill or harm such animals, place any substance which has in any manner been treated with any poisonous substance.

(e) Fighting. No person shall maintain any place where fowls or any animals are suffered to fight upon exhibition, or for sport upon wager.

(f) Tying dogs. It shall be unlawful to tie or tether a dog to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the city shelter.

(g) Food and shelter. No person shall fail to provide any animal in his charge or custody with sustenance, drink and protection from these elements, or cause any of these acts to be done.

(Ordinance 2000-13-0073, sec. VI, adopted 8/14/00)

State law references—Cruelty to livestock animals, V.T.C.A., Penal Code, sec. 42.09; cruelty to nonlivestock animals, V.T.C.A., Penal Code, sec. 42.092; unlawful restraint of dog, V.T.C.A., Health and Safety Code, sec. 821.076 et seq.

Sec. 3.01.011 Livestock prohibited in certain places; riding horses on street

It shall be unlawful for any person to ride or allow any type of livestock upon any public school grounds, college grounds, public park property or municipal grounds within the city except those

designated as bridle paths or other designated riding exhibiting areas for animals. On streets, horses shall be ridden as close as possible to the curb and in no event shall horses be allowed on highways. It shall be unlawful for any person to ride or allow any type of livestock upon the property of another within the city except with the express consent of the owner or person in charge of such property obtained prior therein. (Ordinance 2000-13-0073, sec. X(A), adopted 8/14/00)

Sec. 3.01.012 Breeding livestock

It shall be unlawful for any person to intentionally or knowingly keep for breeding purposes or employ for breeding purposes any jack, bull, stallion, ram, he-goat or other livestock within 2 acres or less. (Ordinance 2000-13-0073, sec. X(B), adopted 8/14/00)

Sec. 3.01.013 Herding animals in public place

It shall be unlawful for any person to intentionally or knowingly move herds of animals along or upon any public place within the corporate city limits without the permission of the city council, except that this section shall not be applicable to any officer, agent or employee of the federal, state or local government if such herding is done in the performance of his official duties. (Ordinance 2000-13-0073, sec. X(C), adopted 8/14/00)

Sec. 3.01.014 Keeping livestock

(a) Hogs. It shall be unlawful for any person to intentionally or knowingly feed or keep any species of swine in any lot, pen, building, stable or other enclosure in the city, any part of which lot, pen, building, stable or other enclosure is nearer than one hundred (100) feet to any neighboring habitat. Only one pig is allowed per every five acres.

(b) Other animals. It shall be unlawful for any person to intentionally or knowingly feed, stable, pasture or keep any cow, goat, horse, mule, donkey, sheep or other livestock, except swine, in any lot, pen, building, stable or other enclosure in the city, any part of which lot, pen, building, stable or other enclosure is within two hundred (200) feet of any building. Only one head of livestock is allowed per acre.

(Ordinance 2000-13-0073, sec. X(D), adopted 8/14/00)

Sec. 3.01.015 Keeping fowl

It shall be unlawful for any person to intentionally or knowingly keep any chicken, turkey, guinea, goose, duck, quail, pheasant or other game fowl in any fenced yard or enclosure, any part of which is within one hundred (100) feet of any neighboring habitat in the city. (Ordinance 2000-13-0073, sec. X(G), adopted 8/14/00)

Sec. 3.01.016 Keeping bees

It shall be unlawful for any person to knowingly keep bees in such a manner as to deny the reasonable use and enjoyment of adjacent property or endanger the personal health and welfare of the inhabitants of the city. Bees shall not be kept in subdivisions of the city. (Ordinance 2000-13-0073, sec. X(H), adopted 8/14/00)

Sec. 3.01.017 Killing or injuring birds

It shall be unlawful for any person to intentionally kill, injure or administer poison to any bird, excluding fowl, whatsoever within a subdivision of the city without express permission of the city council. (Ordinance 2000-13-0073, sec. X(E), adopted 8/14/00)

Sec. 3.01.018 Killing, injuring or capturing animals on public property

Except as may be otherwise provided in this chapter, it shall be unlawful to intentionally or knowingly interfere with, injure, capture or kill any animal within any public park, driveway, street or other public property of the city except by permission of the city council; provided that this section shall not apply to harmful rodents, reptiles or insects. (Ordinance 2000-13-0073, sec. X(F), adopted 8/14/00)

Sec. 3.01.019 Disposal of dead animals

It shall be unlawful for any person to place, put or leave a dead animal upon a public place, street, alley, right-of-way or public way or in any solid waste container or upon the property of another person without the other person's consent. (Ordinance 2000-13-0073, sec. X(I), adopted 8/14/00)

ARTICLE 3.02 DANGEROUS DOGS*

Sec. 3.02.001 Definition

As used in this chapter, "dangerous dog" means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause bodily injury to that person or domestic animal.

(Ordinance 2000-13-0073, sec. VII(A), adopted 8/14/00)

Sec. 3.02.002 Determination that dog is dangerous

(a) Investigation and determination. If a person reports an unprovoked attack as described in section 3.02.001, the chief of police or his or her designee may investigate the incident. If, after receiving the sworn statements of any witnesses, the chief of police or his or her designee determines that the dog is a dangerous dog, he/she shall notify the owner of that fact.

(b) Appeals. An owner, not later than the 30th day after the date the owner is notified that his/her dog is a dangerous dog, may appeal the determination of the chief of police or his or her designee to court of competent jurisdiction. An owner may appeal the decision of else [sic] municipal court in the same manner as for other civil cases.

* **State law reference**—Dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.

(Ordinance 2000-13-0073, sec. VII(B), adopted 8/14/00)

Sec. 3.02.003 Requirements for owner

(a) Not later than the 30th day after a person learns that he/she is the owner of a dangerous dog, he/she shall:

- (1) Register the dangerous dog with the chief of police or his or her designee;
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
- (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(b) For purposes of this article, a person learns that he/she is the owner of a dangerous dog when:

- (1) The owner knows of an attack described in section 3.02.001; or
- (2) The owner is informed by the chief of police or his or her designee that the dog is a dangerous dog.

(Ordinance 2000-13-0073, sec. VII(C), adopted 8/14/00)

Sec. 3.02.004 Registration

(a) The chief of police or his or her designee shall formally register a dangerous dog if the owner [submits the following]:

- (1) The names, address and telephone number of persons owning, keeping or harboring a dangerous animal;
- (2) Name and general description of each dangerous animal, which general description shall include name, sex, weight, color, breed, height and length along with any other discernible features;
- (3) Presents proof of:
 - (A) Liability insurance or financial responsibility as required by section 3.02.003(a)(3);
 - (B) Current rabies vaccination of the dangerous dog; and
 - (C) The secure enclosure in which the dangerous dog will be kept; and
- (4) Pays an annual registration fee in accordance with the current fee schedule adopted by the city council.

(b) The chief of police or his or her designee shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address within the city, he/she, not later than the 14th day after the date of sale or move, shall notify the chief of police or his or her designee. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee in accordance with the current fee schedule adopted by the city council, the chief of police or his or her designee shall issue a new registration tag to be placed on the dog's collar.

(d) Every owner of a registered dangerous dog shall notify the chief of police or his or her designee by whom the dog was registered of any attacks the dangerous dog makes on people.

(e) The animal control officer shall impound any such animal found within the corporate city limits after the time for appeal has lapsed, or after twenty-four (24) hours from the rendering of an affirming order of the city council.

(Ordinance 2000-13-0073, sec. VII(D), adopted 8/14/00)

Sec. 3.02.005 Attacks by dangerous dog

(a) A person commits an offense if his/her dangerous dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person. Should the attack cause serious bodily injury or death, the person may be subject to other criminal prosecution under the laws of the state in a court of competent jurisdiction.

(b) If a person is found guilty of an offense under this article, the court may order that the dangerous dog be destroyed.

(c) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed ten thousand dollars (\$10,000.00). The city attorney may file suit in a court of competent jurisdiction to collect the penalty. The city shall retain penalties collected under this subsection.

(Ordinance 2000-13-0073, sec. VII(E), adopted 8/14/00)

Sec. 3.02.006 Defenses

(a) It is a defense to prosecution under this article that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

(b) It is a defense to prosecution under this article that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes and such person has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

(c) It is a defense to prosecution under this article that the person is a dog trainer or an employee of a guard dog company under the Private Security Act, V.T.C.A., Occupations Code, chapter 1702, and while performing the duties of that position.

(Ordinance 2000-13-0073, sec. VII(F), adopted 8/14/00)

CHAPTER 7

HEALTH AND SANITATION

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ARTICLE 7.01 GENERAL PROVISIONS***(Reserved)****ARTICLE 7.02 TRASH, WEEDS AND OTHER UNSANITARY CONDITIONS†****Sec. 7.02.001 Storing or keeping garbage, trash or junk; dumping****(a) Prohibited acts and conditions.**

- (1) Storing or keeping garbage, trash and rubbish. The storing or keeping of any and all stacks, heaps or piles of old lumber, refuse, junk, old cars or machinery or parts thereof, garbage, trash, rubbish, scrap material, ruins, demolished or partially demolished structures or buildings, or piles of stones, bricks or broken rocks on any premises bordering any public street in the city so as to produce an unsightly and ugly appearance or which may harbor reptiles or rodents, create a fire hazard or result in unsanitary conditions is hereby declared to be a public nuisance and unlawful.
- (2) Dumping. The dumping, unauthorized placing or depositing of any trash, rubbish, garbage, tin cans, refuse, grass, weeds, scrap materials, offal, dead animals or junk in or upon any street, alley, sidewalk, branch, creek, ditch or gutter or along or upon the sides thereof in the city is hereby declared to be a public nuisance and unlawful.

(b) Notice of violation; abatement by city.

- (1) Notice of violation. If the owner of property fails or refuses to comply with subsection (a) of this section, the city shall give written notice to the property owner. The notice shall be delivered to the owner or mailed to the owner's post office address. If delivery in person is not possible or if the owner's post office address is unknown, notice shall be given by publication in the local newspaper at least twice within ten (10) consecutive days.
- (2) City may correct violation. If, at the expiration of ten (10) days after delivery, mailing or publication of the notice, the owner fails to correct the violation, the city may enter upon the property and do the work, or pay for the work to be done, as necessary to correct the violation.
- (3) Owner assessed costs. A statement of the costs incurred by the city in correcting a violation shall be mailed to the property owner. The costs shall include an administrative fee in the amount set forth in the fee schedule in appendix A of this code. The statement shall be due within thirty (30) days of the date of mailing.

* **State law references**—Authority to enforce laws to protect public health, V.T.C.A., Health and Safety Code, sec. 121.003; local regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342; minimum standards of sanitation and health protection, V.T.C.A., Health and Safety Code, ch. 341; authority of city to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002.

† **State law references**—Municipal regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342; illegal dumping, V.T.C.A., Health and Safety Code, sec. 365.012.

- (4) Lien to secure costs. If the statement is not timely paid, the city may file a statement with the county clerk of the costs incurred, including administrative costs. Upon filing the statement, the city shall have a privileged lien on the land upon which the costs were incurred, second only to tax liens and liens for street improvements. The amount of the lien shall include ten (10) percent on the delinquent amount from the date payment was made by the city. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city. To collect the costs, suit may be instituted and recovery and foreclosure had in the name of the city.
- (5) Appeal of costs imposed. Within fifteen (15) days of the date the statement of costs is mailed to the owner of the premises, the owner may appeal the reasonableness of the charges billed for abating the condition to the city council by filing a written statement with the city mayor or his designee, stating why the charges are unreasonable. The appeal shall be submitted to the city council for its review within a reasonable time after filing. If the council finds the charges unreasonable, it shall assess the costs as it deems reasonable. The administrative charge shall not be appealable.

(Ordinance 1998-05-0014, secs. 4-3, 4-3.1, adopted 3/9/98; Ordinance adopting Code)

Sec. 7.02.002 Removal of heavy accumulations of debris

Heavy accumulations such as brick, broken concrete, rocks, stones, ashes, lumber, clinkers, cinders, dirt, plaster, sand, gravel, automobile frames, dead trees and other bulky, heavy material shall be disposed of as required by the city at the expense of the owner or person controlling same or upon payment of the actual cost of such removal plus ten (10) percent of such cost to the city. (Ordinance 1998-05-0014, sec. 4-4, adopted 3/9/98)

Sec. 7.02.003 Duty to keep sidewalk, parkway and alleyway clean

(a) It shall be unlawful for any owner, tenant, or lessee of a premises to allow grass, weeds, or other vegetation over twelve (12) inches in height, trash, rubbish, filth, or debris to be upon the abutting or adjacent sidewalk, parkway, or alleyway.

(b) Any such materials shall be removed by the owner, tenant, or lessee of the premises and placed in trash receptacles or disposed of in a manner as required by this code.

(c) It is a defense to prosecution hereunder that:

- (1) The premises are unfenced and are maintained in a manner consistent with the provisions of this section at all points on the premises within one hundred (100) feet from the edge of any open street.
- (2) The premises are fenced and are maintained in a manner consistent with the provisions of this section at all points from the street to the fence or one hundred (100) feet from the edge of any open street, whichever is the less distance.
- (3) The vegetation which is over twelve (12) inches in height is wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.

(d) Failure to comply with the requirements of this section shall be and hereby is declared to constitute a nuisance subject to citation or abatement as provided in this article.

(Ordinance 1998-05-0014, sec. 4-5, adopted 3/9/98)

State law reference—Authority of type A general-law municipality to require removal of weeds, unclean matter or trash from street, sidewalk or gutter, V.T.C.A., Transportation Code, sec. 311.003.

Sec. 7.02.004 Grass and weeds

(a) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises containing less than five (5) acres of land in the city and permits weeds, grass, or other vegetation located on the premises to grow to a height greater than twelve (12) inches.

(b) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises containing five (5) acres of land or more and which contains habitable buildings in the city and permits weeds, grass, or other vegetation located within one hundred (100) feet of the buildings to grow to a height greater than twelve (12) inches.

(c) It shall be a defense to prosecution under this section that the vegetation is any of the following:

- (1) Agricultural crops, except grass or hay;
- (2) Cultivated trees;
- (3) Cultivated shrubs;
- (4) Flowers or other decorative ornamental plants under cultivation; or
- (5) Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.

(d) It shall be the duty of any person having supervision or control of any lot, tract, or parcel of land, or any portion thereof, to cut or cause to be cut and removed as necessary to comply with this section, all such grass, weeds, or vegetation on the property as often as may be necessary to comply with the provisions of this section.

(e) The provisions of this section shall be applicable to all railroad rights-of-way within the city.

(Ordinance 1998-05-0014, sec. 4-12, adopted 3/9/98; Ordinance 2007-12-127, sec. 1, adopted 9/18/07)

CHAPTER 8

OFFENSES AND ADDITIONAL PROVISIONS

Article 8.01	General Provisions.....	8-3
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ARTICLE 8.01 GENERAL PROVISIONS***(Reserved)****ARTICLE 8.02 WEAPONS†****Sec. 8.02.001 Discharge of firearms**

- (a) Handguns or rifles. It shall be illegal for any person to discharge a handgun or rifle on property that is less than ten (10) acres in size.
- (b) Shotguns. It shall be unlawful for any citizen to discharge a shotgun on any lot which is less than 0.75 acres in size.
- (c) Penalty. Any person, individual, firm, corporation or association violating any provision of this section shall be deemed guilty of a misdemeanor, and shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00). Each and every day such violation shall continue shall be deemed a separate offense.

(Ordinance 2009-06-145 adopted 10/20/09)

ARTICLE 8.03 NOISE****Sec. 8.03.001 Prohibited noise**

- (a) It shall be unlawful for any person to make or cause any unreasonably loud, disturbing, unnecessary noise which causes or may cause material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.
- (b) It shall be unlawful for any person to make or cause any noise of such character, intensity and continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.
- (c) The following acts, among others, are declared to be noise nuisances in violation of this code, but such enumeration shall not be deemed to be exclusive:

* **State law references**—Authority of governing body to adopt ordinance, rule or police regulation for the good government, peace or order of municipality, V.T.C.A., Local Government Code, sec. 51.001; authority of city to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002; nuisances and general sanitation, V.T.C.A., Health and Safety Code, sec. 341.011 et seq.; municipal regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342.

† **State law references**—Authority of municipality regarding firearms and explosives, V.T.C.A., Local Government Code, sec. 229.001; limitation of authority to prohibit discharge of firearms or other weapons in extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 229.002; disorderly conduct, V.T.C.A., Penal Code, sec. 42.01; weapons, V.T.C.A., Penal Code, ch. 46.

** **State law references**—Authority of municipality to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code, sec. 217.003; disorderly conduct, V.T.C.A., Penal Code, sec. 42.01.

- (1) The playing of any phonograph, television, radio or any musical instrument in such manner or with such volume, particularly between the hours of 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence;
- (2) The use of any stationary loudspeaker, amplifier or musical instrument in such manner or with such volume as to annoy or disturb persons of ordinary sensibilities in the immediate vicinity thereof, particularly between the hours of 10:00 p.m. and 7:00 a.m., or the operation of such loudspeaker, amplifier or musical instrument at any time on Sunday; provided, however, that the city council may make exceptions upon application when the public interest will be served thereby;
- (3) The blowing of any steam whistle attached to any stationary boiler or the blowing of any other loud or far-reaching steam whistle within the city limits, except to give notice of the time to begin or stop work or as a warning of danger;
- (4) The erection, excavation, demolition, alteration, or repair work on any building at any time other than between the hours of 6:00 a.m. and 8:30 p.m. Monday through Friday from June 1 to September 30; between 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday; provided, however, that the city council may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience;
- (5) The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers;
- (6) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noises to any performance, show, theater, motion picture house, sale of merchandise or display which causes crowds of people to block or congregate upon the sidewalks or streets near or adjacent thereto.

(Ordinance 1998-05-0014, sec. 4-1, adopted 3/9/98)

ARTICLE 8.04 ODORS

Sec. 8.04.001 Odor nuisances

- (a) It shall be unlawful for any person to create or cause any unreasonably noxious, unpleasant or strong odor which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.
- (b) It shall be unlawful for any person to create or cause any odor, stench or smell of such character, strength or continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.
- (c) The following acts or conditions, among others, are declared to be odor nuisances in violation of this code, by such enumeration shall not be deemed to be exclusive:

- (1) Offensive odors from cow lots, hog pens, fowl coops and other similar places where animals are kept or fed which disturb the comfort and repose of persons of ordinary sensibilities;
- (2) Offensive odors from privies and other similar places;
- (3) Offensive odors from the use or possession of chemicals or from industrial processes or activities which disturb the comfort and repose of persons of ordinary sensibilities;
- (4) Offensive odors from smoke from burning trash, rubbish, rubber, chemicals or other things or substances;
- (5) Offensive odors from stagnant pools allowed to remain on any premises or from rotting garbage, refuse, offal or dead animals on any premises.

(Ordinance 1998-05-0014, sec. 4-2, adopted 3/9/98)

ARTICLE 8.05 ABANDONED OR JUNKED VEHICLES*

Sec. 8.05.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle that is inoperable and more than five (5) years old and left unattended on public property for more than forty-eight (48) hours or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours or a motor vehicle which has remained on private property without the consent of the owner or person in control of such property for more than forty-eight (48) hours or a motor vehicle left unattended on the right-of-way of a designated county, state or federal highway within this state for more than forty-eight (48) hours or for more than twelve (12) hours on a turnpike project constructed and maintained by the state turnpike authority.

Antique auto means a passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least thirty-five (35) years old.

Junked vehicle has the same definition as established in section 683.071 of the Texas Transportation Code.

Motor vehicle means a motor vehicle subject to registration under the Certificate of Title Act, V.T.C.A., Transportation Code, chapter 501, except that for purposes of sections 8.05.002 and 8.05.003, "motor vehicle" includes a motorboat, outboard motor or vessel subject to registration under V.T.C.A., Parks and Wildlife Code section 31.001 et seq.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

* **State law reference**—Regulation of abandoned and junked motor vehicles, V.T.C.A., Transportation Code, sec. 683.001 et seq.

(Ordinance 1998-05-0014, sec. 4-6, adopted 3/9/98; Ordinance 2007-04-119 adopted 3/20/07)

Sec. 8.05.002 Authority to take possession of abandoned vehicles

The police department may take into custody an abandoned motor vehicle found on public or private property. (Ordinance 1998-05-0014, sec. 4-7, adopted 3/9/98)

Sec. 8.05.003 Notice to owner and lienholders that abandoned vehicle has been taken into custody

When an abandoned motor vehicle is taken into custody, the police department shall notify, not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act, V.T.C.A., Transportation Code, chapter 501, or V.T.C.A., Parks and Wildlife Code 31.001 et seq., that [the vehicle has been taken into custody. The notice shall set forth] the vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, and inform the owner and any lienholders of their right to reclaim the motor vehicle not later than the twentieth (20th) day after the date of the notice, on payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, or garagekeeper's charges if notice is under chapter 683 of the Texas Transportation Code. (Ordinance 1998-05-0014, sec. 4-8, adopted 3/9/98)

Sec. 8.05.004 Abatement of junked vehicles

(a) Authorized. The city may abate and remove a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or public rights-of-way as provided in this section.

(b) Notice to remove vehicle on private property. For such nuisance on private property, the city shall give not less than ten (10) days' notice stating the nature of the public nuisance on private property, that it must be removed and abated within ten (10) days and that a request for a hearing must be made before expiration of the ten-day period. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant or occupant [sic] of the private premises on which the public nuisance exists. If any notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.

(c) Notice to remove vehicle on public property. For such nuisance on public property, the city shall give not less than ten (10) days' notice, stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within ten (10) days and that a request for a hearing must be made before expiration of the ten-day period. The notice shall be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record and the owner or occupant or occupant [sic] of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.

(d) Vehicles not to be made operable after removal. The vehicle may not be reconstructed or made operable after it has been removed.

(e) Hearing. A public hearing shall be held before the removal of the vehicle or vehicle part as a public nuisance. The hearing shall be held before the city council or official as designated by the city council, if a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within ten (10) days after service of notice to abate the nuisance. A resolution or order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.

(f) Notice to state department of transportation. Notice shall be given to the state department of transportation not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title to the vehicle pursuant to the Certificate of Title Act, V.T.C.A., Transportation Code, chapter 501.

(g) Exceptions. The procedures in this section shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(Ordinance 1998-05-0014, sec. 4-9, adopted 3/9/98)

Sec. 8.05.005 Disposal of junked vehicles

A junked vehicle or vehicle part may be disposed of by removal to a scrap yard, demolisher or any suitable site operated by the city for processing as scrap or salvage. The process of disposal must comply with the provisions of section 8.05.004. The city may transfer the vehicle or vehicle parts to a disposal site if the disposal is only as scrap or salvage. (Ordinance 1998-05-0014, sec. 4-10, adopted 3/9/98)

Sec. 8.05.006 Enforcement

The person authorized by the city council to administer the procedures authorized by this article may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. (Ordinance 1998-05-0014, sec. 4-11, adopted 3/9/98)



**City Council Agenda
November 15, 2021**

Agenda Item:

(Executive Session Items)

Agenda Description:

1. The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) the Texas Public Information Act ("TPIA") as it applies to the Council members, board and/or commission members, and City staff and legal issues related to the TPIA; and (ii) the Texas Open Meetings Act ("TOMA") as it applies to the Council members and board and/or commission members and legal issues related to the TOMA.
2. The Council will conduct an executive, or closed, session pursuant to Section 551.074 - Personnel Matters; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee; (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing: City Administrator
3. The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) potential litigation related to the removal of Monica Rodriguez and legal issues related thereto.

Financial Information:

Unknown at this time.

City Contact and Recommendation:

Ben Nibarger, City Administrator

N/A

Attachments:

Plaintiff's Original Petition

Notice of Initial Dismissal Hearing

City Administrator's Report to Council - City Secretary matter

Independent HR Investigation - Report to Council

1 CIT/ ES/ JURY DEMAND

DC-21-16250

Cause No. _____

MONICA RODRIGUEZ,

Plaintiff,

v.

CITY OF NEW FAIRVIEW,

Defendant.

§ **IN THE DISTRICT COURT**

§

§ 193rd

§

§ _____ **JUDICIAL DISTRICT**

§

§

§

§ **DALLAS COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Monica Rodriguez files this Original Petition against Defendant City of New Fairview under the Texas Whistleblower Act, Government Code Ch. 554, for the illegal suspension and termination of her position as City Secretary, and other retaliatory actions intended to punish Plaintiff and deter others from governmental whistleblowing, as a direct response to her complaints of malfeasance, discrimination, and other violations of federal law, state law, and local ordinances by City Manager Ben Nibarger. Plaintiff requests reinstatement, other equitable and injunctive relief, damages, interest, attorneys' fees, and costs for Defendant's unlawful acts.

I. DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under Level 2 of Texas Rule of Civil Procedure 190.3.

2. Pursuant to Texas Rule of Civil Procedure 47, Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000.

II. PARTIES AND SERVICE

3. Plaintiff Monica Rodriguez is a resident of Wise County, Texas.

4. Defendant City of New Fairview, ("the City" or "Defendant") is a Type A general-law municipality in Wise County, Texas. The City may be served with process pursuant to Texas

Civil Practice and Remedies Code § 17.024(b) via its Mayor, Nolan Schoonmaker, City Hall, 999 Illinois Street, Rhome, Texas 76078, or wherever he may be found.

III. VENUE & JURISDICTION

5. Venue in Dallas County is proper under the Texas Whistleblower Act, Tex. Govt. Code § 554.007(b), because Dallas County is a county in the same geographic area that has established with Wise County, as the county in which Plaintiff's causes of action arise, a council of governments or other regional commission under Chapter 391, Local Government Code, namely, the North Central Texas Council of Governments.

6. In compliance with the Texas Whistleblower Act, Government Code § 554.006, on September 13, 2021, Plaintiff timely filed a formal grievance with the City pursuant to Section 9 of the City's Employee Policy and Procedure Manual, in response to the August 9, 2021 suspension of her employment and notification by Nibarger that he intended on seeking the termination of her employment. Her grievance was effectively denied four days later upon notification that the City had instituted formal proceedings to terminate Plaintiff's employment under Local Government Code § 22.007. This lawsuit is being filed within ninety (90) days of the August 9, 2021 suspension of her employment, in compliance with Government Code § 554.005. Thus, all administrative prerequisites have been met or have expired.

7. This controversy is within the jurisdictional limits of this Court.

IV. FACTUAL SUMMARY

8. Plaintiff, who is 41 years of age and Hispanic, began working as City Secretary in March 2002.

9. Plaintiff's tenure was devoid of disciplinary issues until July 2020, when Ben Nibarger, Anglo-Caucasian, became City Administrator.

10. Upon his hiring, Nibarger told Plaintiff that as long as City Clerk Brooke Boller, who is 31 years of age and Anglo-Caucasian, was at the office, Plaintiff could work from home. However, soon after that conversation, Nibarger consistently yelled at Plaintiff while showing preferential treatment to Boller.

11. Around the same time Nibarger was hired, Plaintiff began struggling with the effects of an unknown medical issue causing rapid weight loss, severe loss of energy, and fatigue.

12. After the City Council approved Nibarger's five-year contract, Plaintiff observed that Nibarger began misappropriating City funds and the City credit card for unauthorized usage, including passing on repair costs to the City for over \$1,000 – which he had caused – and meeting secretly with groups such as East Wise Fire Rescue to arrange financial contracts without the knowledge of City Council.

13. Nibarger frequently bragged about his position and stated that as long as he kept the Council happy, they would not question him.

14. On at least one occasion, Nibarger stated that he would have to “spread out” the payments to East Wise Fire Rescue so the illegal usage would not be noticeable.

15. Plaintiff repeatedly informed Nibarger that his actions were not permitted by City ordinances, yet he continued unabated.

16. Plaintiff frequently reported Nibarger's illegal actions to then-Mayor Joe Max Wilson and then-City Attorney Bradley Anderly. However, after Plaintiff's reports to Wilson and Anderly, Nibarger confronted Plaintiff and forbade her from speaking to anyone but him, threatening termination if Plaintiff did not comply.

17. In or around August 2020, Plaintiff was diagnosed with a parasitic infection. When Plaintiff disclosed her diagnosis to Nibarger, Nibarger brushed off Plaintiff and thought Plaintiff

was making a joke. After Plaintiff suffered injuries in a serious car accident on March 5, 2021, Nibarger continued to harass Plaintiff for various issues, including pressuring Plaintiff to complete tasks that Boller could easily complete.

18. On March 24, 2021, Nibarger issued a “final warning” to Plaintiff for alleged lateness, despite their agreement that Plaintiff could work from home. Boller, on the other hand, was permitted to regularly arrive late, leave early, take long lunches, and otherwise miss work without being reprimanded by Nibarger nor even her pay docked for time not worked.

19. Over the first several months of 2021, Nibarger began transferring various of Plaintiff’s job duties to Boller. This included placing Boller in charge of the City’s finances, including the accounting software, data entries, invoices, payments, credit cards, purchasing, payroll, receiving payments, deposits, and bank reconciliation reports. This was done despite Brooke admitting to Nibarger that she did not know anything accounting.

20. Despite Nibarger’s blatantly discriminatory behavior, Plaintiff arrived to work at 8:00 AM every day and continued to attempt to work as normal.

21. On July 20, 2021, Plaintiff took medical leave due to complications from a prior surgery, which required surgical intervention.

22. During her medical leave, Nibarger removed Plaintiff’s access to City systems without even allowing Plaintiff to leave an out-of-office reply. From July 20 through October 1, 2021, Nibarger and Boller utilized Plaintiff’s City email account and sent emails as if Plaintiff were composing and sending the emails.

23. On August 6, 2021, Plaintiff emailed Nibarger and stated that she would have all required documentation to return to work on August 9, 2021, then clarified that she expected to only be out for about a week in September 2021 for surgery and subsequent recovery. Nibarger

responded to Plaintiff's email and stated, "We can work all this out once your doctor releases you back to work."

24. On August 9, 2021, Plaintiff returned to work. However, Nibarger demanded that Plaintiff resign her employment by signing a severance agreement within five days or be fired. He falsely claimed that the City Council had been complaining about her work. When Plaintiff requested a meeting with the Council, Nibarger refused to allow it.

25. Nibarger's demand that Plaintiff sign severance within five dates was contrary to the requirement under the Older Workers Benefit Protection Act that Plaintiff was to have at least twenty-one days to sign such an agreement. *See* 29 U.S.C. § 626(f)(1)(F)(i).

26. The severance agreement Nibarger sought to force upon Plaintiff included a non-disparagement provision that would have required Plaintiff to stay silent about any and all illegal activity by Nibarger, and would have even obligated Plaintiff to prevent her family members and other third parties from informing the public about his illegal actions.

27. Nibarger's attempt to force Plaintiff to sign the severance agreement was an attempt to silence her from continuing to report his law violations.

28. Nibarger did not have the authority to offer Plaintiff a severance agreement, nor was it offered with the knowledge and consent of the City Council. After offering the severance to Plaintiff, Nibarger informed one or more members of City Council that he was afraid Plaintiff was going to file a sexual harassment claim against him.

29. As a supposed justification for Nibarger's preemptive bid to prevent a sexual harassment complaint from being filed against him by Plaintiff, he also falsely claimed that Plaintiff had already allegedly filed two other sexual harassment claims.

30. After explicitly treating Plaintiff less favorably than her Anglo-Caucasian and far younger comparator, and after Plaintiff refused to immediately sign the severance offered to her, Nibarger suspended Plaintiff by placing her on administrative leave.

31. During Plaintiff's suspension, Nibarger began defaming Plaintiff to the City Council and others, falsely claiming that Plaintiff was on illegal drugs (a false and *per se* defamatory statement), misusing the City's credit card (which Plaintiff did not even have possession of while on leave – and records show was used by Nibarger and Boller), and that she had stolen her personnel records from the City's files, which was, in truth, nothing more than her own medical records that she had taken to the office to prove her need for medical leave.

32. In a further act of retaliatory intimidation, Nibarger abused his powers by needlessly involving the Wise County Sheriff to attempt to retrieve the alleged personnel files. Notably, Nibarger was witnessed in the possession of Plaintiff's personnel file during the time he claimed it had been stolen, and he revealed its contents to third parties who do not work for the City.

33. After suspending Plaintiff, Nibarger appointed Boller as interim City Secretary, replacing Plaintiff, and in the following weeks, Nibarger took steps to promote Boller to the newly-created position of Deputy City Secretary, which has the same authority as the City Secretary in the Secretary's absence, as a clear prelude to her eventually replacing Plaintiff formally as the City Secretary.

34. The City Council has openly acknowledged that Boller is not qualified to perform the functions of City Secretary.

35. In an expletive-filled rant, a recording of which the City Council has admitted having, Boller herself has admitted that she is not qualified to perform the functions of City Secretary.

36. Additionally, Nibarger changed a previously scheduled Executive Session of the City Council to an open meeting without any written notice required by the Open Meetings Act, attempted to prevent the Council from addressing Plaintiff's situation or his own misconduct, gave Plaintiff only five days to sign the settlement agreement in violation of the protections afforded her under the Older Workers Benefit Protection Act, and has continued to slander Plaintiff and claim she is on illegal drugs and has committed theft, even to the point of abusing his position by involving the Wise County Sheriff to obtain the alleged stolen personnel file that Nibarger was witnessed displaying to non-City personnel.

37. On September 13, 2021, Plaintiff filed a formal grievance against Nibarger detailing his violations of various laws, including but not limited to:

- a. Texas Penal Code § 39.02,
- b. City ordinances regarding the use of City funds,
- c. the Age Discrimination in Employment Act ("ADEA"),
- d. the Older Workers Benefit Protection Act ("OWBPA"),
- e. the Texas Commission on Human Rights Act ("TCHRA"),
- f. Title VII of the Civil Rights Act of 1964 ("Title VII"), and
- g. the Family and Medical Leave Act ("FMLA").

38. That same day, Plaintiff underwent a procedure to remove stomach staples from her prior surgery. Plaintiff's doctor prescribed her pain medication that she would need to take for several weeks.

39. On September 17, 2021, merely four days after Plaintiff presented her formal grievance against Nibarger, he authored and had delivered to Plaintiff a proposed “agenda” to be publicly posted wherein Nibarger would seek to remove Plaintiff from her position as City Secretary. This proposed agenda contained numerous false and slanderous allegations against Plaintiff, and was created as a direct act of retaliation for Plaintiff’s grievance and prior claims of misconduct and legal violations by Nibarger.

40. Also in response to Plaintiff’s grievance, Boller filed a baseless sexual harassment complaint against Plaintiff.

41. On September 28, 2021, the City posted an agenda for an October 1st Council meeting to decide upon a resolution removing the City Secretary [Plaintiff] based on Texas Local Government Code § 22.077(a), in a further retaliatory move to harm Plaintiff’s reputation as well as future job prospects.

42. The City was informed that Plaintiff was still recovering from surgery and was still having to take pain medication that rendered her unable to drive and otherwise unable to prepare a full response to the false, defamatory, and retaliatory accusations by Nibarger and Boller.

43. Despite Plaintiff’s weakened physical condition, the City refused to postpone the meeting and insisted Plaintiff attend the Council meeting to defend herself against the litany of false accusations against her by Nibarger and Boller.

44. On October 1, 2021, based on the false accusations by Nibarger and Boller, the City formally removed Plaintiff as City Secretary, thereby completing Nibarger’s scheme to retaliate against Plaintiff in violation of the Texas Whistleblower Act.

45. To further Nibarger’s retaliatory agenda, he made sure to publicly embarrass and defame Plaintiff during City Council open sessions.

46. In short, every attempt Plaintiff made to bring to light Nibarger's various violations of federal law, state law, and city ordinance were met with continuously escalating retaliatory actions against Plaintiff, which surely serves as his warning against any other City employees who would otherwise dare to question his illegal actions.

47. All conditions precedent have been met or have expired.

V. CAUSES OF ACTION

COUNT ONE: RETALIATION IN VIOLATION OF THE TEXAS WHISTLEBLOWER ACT

48. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

49. At all times relevant, Plaintiff was a "public employee" as defined by Texas Government Code § 554.001(4). When Plaintiff worked for the City, the City was a "local government entity" as defined by Texas Government Code § 554.001(2).

50. After Plaintiff reported multiple violations of the law by Nibarger, including to Mayor Joe Max Wilson and then-City Attorney Bradley Anderly, Plaintiff was retaliated against by the City, via Nibarger, by suspending her, threatening to fire her, falsely accusing her of theft, falsely accusing her of taking illegal drugs, attempting to force her to sign an agreement that would quash her ability to speak publicly about Nibarger's action, and other actions, all designed to punish Plaintiff for her reports of Nibarger's illegal actions.

51. After Plaintiff filed a formal grievance against Nibarger, the City (via Nibarger) took further retaliatory steps against Plaintiff by threatening to publicly post false and defamatory allegations against her in a bid to terminate her employment.

52. Nibarger then also worked in conjunction with Boller to present false claims of sexual harassment against Plaintiff, also for the purposes of retaliating against Plaintiff.

53. Ultimately, Plaintiff's employment with the City was terminated due to Nibarger's and Boller's false and retaliatory accusations, for which the City prevented Plaintiff from meaningfully responding.

54. The City's retaliatory actions against Plaintiff described above were on the basis of her reports of violations of federal law, state law, and City ordinance, which thereby constitute violations of the Texas Whistleblower Act.

55. As a direct and proximate consequence of the City's violation, Plaintiff has suffered damages.

56. Plaintiff's damages include lost wages, lost fringe benefits, lost seniority rights, emotional pain, suffering, inconvenience, loss of enjoyment of life, and past and future mental anguish.

57. Plaintiff seeks injunctive relief, reinstatement, actual damages, court costs, and reasonable attorney fees. See Texas Government Code § 554.003(a)-(b).

VI. JURY DEMAND

58. Plaintiff demands a jury trial and has tendered the appropriate fee.

VII. PRAYER

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Issue citation for Defendant City of New Fairview to appear and answer;
- B. Award to Plaintiff a judgment against Defendant City of New Fairview for:
 - 1. Equitable relief, including reinstatement and/or lost wages and benefits (both past and future), the sum to be determined at time of trial;
 - 2. Damages for emotional distress and mental anguish;

3. Compensatory and exemplary damages in the maximum amount allowed by law;
4. Such other equitable and injunctive relief as may be appropriate;
5. Attorneys' fees;
6. Pre- and post-judgment interest; and
7. Costs.

Plaintiff also requests that the Court award all other relief to which Plaintiff is entitled in equity and at law.

Respectfully Submitted,

/s/ Jennifer J. Spencer

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**ATTORNEYS FOR PLAINTIFF
MONICA RODRIGUEZ**

Automated Certificate of eService

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Sophia Patterson on behalf of Jennifer Jackson Spencer
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Status as of 11/8/2021 5:49 PM CST

Associated Case Party: Monica Rodriguez

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DC-21-16250

Monica Rodriguez

vs.

City of New Fairview

IN THE DISTRICT COURT

193RD JUDICIAL DISTRICT

DALLAS COUNTY TEXAS

NOTICE OF INITIAL DISMISSAL HEARING

Counsel or Pro Se Plaintiff:

This case is set for a hearing on the Initial Dismissal Docket, as per Tex. R. Civ. P. 165a, for **THURSDAY, December 17, 2021**, at 1:30 p.m. in the 193rd District Court Courtroom.

1. If no Defendant has been served as evidenced by no return of citation having been filed with the court on or before the Dismissal Hearing, the case is subject to being dismissed at the Dismissal Hearing;
2. If service has been made on a Defendant, but no answer has been filed (and any such answer is past due before the Dismissal Hearing Date), you must obtain a default judgment on or before the Dismissal Hearing, or the case is subject to being dismissed at the Dismissal Hearing. You are encouraged to submit requests for default by submission with affidavit.
3. If service on at least one Defendant has been made and the citation has been returned to the Court before the Dismissal Hearing, but the time to file an answer has not yet expired, then the Dismissal Hearing should be reset. Please contact the Court Administrator to obtain reset. You are expected to obtain a default judgment before the reset date of the Dismissal Hearing/Status Conference, or the case is subject to being dismissed.
4. If an answer is filed on or before the Dismissal Hearing, the case will be referred to the Court Coordinator to be set for trial, if not already set.

SIGNED this November 09, 2021

A handwritten signature in blue ink, appearing to read "Bridgett N. Whitmore", written over a horizontal line.

The Honorable Bridgett N. Whitmore,
193rd Judicial District Court



City Council Agenda

October 1, 2021

(Document prepared September 23, 2021)

Agenda Item: Resolution (Action Item)

Agenda Description:

City Secretary's statutory opportunity to be heard by the Council prior to any action on her removal under Texas Local Government Code, Section 22.077 (a).

Background Information:

The City Council adopted ordinance 2020-02-197 creating the role of City Administrator, which established the job duties and qualification on February 24, 2020. The general description of the City Administrator role is to "...plan, organize and direct the overall administrative activities and operations of the City; to assist the Mayor, to advise and assist the City Council; to represent the City's interest with other levels and agencies of government, business interests, and the community at large; and to exercise independent judgment and initiative."

Specifically, the Council delegated the **managerial oversight for the City Secretary's office**, as well as other areas of oversight, including: human resources, records and information management, finance, audit, legal, risk management, and purchasing. **The City Administrator is specifically delegated the authority by the Council to "Provide personal leadership, direction and supervision to senior level City department heads and staff; establish performance objectives, monitor progress and evaluate results."**

The City Secretary role is statutory, meaning that the position is created legislatively by the State of Texas, and as a Type A General Law City, the New Fairview City Council is required to appoint a person to fill this role. Monica Rodriguez was appointed as City Secretary of New Fairview approximately 20 years ago. Further, the duties and responsibilities of the City Secretary role are defined by statute in Section 22.073 of the Texas Local Government Code, and are :

- (a) The secretary of the municipality shall attend each meeting of the governing body of the municipality and shall keep, in a record provided for that purpose, **accurate minutes of the governing body's proceedings.**
- (b) The secretary shall:

- (1) engross and enroll all laws, resolutions, and ordinances of the governing body;
 - (2) keep the corporate seal;
 - (3) take charge of, arrange, and maintain the records of the governing body;
 - (4) countersign all commissions issued to municipal officers and all licenses issued by the mayor, and keep a record of those commissions and licenses; and
 - (5) prepare all notices required under any regulation or ordinance of the municipality.
- (c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1324, Sec. 5(2), eff. June 17, 2011.
- (d) The secretary shall draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants.
- (e) The secretary serves as the general accountant of the municipality and shall keep regular accounts of the municipal receipts and disbursements. The secretary shall keep each cause of receipt and disbursement separately and under proper headings. The secretary shall also keep separate accounts with each person, including each officer, who has monetary transactions with the municipality. The secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The secretary shall keep records of the accounts and other information covered by this subsection.
- (f) The secretary shall keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the municipality, noting the relevant particulars and facts as they occur.
- (g) The secretary shall carefully keep all contracts made by the governing body.
- (h) The secretary shall perform all other duties required by law, ordinance, resolution, or order of the governing body.

The areas above that are bolded and underlined are going to be specifically discussed regarding the City Secretary's incompetence, misconduct, and/or malfeasance. These items can be defined as the following:

- **Incompetence**, Monica's lack of ability, qualification, or fitness to do the job.
- **Misconduct**, mismanagement of the position by Monica's action or inaction, intentional wrongdoing, intentional violation of a law, or violation of an adopted rule or policy.
- **Malfeasance**, the unjust performance of an action that Monica had no right to perform.

Sec. 22.073. (a) "...[The City Secretary] shall keep, in a record provided for that purpose, accurate minutes of the governing body's proceedings." The keeping of accurate minutes is one of the most important duties of the City Secretary. The minutes reflect the actions of the Council and are requested regularly by financial institutions, regulatory agencies, and residents to review what actions the City Council has taken.

The City Administrator began working with Monica Rodriguez on the quality and accuracy of the minutes in October 2020, upon receiving an email and complaint from the Mayor that the minutes have not been updated or posted to the website. Following up with Monica regarding this lapse of duty, she blamed the City Clerk, and apologized for not making sure that they were updated and posted.

In November 2020, the City Administrator discovered that **Monica Rodriguez had assigned the duties of minute taking to one of our residential Sheriff's Deputies, Deputy Scheps**. When the City Administrator confronted Monica about this practice, she stated that since Deputy Scheps came to most of the meetings, she asked her to complete the minutes. The City Administrator asked how Deputy Scheps was being compensated for this and **Monica stated that Deputy Scheps added hours to her timesheet as a New Fairview residential deputy**. The City Administrator expressed concern about the importance of the minutes as well as the residential deputy program. The residential deputy program was funded by the Council to ensure that we had a police presence in the community, not preparing minutes. The City Administrator directed Monica to take charge of the minutes, as well as informed Deputy Scheps that she was no longer authorized to work on minutes, that she should focus her time in New Fairview trying to improve outcomes as a residential deputy.

In December 2020, the City Administrator discussed with Monica the importance of her role, how she needed to take charge of duties, that she is responsible for the agenda, packet, minutes, updates to the website, and that they needed to be completed timely. **The City Administrator explained that based upon Monica's 20 years in this role and the level of responsibility in the organization that "it is not the City Administrator's responsibility to continually have to follow up on these types of tasks."** Following this conversation, Monica improved her performance for a short period of time.

The City Administrator asked Monica if she had all the tools and resources necessary to complete her duties. Monica stated that she was having difficulty concentrating in the workplace, due to her proximity to the City Clerk. Monica asked for a separate/quiet workspace so that she does not get distracted by foot traffic or phone calls. The City Administrator asked Monica to identify three vendors to complete the build-out of office space for her and to obtain quotes for the work. Towards the end of December 2020, Monica requested that she be provided with a laptop computer so that she could work more effectively on the minutes from home. The City Administrator provided approval for the purchase of a laptop.

In January 2021, the City Administrator completed Monica's quarterly performance review and stated, **"Monica needs to be consistent in her job duties, specifically in relation to the timely posting of the Council agenda, minutes, updates to the website, general information to the public, such as the opening dates to accept applications for upcoming elections. Monica needs to be more communicative about her needs for resources as well as her schedule.** Please use your tools, such as Freedcamp or your calendar to inform your team members about support needs and being away from the office."

Monica stated that she no longer wished to build out office space. Monica and the City Clerk decided that reorganizing their office workspace would be sufficient to remove the distractions.

In March 2021, the City Administrator, in a **follow-up discussion with Monica about her January performance review, regarding the importance of communication, completing tasks timely, i.e. "the minutes, (pulled from the last agenda after she was unable to complete them in a timely manner."** In addition, the minutes and financial reports were moved to the second meeting of the month to provide additional time for these important documents to be completed accurately prior to their inclusion in the City Council meeting packet. Monica assured the City Administrator that the minutes were completed, when building the packet, the minutes could not be found. The City Administrator phoned Monica at 6:15 p.m. and her response was, "Give me 30 minutes. I'm about to pull up to the house and I'll send them your way. I thought I had sent them."

On March 4, 2021, Monica was delivered a formal verbal warning regarding her performance (tardiness, lack of communication and use of her calendar, ensuring all vendor payments are made on time, that the city would not see any future late fees, and the minutes would be completed within 10 business days following the meeting) and placed on an improvement plan with a scheduled follow-up meeting in 30 days.

On March 24, 2021, Monica had not arrived to work by 10:25 am and was not responsive to communication efforts. Monica contacted the City Administrator, at 12:06 pm, apologizing for being late, and stated that she "fell asleep and her alarm did not go off." On March 25, 2021, Monica received a written employee Progressive Corrective Action (PCA) regarding her

tardiness. After several reminders, Monica returned the signed PCA to the City Administrator on April 8, 2021.

In April 2021, the City Administrator met with Monica regarding her improvement plan. Monica had been making positive improvements in several areas of concern, including showing up to work on time and making use of her calendar. Following this meeting, **the City Administrator updated the format and finished product of the minutes in an effort to make the task easier to complete.** Further, Monica was asked to complete the outstanding minutes in the new format to save time and improve the professionalism of the minutes, as well as clarify the location and time for the completed minutes to be stored. **Monica agreed to complete the outstanding minutes in the new format and save them in the agreed-upon location within two weeks of the Council meeting date.**

Monica and the City Clerk asked if they could purchase new office furniture that would allow for them to be more effective and efficient in their roles. They stated that the new furniture would also decrease distractions by the other party. The City Administrator approved the purchase of the office furniture.

In May 2021, the City Administrator had to reach out to Monica to find out where the minutes were for their inclusion in the upcoming City Council meeting packet. **Monica provided the agenda for the meeting in lieu of the minutes. The other minutes were full of spelling errors and inaccurate information.**

In June 2021, **Monica struggled to complete the May 2021 minutes in the appropriate format and store them in the agreed-upon location.** Monica was scheduled to be at a conference in the latter part of the week when the packet needs to be completed and posted. **The City Administrator had been communicating with Monica almost daily regarding the minutes** and their completion for the upcoming meeting. Monica left town without completing the minutes and then spent half the morning at the conference working on and completing the requested minutes. **On June 18, 2021, Monica shared the minutes with the City Administrator at 10 pm. Ultimately, Monica delivered poor-quality and incomplete minutes.**

During the meeting, **the Mayor Pro Tem asked that the minutes be pulled from the agenda for correction.** On June 22, 2021, the City Administrator completed the June 21, 2021, City Council meeting minutes to gauge the amount of time necessary to complete the minutes in the new agreed-upon format. The minutes took less than thirty minutes to complete and store in the right format and location.

The City Administrator then met with Monica to discuss the issue with the minutes, that the Council was now commenting on the poor quality and accuracy of the work product. The City Administrator expressed his concern regarding the importance of maintaining quality and

accurate minutes. **Expectations were discussed regarding the completion of the minutes, including the format, the time for their completion (now by the end of the week the meeting was held), the accuracy of the minutes, and the location that the finished minutes were to be stored.** Monica agreed that the time for completion of the minutes was reasonable, that she understood the format and location for the completion of the minutes. The City Administrator asked if she had all the tools and resources necessary to complete her duties. Monica affirmed that she had all the tools and resources required to be successful in her role. **The City Administrator asked Monica to make the corrections to the minutes pulled from the agenda, to complete them in the agreed-upon format, and store them in the agreed-upon location. Monica agreed and assured the City Administrator that she would have them corrected and completed.**

In July 2021, the City Council had scheduled a strategic planning retreat on Friday, July 16th with the regularly scheduled meeting on Monday, July 19th. **The minutes were not completed and stored in the agreed-upon location on Thursday, July 15th.** The City Administrator followed up with Monica about the minutes as he would be facilitating the retreat the day the packet was to be distributed. Monica assured the City Administrator that she would have them done before the end of the day on July 15th.

The minutes were not completed or provided to the City Administrator on July 15, 2021. Following the July 16th retreat, **the City Administrator contacted Monica at 9 p.m. asking where the minutes were located, as they were not stored in the agreed-upon location. The minutes were not completed until Friday, July 16th at 11:43 p.m. The minutes were poor-quality (spelling errors, formatting, etc.) as well as inaccurate (wrong Council member actions and outcomes).** The City Administrator made corrections to the minutes, put them into the proper format, and placed them in the packet. **On July 19th, the Mayor Pro Tem sent an email regarding the packet, stating:**

“Item B under new business still shows that I was elected Pro Tem at the 5-3-21 meeting - that did not take place until the 5-17-21 meeting (which is properly documented there). Sorry not trying to split hairs but the records should be correct I suppose.” The minutes were pulled from the agenda for correction again.

The City Administrator met with Monica on July 27, 2021, following an absence, due to health issues, that had her out of the office from July 23, 2021. The City Administrator shared the comments and email from the Mayor Pro Tem, as well as the corrections that he had to make prior to adding them to the packet late on July 16th. **Monica stated that she had not been feeling well and that she would do better in the future. The City Administrator stated that this is not a “new” issue, that it has been in her performance reviews, verbal conversations, written warnings, etc.** Monica stated that it was because of distractions. The City Administrator

reminded her that she has continually been asked if she has all the tools and resources necessary to be successful in her job. The City Administrator reminded Monica that she chose not to build out an office. Further, that all requests Monica had made to improve her performance, including new furniture and a laptop were provided. Monica stated that she needed to be in the Council Chambers in the future. The City Administrator reminded Monica that she had requested to remain in her office due to distractions in the Council Chambers as well as she had the ability to relocate at any time. Monica was asked if she had all the tools and resources needed to be successful in her job. Monica replied that she had everything that she needed. **Monica was informed that based upon her performance, related to the minutes, she was receiving a written employee PCA. Monica was asked to review, sign, and return the PCA to the City Administrator. Following this meeting, Monica did not return to work, related to medical issues, and did not return the PCA.**

In Monica's quarterly performance review, she is asked, "what would have the greatest impact on my ability to do my best work more often?" Monica's responses were requests for tools or resources, which were provided by the City Administrator, or she responded, "nothing, I have all I need." Further, in each verbal conversation regarding employee performance, with the City Administrator, every discussion ends with the question, "do you have all the tools and resources necessary to be successful in your role?" In each case where Monica requested tools and resources to improve her performance, the requested tool or resource was provided by the City Administrator.

- 1. Monica's lack of ability to do this job following multiple attempts by the City Administrator to provide alternative paths to make the job easier, demonstrates incompetence.**
- 2. Monica's direction to Deputy Scheps to complete the council minutes, which is a primary job duty of the City Secretary, and bill the city for residential policing services is demonstrates misconduct.**

Sec. 22.073. (b) (1) [The City Secretary shall] **engross and enroll all laws, resolutions, and ordinances of the governing body;** The business of the City of New Fairview is conducted through the adoption of resolutions and ordinances. Many of these documents are statutory and impact the city's ability to regulate and conduct business.

On October 30, 2020, the City Administrator asked Monica to create an index of the resolutions and ordinances of the city. This was a straight forward task as Monica had been the City Secretary for over 19 years and had knowledge of all of the City's resolutions and ordinances during that time and had been working with Franklin Legal, to codify our ordinances prior to the arrival of the current City Administrator. **Monica stated that the index log had been completed on January**

22, 2021. The City Administrator asked if this included all resolutions and ordinances. Monica assured the City Administrator that all the ordinances and the resolutions had been included.

In Monica's May 2021, quarterly performance review, the City Administrator discussed the importance of maintaining an accurate record of the resolutions and ordinances of the city. Several issues arose where the numbering of resolutions and ordinances were duplicates and/or not accurate, such as the Shoop Ranch documentation that is still being worked through with the City Attorney. It soon became apparent that the index log was not completed with all the information and was not being updated by Monica.

During Monica's recent medical leave, the City Administrator was tasked with much of the day-to-day activities of the City Secretary. The City Administrator was maintaining the City Secretary email account and became aware of several concerning issues, **some emails were not being opened, while others were either not being responded to or being provided the wrong information, as well as significant issues related to the enrolling of city ordinances.**

In July 2021, Franklin Legal communicated that they were wrapping up the project, which started prior to the current City Administrator's hiring in July 2020. The City Administrator contacted them asking why this took such a long time. They responded with a letter that outlined their difficulties working with Monica. It was stated that Monica would either not respond to their requests or that she would provide the same/wrong information. During this time, an email was copied to the City Administrator that stated New Fairview was using the 2009 International Building Codes. **In August 2020, the City Council adopted the 2015 International Building Codes. This ordinance was never executed by the City Secretary or Mayor, nor was it enrolled (added to our book of ordinances).** Upon discovering this, the City Administrator asked the intern to complete an audit of the ordinances and resolutions books compared to the index created by Monica. On July 27, 2021, Monica emailed Joe Max Wilson, copying the City Administrator, asking for Joe Max Wilson to come to city hall, or she would come to him, to obtain his signatures on several items that were not completed prior to July 2020. **During the intern's audit of the ordinances, it was discovered that an ordinance related to establishing a homestead exemption, that the Council had tabled in February 2021, was executed months later by Monica and the previous Mayor Joe Max Wilson, backdating and enrolling the ordinance.**

At this time, the staff is having to go through a thorough review process of all the ordinances to ensure that we are not enrolling ordinances where no action was taken, as well as missing ordinances. Further, due to the poor quality and inaccuracy of the minutes, this makes the process very difficult, consuming many hours of staff time.

At this time, **we have identified 47 ordinances which need to be researched dating back to 1993,** due to the duplication of numbering, poor enrollment of the physical ordinances, inaccurate matching of physical documents with the language Monica added to the index, as well as the

review of Council agendas and minutes. Monica was the City Secretary during this entire time frame.

1. **Monica's lack of ability to accurately enroll the Council's adopted ordinances, creating duplicate ordinance numbers, losing ordinances, and not maintaining accurate codified ordinances demonstrates her incompetence.**
2. **Monica's enrolling of ordinances that the Council had tabled, taking no action, demonstrates her malfeasance.**

Sec. 22.073. (b) (3) [The City Secretary shall] take charge of, arrange, and maintain the records of the governing body; Maintaining the records of the city is essential. The records are to be maintained in such a fashion that they are accessible and available.

It is important to remember that Monica, acting in the role of City Secretary for the previous 20 years, has been responsible for maintaining the city's records. In her position as the City Secretary, she is fully aware of the importance of being the city's records keeper. On May 21, 2021, Monica was tasked by the City Administrator to create an electronic record-keeping system to maintain the electronic records of the City. She asked for the help of an intern to create this system, which the City Administrator granted, and he worked with Monica to create the file system, which was completed on May 26, 2021. The retention schedule that she provided to the intern and supervised his activities clearly states that personnel records are to be retained from a range of one year to 75-years from the separation of employment.

On August 9, 2021, Monica was placed on administrative leave related to her continuing poor performance and lack of sustained improvement. The City Attorney prepared the severance agreement and advised the City Administrator on the language to be used informing Monica that her position would be on the upcoming agenda. Specifically, the consideration of a Monica's resignation and severance agreement or her removal as City Secretary by the City Council for either lack of confidence or for incompetency, misconduct, or malfeasance. Councilwoman Cindy Poe was a witness to this conversation. Monica was directed to gather her personal belongings and to leave all city property with the City Clerk. The City Administrator asked the City Clerk to please assist Monica in immediately removing her personal items from City Hall as well as obtain her city-issued debit card, keys, and all other city property.

As the City Clerk was helping Monica to gather her personal belongings, the City Administrator questioned, "why is Monica still at City Hall" and received the following response, "Monica is showing me where files and other items are that we may need while she is out of the office." Monica showed the City Clerk where the personnel files were located since she maintained all records, opening them, and discussing the contents with the City Clerk, as well as giving the City Clerk the petty cash box. The City Secretary maintained the petty cash box in a locked filing

cabinet under her desk. The City Administrator later reviewed the security footage of the front office, after discovering that all of Monica's personnel records were unable to be located in the appropriate location. The security camera covers the front office and clearly shows Monica removing file folders and individual papers from multiple yellow folders (personnel folders) that were stored in the personnel filing cabinet in her work area. Monica then places them under her desk, then moves this stack of file folders and individual papers to her desk, and finally moves them into her personal bag. Monica can then be seen picking up another stack of papers, approximately two inches thick, and placing them in her bag. The paper visible on the top of this stack appears to have a New Fairview logo on it. Monica can then be seen carrying the bag from the front office, through the lobby, and out the front door to her vehicle.

During this same time, Monica was recorded deleting electronic files from her city-owned laptop and then reformatting the hard drive. Upon completion of the computer reformatting, Monica picks up her bag and exits the building. After Monica left, the City Administrator confirmed that the city-owned laptop she was using had not electronic files remaining on it and that the hard drive had been reformatted. At no time did the City Administrator authorize her to take such actions as her laptop contained city documents and information.

The removal of city documents and destruction of records were reported to the City Attorney by the City Administrator who wished to contact the Sheriff's Department and file a report. The City Attorney asked for an opportunity to reach out to Monica and ask for her to return the records. The City Attorney was unsuccessful in having Monica return anything other than a recorder. It was represented to the City Attorney by Monica's attorney that the documents she removed was personal in nature.

1. **Monica's lack of regard for the retention of city records through the theft of personnel records and the destruction of the city-owned laptop, demonstrates her misconduct, malfeasance, and incompetence.**

Sec. 22.073. (e) The secretary serves as the general accountant...**The secretary shall keep records of the accounts.** Accurate financial records are essential to maintain public trust. This was discussed with all members of staff on many occasions.

In June 2020, the city transitioned from QuickBooks to a fund accounting application, CenterPoint. During this transition, the City Secretary worked with a paid consultant, Kim Wilson, to set up new accounts, review transactions, and obtain help in accurately accounting for the public's money. The contract, which included weekly site visits for 1:1 training and guidance with the City Secretary, was in place through August 2020. The City Administrator offered to extend the contract for Monica to make sure that she was comfortable working in the new system and to make sure that the city's financial records were accurate and timely.

On August 10, 2020, the City Administrator spoke with Monica and was informed that she was already comfortable working in the system and that she had the help desk available to her if she needed anything moving forward. The City Administrator let Kim know that her services were no longer necessary and thanked her for all her help.

The City Administrator continued to work with Monica on ensuring accurate records were maintained, helping to set up the necessary funds and liability accounts. It was clear that Monica was not “comfortable” in the new system and the City Administrator reviewed the financials weekly to ensure appropriate records were being maintained. In March 2021, the City Administrator was reviewing the financial records and saw that the payroll records showed six payroll transactions for one pay period. The City Administrator spoke with Monica about the importance of maintaining accurate financial records and that at any given time, a member of the public could ask for this report and that it would reflect that the city had overpaid the staff. Monica agreed to take care of the inaccurate entries and ensure better record keeping moving forward. At the time of this writing, duplicate/outstanding checks and payroll entries are still in the accounting system, reflecting the continued errors and lack of correction made by Monica.

The City Administrator also noted that no revenues were showing in the system. Monica was asked why there were no revenues showing for February and March 2021. The City Administrator received a text message from Monica showing a stack of checks in excess of \$200,000 that had not been deposited and/or entered into the system. The City Administrator again expressed the importance of maintaining accurate financial records and that the reports that the City Council adopts should accurately reflect the city’s financial position.

On August 9, 2021, Monica turned over the petty cash box to the City Clerk. Monica had previously informed the City Administrator that the city did not really receive cash payments but that the city maintained a small petty cash fund of \$200-to-\$300. Following Monica’s departure, the City Clerk counted the petty cash and presented the petty cash to the City Administrator to confirm the count of cash on hand. There was \$3,316.66 in the petty cash box. the City Clerk prepared a deposit for \$3,080. Upon research of the cash receipts and deposits, it has been over 12 months since the city made a cash deposit.

The City Administrator received an email from P3 Works, the city’s PID administrator, expressing concern with their inability to obtain correct payments from the city. P3 stated that they had been working with Monica for the last eight months and explained the process multiple times, but that the invoices continued to be paid with the wrong source of funds and that they had been unsuccessful in explaining the proper payment method to Monica after many attempts by several members of their staff.

When preparing the July and August 2021 bank reconciliations, the City Clerk emailed the City Administrator and stated that in the past two months, she had found six checks that had been

issued where the check numbers do not match up with the payee seen on the cleared checks. Further, we have received two late payment notifications from TMRS resulting in late payment fees being assessed to the city.

On September 13, 2021, the city auditor presented his initial findings of the deep dive audit, which included all specific claims and/or requests for investigation as well as a review of all transactions through March 2021. The auditor presented the council two areas where there were issues that he had found thus far. First, it appears that Monica has not made a payroll tax payment to the IRS in approximately six months. Second, that the city has around \$100,000 of outstanding checks as well as approximately \$16,000 in outstanding deposits. In May 2021, due to ongoing performance issues with Monica and in an effort to improve Monica's work product, the City Administrator had the remote deposit unit relocated to the City Clerk's desk and reassigned the task of depositing checks to the City Clerk.

- 1. Monica's lack of ability to accurately maintain financial records, late payments, use of the wrong funds, and continued inability to learn from and correct her errors, demonstrates her incompetence.**

In addition to these statutory issues, **Monica recorded the City Administrator's office without permission**. The City Administrator and the other parties of the meeting, made up of the local volunteer fire department leadership team, were not aware of the recordings and did not authorize them to be made. The City Clerk has stated that she did not make the recordings, leaving Monica as the only other person in city hall. Both Monica and the City Clerk can be heard clearly on the recordings, while those in the City Administrator's office are difficult to understand through the door. These recordings were later released on Facebook by Monica's fiancé, alleging illegal activities between the City Administrator and the volunteer fire department had been recorded. The recorded meetings were discussions that had been ongoing from December 2020, with updates presented to the Council on multiple occasions, as well as the passage of a commercial safety inspection ordinance and the most recent annual operating budget.

- 1. Monica's unauthorized recording of the City Administrator's office demonstrates her malfeasance.**

A serious performance issue, unrelated to statutory compliance of the City Secretary's responsibilities, was Monica's attendance/tardiness and communication. The City of New Fairview functions with a small staff, requiring collaboration and clear communication of schedules. Monica was not keeping notes on her calendar about when she would be out and/or coming to the office late. In Monica's communications with the City Administrator, most of the tardiness issues were because she woke up late and not due to planned absences.

The City Administrator delivered a formal written PCA for attendance on March 25, 2021, following Monica's failure to respond to communication until 12:06 pm and arriving to the city hall at 1:00 pm on March 24, 2021. Prior to this action, a verbal warning was given on March 4, 2021. **In a review of text messages on the City Administrator's phone, there were nine occurrences of tardiness between August of 2020 and August of 2021. None of the occurrences were for just a few minutes—they ranged from 1.5 -4 hours.**

- 1. Monica's inability to maintain clear and timely communication and a current calendar regarding her work schedule or unplanned absences. This demonstrates incompetence and lack of fitness for the role of City Secretary.**

Monica has been accused of sexual harassment of a subordinate worker. Learning of the complaint, the City Administrator contacted an independent third-party HR consultant to investigate the claim. The HR consultant found that in Monica's role as an appointed position and direct supervisor she has been directing unsolicited communications of a sexual nature to a subordinate who directly reported to her for approximately two years and well before the current City Administrator started in July 2020. This communication consisted of both messages and photos shared through texting and verbal conversations in the office. The verbal communication in the office has also included others employed or retained by New Fairview. Examples of this communication began with Monica directing her subordinate to engage in specific sexual activity and then provide a written report or face termination to most recently soliciting the subordinate to participate with her in paid pornographic productions. This last exchange was witnessed by a contract employee with the city. The City Council adopted an employee handbook in June 2020, which Monica was responsible for enrolling in the book of ordinances and most recently signed an acknowledgement regarding bullying as well as sexual harassment in July 2021.

- 1. Monica's actions related to her subordinate and direct report over an extended period of time and following her acknowledgment of sexual harassment and non-discrimination policies demonstrates misconduct, and malfeasance, and incompetence.**

In December 2020, the newly elected City Council members conducted a closed session pursuant to Texas Government Code Chapter 551, Subchapter D Section 551.074 – Personnel Matters related to both the City Administrator and City. During this session, the Council requested to know why after 20 years in her role as City Secretary, why had she not obtained any training or certification towards her role. The City Administrator informed them that with a one-person office, traveling to the required conferences to obtain the training was difficult but that Monica had been made aware of her need to obtain her Texas Municipal Clerk Association Certification. Further, the City Administrator informed the Council that Monica had taken a number of online training certifications through LinkedIn and other virtual sources.

The City Administrator made the expectations of Monica obtaining her certification and asked her to enroll for the necessary training courses and update the City Administrator on her progress. In January 2021, Monica informed the City Administrator that the timeline for certification was two-to-three years. Further, she set a goal to have the Course 3 homework completed by February 2021. In May 2021, the City Administrator asked for an update on her certification training. Monica responded, "I am working on my homework for course 3." Monica also provided dates and times for webinars and conferences. Monica attended an offsite conference for this on June 17-18, 2021.

Financial Information:

Unknown at this time

City Contact:

Ben Nibarger, City Administrator

INVESTIGATION REPORT

NEW FAIRVIEW, TX

Investigator: Kathryn Usrey, Human Resources Consultant, Usrey & Associates, Inc.

Credentials: Kathryn Usrey is a Human Resources Consultant with over 35 years in Municipal HR. She served as the Human Resources Director for the City of Denton and City of Carrollton for twenty-six years. Since that time, she has been an independent consultant in Human Resources matters for non-profits and municipalities. Her services include interim work, climate surveys, investigations, and executive coaching and general HR consulting. Kathryn holds a master's degree in Management and Human Relations from Amber University in Dallas (currently known as Amberton). Resume is attached.

Scope of Investigation:

The investigation request was to review documents, texts, recordings, and interviews, if needed, to determine if the appropriate steps have been taken with regard to issues surrounding City Secretary, Monica Rodriguez. These issues fall into three categories: performance (specifically, attendance and performance), theft of city documents (specifically, the personnel files of Brooke Boller, Monica Rodriguez, and Ben Niberger), the recording of meetings conducted in the City Administrator's office without his knowledge or consent, and a complaint of sexual harassment.

Note: Due to the fact that the full personnel files are not available because they were removed from the office, only electronic documents were reviewed. Further, this review is based solely on the files and documents that were made available and the investigator cannot speak to documents that exist but were not made available.

PERFORMANCE ISSUES:

The performance issues identified are tardiness (with no or late communication), inaccurate or late minutes of the Council meetings, checks not deposited to the bank on a timely basis, and ordinances and resolutions that were codified incorrectly or not codified at all.

The tardiness issues and the problems with minutes have been handled by discussions and verbal warnings where the City Administrator has explained the problem, outlined how he would like the issues resolved, confirmed that Ms. Rodriguez had the tools and information needed to complete the assignment and gave her the opportunity to perform. Multiple warnings and disciplinary actions were given, but the performance was not corrected.

Attendance:

With regard to attendance, the issues include the fact that Ms. Rodriguez was not keeping notes on her calendar about when she would be out. However, a review of the text messages indicates that most of the tardiness issues were because she woke up late and not due to planned absences.

A written warning for attendance was given on March 25, 2021, with the presenting issue of not coming in to work until 1:00 pm and not responding to communication during the morning hours. Prior to this action was a verbal warning given on March 4, 2021. In a review of text messages on the City Administrator's phone were nine occurrences of tardiness between August of 2020 and August of 2021. None of the occurrences were for just a few minutes—they ranged from 1.5 -4 hours.

Minutes:

On July 19, 2021, a written warning was given to Ms. Rodriguez on her inaccurate and untimely minutes. Verbal warnings were given on March 12, 2021, April 12, 2021, and June 18, 2021. In addition, this topic was discussed in her performance evaluation in February 2021. The City Administrator did the minutes for her one day and provided her with a format to use to make the process easier. Over the past year, minutes were often late or inaccurate causing an ongoing problem.

The written warning reviewed was not signed by either the City Administrator or Ms. Rodriguez. Upon inquiry, Mr. Nibarger explained that it was discussed, and the document given to her, but she did not return it. That was on her last day in the office.

General Accounting Responsibilities:

Ms. Rodriguez duties as outlined in the charter indicate that one of her responsibilities is for general accounting for the city. Mr. Nibarger provided a video of text messages which show two pictures each with two stacks of checks with dollar totals. These pictures are dated March 24, 2021. One photo has the caption "processed for February" and the other states "processed for March". Mr. Nibarger responded with a message instructing her to make sure the checks are loaded into the system to make sure the statement are correct. After searching, notes found in the Bamboo HR system made by Mr. Nibarger dated March 24, 2021, where the City Administrator had reached out to Ms. Rodriguez about mistakes on the financials (duplicate entries). He thought that everything had been corrected, but then noticed that no deposits had been made for two months. The photos of checks were Ms. Rodriguez' response to his inquiry on this matter.

No disciplinary documents were provided about this item. It could be that they exist and were in the personnel file that has been removed from City Hall. Without further information, I cannot determine whether appropriate action has been taken.

In addition to the above complaint, on August 11, 2021, Brooke Boller sent an email to Mr. Nibarger about six checks that she found in the system over the past two months with numbers that do not match up with the check actually cut. Since this was found after Ms. Rodriguez was placed on Administrative Leave, no other action was taken.

There is an email from P3 on August 12, 2021, stating the difficulty they were having with Ms. Rodriguez not maintaining the appropriate separation of funds between the PID and the city funds.

One last issue involving the financial state of the city is that a letter from the Texas Municipal Retirement System was provided that indicated that deposits for the month of April 2021 was received 53 days late. The city was charged interest in the amount of \$43.67. This notice was received on August 5, 2011.

Ordinances and Resolutions not Codified Correctly:

This item was presented to the Council at an earlier date. My understanding is that it had been noticed that some ordinances passed by Council were not codified and others that were not passed by Council had been codified. Still others were incorrectly codified. A list of ordinances with a large amount of them highlighted was provided. This list is apparently the result of an audit that was conducted. This audit went back to 1993. Other than a notation that the highlights indicate a problem with the codification, no other information was provided.

Since no disciplinary action or notes were found on this issue, no further investigation or review can be conducted.

THEFT OF CITY PROPERTY

According to Mr. Nibarger, the missing records are Ms. Rodriguez personnel file, part of Brooke Boller's personnel file, part of Mr. Nibarger's file and possibly some financial records. Mr. Nibarger produced video files from both inside and outside the building. There is clear video of Ms. Rodriguez on the floor next to her desk pulling documents and files from the file cabinet. At least two yellow folders and quite a few other documents were removed from the file. Mr. Nibarger indicates that the yellow files are the personnel files. Some items she is discussing with Brooke and others she slides to the floor beside her. Later, she stands up, straightens the stack of files and papers, then puts them in her bag. At some later time, she walks out of the building with her bag and leaves. The date on the video is 08/09/2021.

A police report was filed with the Wise County Sheriff's department by Mr. Nibarger on August 17, 2021. A copy of that document was provided and reviewed. The police investigation is still pending. In addition, a copy of a Facebook post made by Ms. Rodriguez' boyfriend, Rudy Espinoza, was provided showing a document from Ms. Rodriguez' personnel file showing her most recent pay raise and her current rate of pay. It is unclear whether the document is the original or a copy of the original. The "post" addresses Mr. Nibarger and Anna Thacker explaining that Ms. Rodriguez does not make \$100,000 a year and that her \$1.09 raise was the first in 10 years. It goes on to talk about her commitment to the city.

One of Ms. Rodriguez responsibilities is the retention of public records. This fact and the retention of records schedule that Salvador Gonzales, intern, created for her are both evidence Ms. Rodriguez is aware that official records must be maintained by the city. Reportedly, she told the Wise County Sheriff's office that "she didn't take anything that wasn't hers". If the final

outcome is that she took the personnel files and/or financial records, then the theft of records is an issue.

RECORDING CONVERSATIONS IN THE CITY ADMINISTRATORS' OFFICE:

Mr. Nibarger provided five audio files of recordings that were of conversations taking place in his office. These recordings were posted by Ms. Rodriguez' boyfriend, Rudy Espinoza, on Facebook on August 22, 2021. The recordings are difficult to hear and noises from the outer office are louder and interfere with the ability to hear. Mr. Nibarger's voice was recognizable to the investigator, so someone who knew all participants might be able to understand who is present and what is taking place in the meeting. Mr. Nibarger also produced a document which provided notes about what was taking place in the meetings. Mr. Nibarger stated that he was unaware of the recording and that the other participants of the meetings were also unaware.

Since this was posted after Ms. Rodriguez was placed on Administrative Leave, there is no disciplinary action on this matter.

SEXUAL HARRASSMENT

On August 25, 2021 Mr. Nibarger was made aware, by Brooke Boller, of inappropriate conversations and text messages between Brooke and Ms. Rodriguez. Some of the conversations also included contractors. Mr. Nibarger contacted this investigator at that point.

Written statements were requested of Brooke and contractor Joshua Barnwell. In Brooke's statement these inappropriate conversations and text messages began within months of Brooke beginning work for the city and continued through this year. The conversations center around a room in Ms. Rodriguez home referred to as the "boom boom" room and her online sexual activities. While her personal life and activities would normally not be of concern to the city, once the conversations came into the workplace and texts with pictures began happening between employees on work time, it became a city concern. Pictures are of Ms. Rodriguez undressed, various sex toys, and the room itself. In one series of texts to Ms. Boller, Ms. Rodriguez orders Ms. Boller to purchase a particular sex toy and use it over the weekend. She goes on to tell her to write a two-page report about the experience and tells her if she doesn't do it she will be fired for insubordination. Ms. Boller stated that Ms. Rodriguez was just joking as evidenced by the fact the Ms. Boller is still employed.

In a conversation that took place in the office approximately three months ago, with contract employee Joshua Barnwell present, Ms. Rodriguez tried to get Ms. Boller to come and join her on-line stating that there were people who would pay top dollar to see Ms. Rodriguez with another female performing sex acts online. Ms. Rodriguez goes on to tell her that she could use a mask so no one could identify her. Ms. Boller declined. This conversation was confirmed in the statement by Mr. Barnwell. The text message string provided by Ms. Boller is very graphic and all sexually oriented.

The text messages do not indicate that Ms. Boller is uncomfortable with the interaction. When questioned about this she stated that, at first, she was uncomfortable. Later, they became friends, and she was no longer uncomfortable. When asked why she notified the City Administrator almost two years later of these conversations she told me that when Ms. Rodriguez started posting things online, she knew she needed to protect herself. This seems to indicate that there is more to this story than we know about. The workplace conversations apparently occurred quite frequently over the past two years.

Ms. Rodriguez signed an acknowledgement regarding the Non-Harassment and Sexual Harassment policies of the City on July 17, 2021. Apparently, Ms. Rodriguez also signed a copy of these policies when Mr. Guard was the Interim City Administrator. That document, however, must be in the missing personnel file. Ms. Boller signed the Non-Harassment and Sexual Harassment policies first on June 2, 2020, and again on August 25, 2021.

The fact that Ms. Rodriguez is Ms. Boller's supervisor makes this more serious than if they were just co-workers. This investigation can go no further without an opportunity to question Ms. Rodriguez. If Ms. Rodriguez leaves her employment with the city, there would be no reason to investigate further as Ms. Boller's complaint would be resolved. However, should Ms. Rodriguez return to the workplace, this investigation will need to be completed. Going forward with Ms. Rodriguez present in the workplace will be difficult as the fear of retaliation will be present for a while. That concern of retaliation could present a liability issue for the City.

FINDINGS:


There are many items of concern for the City Council to consider.

1. Ms. Rodriguez' casual, incorrect and untimely handling of the accounting and the Council agendas and minutes is deeply concerning. The frequency of these events seems to indicate that she either cannot perform at the level needed for the city or does not want to do so. While she may have been an excellent performer at some point in time, she is not performing at that level now.
2. Failing to keep the ordinances and resolutions of the Council in order and accurate is a problem that has long lasting impact on the city unless corrected. The issues surfaced by the audit that went back to 1993 show a longer-term performance problem.
3. Allowing her boyfriend to post documents and recordings of meetings that occurred indicates her lack of commitment to the city and her lack of responsibility toward her role in protecting the files and the confidentiality she should have for the city. These issues could have legal ramifications for her.
4. It is clear that someone recorded the meetings in the City Administrator's office. Circumstances certainly appear to point at Ms. Rodriguez since her boyfriend posted them on Facebook. The quality of the recording is extremely poor. The possibility of pursuing legal action should be taken up with the attorney or the police.
5. The theft of records has already had legal action started. While not completely proven at this point, someone who would do this should not be in a position of trust with the city.

6. The sexual harassment issue is incomplete as of this date. If the investigation is completed and Ms. Rodriguez is found to have done the alleged things, she would need to be separated from employment. In a larger organization separating the two could be an option. However, with three employees, there is no way to provide the necessary separation. The environment that has been created is inappropriate and possibly contributing to the failure to get work done on time and correctly.

The Council faces some difficult decisions ahead. The issues that Mr. Nibarger was aware of appear to have been handled appropriately following a pattern of talking, verbal warning, and written warnings. The remaining issues have surfaced since Ms. Rodriguez was removed from the office and have no disciplinary track record. I will be happy to speak with the Council should that be required.

Submitted:



Kathryn Usrey

Human Resources Consultant

9/23/2021



City Council Agenda November 15, 2021

Agenda Item:

(Consent Item)

Agenda Description:

Accept the deep dive audit report.

Background Information:

The City Council received allegations from a city employee regarding the theft of public funds. The City Administrator was informed of this claim on August 10, 2021, and requested that the City engage its auditor to complete a more “in-depth” audit. Mayor Schoonmaker agreed and instructed the City Attorney to work with the Council members that had received the allegations and provide the necessary materials to the auditor for review. The City Council was informed of the auditor being engaged on August 11, 2021.

The auditor received the materials and completed his review of the specific 140 transactions and presented his findings to the Council on August 19, 2021, during a personnel executive session that the City Administrator pulled into open session. The auditor provided a limited statement, related only to the specific items provided by the City attorney for review, stating that there were no irregularities found. Following the auditor’s report, the Mayor asked if this was sufficient and Council members Julie Burger and Steve Misner stated that the review was too narrow in scope and needed to be expanded.

The Mayor asked the Council, if the review is expanded, when we get the answers back, will we be done with this. Councilwoman Julie Burger responded, do we have to be. Councilwoman Julie Burger presented bank statements to the auditor as evidence of wrongdoing. The City Attorney asked that all materials be delivered to him and he would compile and forward to the auditor. The City Administrator stated that he had requested a deep dive audit of the Mayor as well, and the Council agreed to expand the audit to include a review of 100% of the FY 2020-2021 transactions. The auditor requested that the Council members provide him with “all their concerns” so that when he completed his review and presented his report, there would not be additional items added at that time. The City Attorney agreed to collect “all concerns” from the Council members and forward to the auditor.

The auditor completed his review on September 29, 2021, and presented an initial verbal report that there were no irregularities found, but there were a few transactions that needed to be recoded. The transaction had been coded incorrectly, either through a data entry error or the original coding of the transaction, but all support documentation was present.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Discussion and acceptance in the consent items

Attachments:

Report delivered under separate cover.

WILLIAM C SPORE, PC
CERTIFIED PUBLIC ACCOUNTANTS
200 N. RUFÉ SNOW DRIVE, STE 116
KELLER, TX 76248
817-421-6619

INDEPENDENT ACCOUNTANT'S REPORT

October 4, 2021

To the City Council
City of New Fairview

Summary of report to be issued.

I have tested all of the disbursements from the City's bank account for the period October 1, 2020, thru August 31, 2021. On these transactions I specifically tested for proper approval, proper support and proper check signature. There were a few transactions that were not properly approved and some that were not supported by paid invoices. These errors were all with vendors that the City uses recurringly (for example, inspectors, contract police, contract maintenance workers). None of these exceptions were deemed to be of a fraudulent nature. All checks were properly signed.

I reviewed the posting in City's general ledger accounting records. On my previous report I noted that the City bank reconciliations contained multiple old outstanding items. City staff has corrected and removed these items, most of which were duplicate transactions within the accounting records. I have reviewed the payroll transactions and no "extra" paychecks were found. The ones previously identified were duplicate checks and in correcting the old outstanding items were removed. Each of the payroll expense accounts contained the proper number of payroll checks.

In reviewing the general ledger postings multiple miss posting were identified, i.e., checks posted to the incorrect the expense accounts. Theses items will be corrected during the upcoming financial audit. I believe that all of the miss posting are unintentional errors which are mostly related to the unfamiliarity of the new accounting software and the new chart of accounts. As the City moves forward these types of errors should be reduced.

This summary is intended solely for the information and use of the City Council of the City of New Fairview and is not intended to be and should not be used by anyone other than this specified party. My final report will be available Around October 15, 2021.

William C. Spore PC
Certified Public Accountants



City Council Agenda November 15, 2021

Agenda Item: **Resolution** **(Action Item)**

Agenda Description:

Discuss, consider, and act on a resolution of the City of New Fairview, Texas, amending the FY 2021-2022 budget to improve the audio and visual equipment for virtual meetings in the Council Chambers with a not to exceed cost of \$45,000.

Background Information:

Staff has been making iterative improvements to the virtual meeting environment over the last 18 months. Community and Council feedback has been negative and demands for improved equipment and/or services requested. Staff has requested quotes from several vendors seeking input on how best the equipment and Council Chambers may be modified to improve the virtual meeting experience.

Upon a site inspection, the only vendor that visited our facility, provided the following comments:

1. You can make small improvements through better quality equipment. The current microphones and sound system were purchased two years ago and while they were an improvement over nothing, they do not provide the best quality sound. They were purchased from Amazon for a cost of \$70 per two microphones and receivers.
2. The biggest problem is the size of the room, the hard surfaces, which results in reflection and reverberation, regardless of the type of microphone system being used.

They measured the space and provided a microphone solution using on/off microphones (they only pick up sound when someone pushes and holds a button to activate the microphone) which would be the most economical fix (\$8,500), but not resolve the acoustic dynamics of the room.

To resolve the acoustics in the Council Chambers, they propose the installation of acoustic panels on most of the walls and the ceiling to absorb the sounds and reduce the reflection and reverberation. The cost for the acoustic treatment ranges from \$25,000 for the ceiling only, to \$36,000 for both the ceiling and walls.

Financial Information:

Could potentially double the current total City tax base at build out.

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:

Summary of Work

Microphone Equipment Quote

Acoustic Treatment Quote



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPROPRIATING NO MORE THAN \$45,000 FROM THE FUND BALANCE AND AUTHORIZING THE CITY ADMINISTRATOR TO MAKE IMPROVEMENT TO THE COUNCIL CHAMBERS FOR IMPROVED VIRTUAL MEETINGS.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, the City of New Fairview seeks to be transparent and open to the residents, allowing opportunities for them to attend and participate in public meetings through virtual mediums; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of New Fairview.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY NEW FAIRVIEW:

1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
2. That the City Council appropriates \$45,000 from the Fund Balance and authorizes the City Administrator to make improvements to the Council Chambers for virtual meetings, provided that the City Administrator follows the Council adopted procurement policies and procedures.
3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without

the invalid provision.

4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this **15th day of November**, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

Nolan Schoonmaker
Mayor

Brooke Boller
Interim Deputy City Secretary

Prepared For:

Ben Nibarger
999 Illinois Lane
New Fairview
TX, 76058

Ph.
Cell

Prepared By:

Chevas King
Taurus Technologies

Date Prepared:

11/3/2021

Summary

City of Fairview has requested a proposal for the Council Room located in Fairview, TX. The client has requested to upgrade the wireless microphones for PC conferencing that are currently located on the Diaz and the podium. Taurus will provide and install (8) Shure 12" Gooseneck microphones, (1) at each seat location with the ability to do Push-To-Talk. The Podium will receive an 18" gooseneck microphone for the speaker to address the room from the podium. This microphone will be configured with push to mute function, so the microphone can be muted when not in use, and unmuted when in use. The microphones will be controlled by a Biamp Audio DSP located in the podium and the DSP will connect to the desktop PC in the podium via a USB cable for inbound and outbound audio during a UC conference call. The Biamp DSP will be configured with auto mixing capabilities for the microphones. The output of the Biamp will be wired to the existing powered speakers located in the rear of the room. Taurus will provide floor covering for the new cables from the Diaz to the Podium.

Key Components

OFE PC, located in podium

(8) New Shure 12" MX412 Gooseneck Microphones

- Microphone base will have the ability to Push-To-Talk function

(1) New Shure 18" MX418 Gooseneck Microphone

- Microphone base will have the ability to Push-To-Mute function

New Biamp Audio DSP

- Audio DSP will be custom programmed by Taurus

- microphone audio will be cabled via USB into the OFE PC

- Biamp audio will be set as default microphone solution in this PC

Existing Aviasonic speakers

- Biamp audio output will be routed to the speakers for audio reinforcement for both the microphones and PC audio

1 Year of FREE Blue Ribbon Support

Project Management, Functional and As-Built Line Drawings

Custom Installation and Complete Training

Client Requirements

Power:

(1) 15A Duplex at the Podium location

- Customer Requirements

- Please note that all LAN, Phone and Power recommendations made by TTI will be in reference to the Audio/Visual and Integrated Conferencing equipment ONLY. Any additional LAN or Phone needs required for room use will not be included in this Statement of Work. All applicable requirements MUST be complete prior to TTI's arrival. ANY requirements not met prior to arrival may result in rescheduling and or additional charges.

- Payment Terms

- NEW Customers or for Orders greater than \$25k; 25% due on issuance of PO, 50% due upon equipment delivery, remaining balance due upon project completion.
- Orders less than \$25k-NET30 from equipment delivery.
- Customer is responsible for any and all state or local taxes or duties.
- Any item desiring to be returned must be done within 15 days of receipt. All returns items are subject to a restocking fee.
- Taurus will arrange proper shipment and bill accordingly for shipping and handling.
- Invoices are issued and payable in US Dollars directly to Taurus Technologies Incorporated.

- Owner Furnished Equipment (a.k.a - 'OFE')

- IF any Owner Furnished Equipment (OFE) shall be utilized in this design it will be presumed for the purpose of this Scope of Work and price quotation that all OFE is in good and proper working order.
- No provisions have been made in this price quotation to test, troubleshoot or repair any Owner Furnished Equipment.
- Should any testing, troubleshooting or repair be required to bring the Customer's equipment back to good and proper working order, additional charges may apply.
- The appropriate Taurus Technologies and customer representatives shall agree on services to be rendered and price for such prior to any services being rendered by Taurus Technologies.
- If the customer is providing any type of source code or configuration files for new or existing equipment, for Taurus to amend and implement, those files must be in complete and proper working order. Any unforeseen issues with said files, that cause additional time outside of this scope of work, may come with additional charges.

- Project Specifics

- i. Client Responsibilities

- Any functionality features or equipment not included in this Scope of Work must be addressed in writing prior to acceptance and authorization of this project.
- A clean and secure work area and that provides conditions that are not detrimental to the equipment provided or personnel on site.
- ***** All required spaces (rooms, access points, etc.) must be available at the start of the installation and remain available for the duration of the project. Any required space that is unavailable during the scheduled installation timeframe may result in delayed delivery of the project and possible additional charges.**
- Uninterrupted access to work area during normal business hours in the local time zone (8AM-6PM). Afterhours access will be arranged when needed.
- All Owner Furnished equipment must be in proper working order and accessible at the beginning of the project.
- All shipments directly received by the client must be inspected for physical damage and any issues MUST be reported within 24 hours. Any damage not reported within the 24-hour delivery window will be the sole responsibility of the client.
- It is understood that the Customer takes possession of product from TTI shipping point regardless of which party pays for freight. Upon acceptance, in good order, by carrier from TTI, the material becomes the property of the consignee. All claims for damage, breakage or losses (concealed or obvious) must be made by the consignee, to the carrier in accordance with ICC regulations. (ship to information contained in section I.a and I.b)
- Installation and testing of all LAN, Phone, and Power circuits prior to arrival on site.
- "Hard Point" for mounting of equipment. TTI will provide equipment specific mounting hardware to be attached to structural support provided by the customer.
 1. When in doubt, the Customer should contact a certified structural engineer.

- Ceiling Recessed Projection Screen: TTI shall mount and level projection screen(s) within the ceiling grid. Customer is responsible for repairs and/or replacement of any ceiling materials modified or damaged during the screen installation. Client shall be responsible for providing proper power circuit at screen location and connection of the screen control unit to the circuit.
- Pathway for AV cabling to include any core drilling or structural modifications.
- All conduit and raceway as required per local code.
- Proper ventilation at all rack locations.
- Any changes to the scope or functionality of the proposed design and subsequent signature of the Statement of Work will result in additional costs to include, but not limited to, equipment cost, shipping cost, travel expenses, programming charges, and labor expenses.
- Custom millwork, construction, or trim required to complete the project.
- Suitable area for receipt/delivery of equipment. Any inside delivery charges will be the responsibility of the client (noted in section I.c)
- **Any project installation scheduling requires a purchase order at least 2 weeks in advance to the desired date(s).**
- **Prior to installation, all end user locations will be sent a Certificate of Insurance at the place of install. Should the customer/leasing company/owner request additionally insured certificates of more than (1) listed on the C.O.I. Texas Legislation Senate Bill 45 will only allow (1) listed owner on the Certificate of Insurance and not multiple entities. Any deviations from this policy will require the End User to request each owner/entity additional information of business name and location for underwriting purposes, which could incur additional fees.**
- Intellectual Property
 - Control Code – Programming and Touch Panel Files
 - a. All control code and intellectual property related to the control code becomes the property of the client after all invoices have been paid in full. A copy of this code will be maintained by Taurus Technologies in order to easily and efficiently make changes as requested by the customer.
 - b. A touch panel “test drive” is allowed for the first thirty (30) days after which one (1) minor touch panel revision will be made at no cost to the client. Minor changes will include “look and feel” of panel as well as small functional needs that may have changed after the room has been in use but that do NOT deviate from the Scope of Work. All touch panel changes will be made at the end of the 30-day period unless customer requests otherwise. If the customer does request the changes to be made before the 30-day period is up the remaining days will be forfeited and no additional amendments will be made. All deviations from the Scope of Work or that require cabling changes or equipment moves will be billed as a change order.
 - Line/Schematic Drawings, and Flow Drawings
 - a. All drawings become the property of the client after all invoices are paid in full.
 - Warranties – All manufacturer warranties apply. These warranties and ownership thereof will be the customers. Optional upgrade warranties may be purchased upon request as well as Taurus Remote and On-site support packages.



PROJECT PROPOSAL

Prepared for:

Ben Nibarger

999 Illinois Lane

New Fairview, TX 76058

Email: Ben@newfairview.org

Phone:

Prepared by:

Chevas King

Taurus Technologies



Ship To: Taurus Headquarters
1420 Lakeside Parkway
Suite 100
Flower Mound, TX 75208

Location: Ben Nibarger
999 Illinois Lane
New Fairview, TX 76058
Ben@newfairview.org

Bill To: Ben Nibarger
999 Illinois Lane
TIPS 210101
New Fairview, TX 76058

Date: 11/3/2021
Quote Number: CK015506
Shipping Method: TBD

469-630-9900

Salesperson		Room	Designed By	Approved By	Due Date
Chevas King		New Fairview - Council Room - Microphone Audio for PC Calls	MW	MW	12/03/2021
Qty	Part Number	Description	Unit Price	Discount Price	Line Total
Audio Solutions					
1	TesiraFORTE DAN CI	Biamp Fixed I/O DSP with 12 analog inputs, 8 analog outputs, 8 channels configurable USB audio, 32 x 32 channels of Dante, and AEC technology (all 12 inputs)	\$ 3898.00	\$ 2632.00	\$ 2632.00
8	MX412D/C	Shure Cardioid-12" Desktop Gooseneck Condenser Microphone, Attached 10' XLR Cable, Logic Functions, Programmable Switch and LED Indicator, Attached Desktop Base	\$ 393.00	\$ 299.00	\$ 2392.00
1	MX418D/C	Shure Cardioid-18" Desktop Gooseneck Condenser Microphone, Attached 10' XLR Cable, Logic Functions, Programmable Switch and LED Indicator, Attached Desktop Base	\$ 393.00	\$ 299.00	\$ 299.00
Miscellaneous Solutions					
1	MISC	Miscellaneous Cables, Connectors and Hardware.	\$ 225.00	\$ 203.00	\$ 203.00
Service					
1	TT-BRS-1	1st Year Taurus Technologies Blue Ribbon Support: Normal Business Hour Telephone/ Video Support (8am-5pm CST, Excluding Weekends and Holidays) & 24/7 Video Conferencing Test Facilities. INCLUDED FIRST YEAR.	\$ 250.00	\$ 0.00	No Charge
0	TT-BRSO-1	1st Year Taurus Technologies Blue Ribbon Support Plus: Next Day On-Site Technical Support (Calls Received by 3pm CST on Previous Business Day), 24/7 Telephone/ Video Support (1 Hour Call Back Time Outside of Normal Business Hours), and 24/7 Video Conferencing Test Facilities. Parts Replacement limited to the Manufacture Warranty. This contract will ONLY include products sold and installed by Taurus Technologies unless otherwise specified prior to purchase.	\$ 640.00	\$ 640.00	\$ 0.00
0	TT-BRSOP-1	1st Year Taurus Technologies Blue Ribbon Support Plus: Next Day On-Site Technical Support (Calls Received by 3pm CST on Previous Business Day), 24/7 Telephone/ Video Support (1 Hour Call Back Time Outside of Normal Business Hours), and 24/7 Video Conferencing Test Facilities and Priority Parts Replacement. This contract will ONLY include products sold and installed by Taurus Technologies unless otherwise specified prior to purchase.	\$ 860.00	\$ 860.00	\$ 0.00
0	TT-CONDUCTOR-S	Taurus Technologies Conductor Service for Digital User Guide & Support Info. Includes QR Code Custom Technology on Key Tag (1), Table Tent (5 Per Room) and Room Placard (Choice of Color) (1) "Small Project Size"	\$ 1790.00	\$ 795.00	\$ 0.00
1	TT-DSPCONFIG	Custom DSP Configuration. All Configuration Files Remains Property of the Customer.	\$ 600.00	\$ 600.00	\$ 600.00
1	TT-DESIGN	Custom Design of Project: Includes Project Management and As-Built Line Drawings. All Final Drawings will be the Property of the Customer.	\$ 250.00	\$ 250.00	\$ 250.00
Installation					
1	TT-INSTALL	Taurus Technologies Custom Installation of ALL Above Listed Equipment & Complete Training.	\$ 2160.00	\$ 2160.00	\$ 2160.00

Please send all purchase orders to sales@taurustechinc.com and your sales representative, Chevas King, 469-630-9900. Quotation valid for 30 days from date on upper right of page. If your order contains a flat panel display you MUST inspect the product within 24 hours of receipt for damage to the housing and or glass. Any warranty claims will be filed within that period to replace the unit promptly. Payment terms: NEW Customers or for Orders greater than \$15k-25% due on issuance of PO, 50% due upon equipment delivery, remaining balance due upon project completion. Orders less than \$15k-NET30 from equipment delivery. Customer is responsible for any and all state or local taxes or duties. Any item desiring to be returned must be done within 15 days of receipt. All returns items are subject to a restocking fee. Taurus will arrange proper shipment and bill accordingly for shipping and handling. Invoices are issued and payable in US Dollars directly to Taurus Technologies Incorporated. Any project installation scheduling requires a purchase order at least 2 weeks in advance to the desired date(s).

Shipping	TBD
Subtotal	\$ 8,536.00
Estimated Taxes	TBD
Total	\$ 8,536.00

Taurus Technologies Incorporated

1420 Lakeside Pkwy Suite 100, Flower Mound, TX 75028 / 5760 40th Street Unit D, Lubbock, Texas 79407



PROJECT PROPOSAL

Prepared for:

Ben Nibarger

999 Illinois Lane

New Fairview, TX 76058

Email: Ben@newfairview.org

Phone:

Prepared by:

Chevas King

Taurus Technologies



Ship To: Taurus Headquarters
1420 Lakeside Parkway
Suite 100
Flower Mound, TX 75208

Location: Ben Nibarger
999 Illinois Lane
New Fairview, TX 76058
Ben@newfairview.org

Bill To:

Date: 11/9/2021
Quote Number: CK015580

Shipping Method:

469-630-9900

Salesperson	Job Name	Designed By	Approved By	Due Date
Chevas King	City of New Fairview - Council Room Acoustic Treatment	N/A	N/A	12/9/2021
Description				Line Total
Option				
New Fairview - Council Room - Acoustic Treatment - Ceiling and Walls				\$ 36,622.00
New Fairview - Council Room - Acoustic Treatment - Ceiling Only				\$ 25,354.00

Please send all purchase orders to sales@taurustechinc.com and your sales representative, Chevas King, 469-630-9900. Quotation valid for 30 days from date on upper right of page. If your order contains a flat panel display you MUST inspect the product within 24 hours of receipt for damage to the housing and or glass. Any warranty claims will be filed within that period to replace the unit promptly. Payment terms: NEW Customers or for Orders greater than \$15k-25% due on issuance of PO, 50% due upon equipment delivery, remaining balance due upon project completion. Orders less than \$15k-NET30 from equipment delivery. Customer is responsible for any and all state or local taxes or duties. Any item desiring to be returned must be done within 15 days of receipt. All returns items are subject to a restocking fee. Taurus will arrange proper shipment and bill accordingly for shipping and handling. Invoices are issued and payable in US Dollars directly to Taurus Technologies Incorporated. Any project installation scheduling requires a purchase order at least 2 weeks in advance to the desired date(s).



Ship To: Taurus Headquarters
1420 Lakeside Parkway
Suite 100
Flower Mound, TX 75208

Location: Ben Nibarger
999 Illinois Lane
New Fairview, TX 76058
Ben@newfairview.org

Bill To:

Date: 11/9/2021
Quote Number: CK015580
Shipping Method: TBD

469-630-9900

Salesperson		Room	Designed By	Approved By	Due Date
Chevas King		New Fairview - Council Room - Acoustic Treatment - Ceiling and Walls	N/A	N/A	12/09/2021
Qty	Part Number	Description	Unit Price	Discount Price	Line Total
Miscellaneous Solutions					
1	> .80 NRC	High Noise Reduction Coefficient Acoustic Panels for ceiling. > .80 NRC, (871 SF of acoustic paneling)	\$ 42080.00	\$ 25027.00	\$ 25027.00
1	MPS Install	MPS Installation of Acoustical Treatments	\$ 13889.00	\$ 11595.00	\$ 11595.00
				Shipping	TBD
				Subtotal	\$ 36,622.00
				Estimated Taxes	TBD
				Total	\$ 36,622.00

Taurus Technologies Incorporated

1420 Lakeside Pkwy Suite 100, Flower Mound, TX 75028 / 5760 40th Street Unit D, Lubbock, Texas 79407



Ship To: Taurus Headquarters
1420 Lakeside Parkway
Suite 100
Flower Mound, TX 75208

Location: Ben Nibarger
999 Illinois Lane
New Fairview, TX 76058
Ben@newfairview.org

Bill To:

Date: 11/9/2021
Quote Number: CK015580
Shipping Method: TBD

469-630-9900

Salesperson		Room	Designed By	Approved By	Due Date
Chevas King		New Fairview - Council Room - Acoustic Treatment - Ceiling Only	N/A	N/A	12/09/2021
Qty	Part Number	Description	Unit Price	Discount Price	Line Total
Miscellaneous Solutions					
1	>.80 NRC	High Noise Reduction Coefficient Acoustic Panels for ceiling. >.80 NRC, (603 SF of acoustic paneling)	\$ 31688.00	\$ 17326.00	\$ 17326.00
1	MPS Install	MPS Installation of Acoustical Treatments	\$ 11688.00	\$ 8028.00	\$ 8028.00
				Shipping	TBD
				Subtotal	\$ 25,354.00
				Estimated Taxes	TBD
				Total	\$ 25,354.00

Taurus Technologies Incorporated

1420 Lakeside Pkwy Suite 100, Flower Mound, TX 75028 / 5760 40th Street Unit D, Lubbock, Texas 79407



City Council Agenda November 15, 2021

Agenda Item: **Resolution** **(Action Item)**

Agenda Description:

Discuss, consider, and act on a resolution of the City of New Fairview, Texas, amending the Council adopted fee schedule to include commercial safety inspection fees, establish the inspection schedules and criteria, and authorize the City Administrator to enter into agreements with East Wise Fire Rescue and Modern Geosciences to provide the commercial safety inspection services.

Background Information:

Municipalities are granted regulatory authority to ensure public health and safety. Certain business and commercial operations in the City, due to the nature of the operation, carry with them particular risks for the occurrence of dangerous incidents, including fire, explosion, nuisance or other catastrophe, and for that reason present a threat to the health and safety of the city.

In January 2021, the City Council adopted Ordinance 2021-01-220, which established the authority to staff to conduct the safety inspections to ensure that commercial entities within the city limits are in compliance with applicable federal, state and local regulations to protect the health, safety, and welfare of the city. Staff has been working with the City Attorney and East Wise Fire Rescue to implement the safety inspections for well over a year and are prepared to move forward with the implementation of the program.

In November 2021, staff met with Modern Geosciences, who conducts hydrocarbon well safety inspections for the City of Denton, as well as numerous other municipalities in the Dallas-Fort Worth area, has provided the following information regarding the annual safety inspections for hydrocarbon wells and recommends an initial safety inspection fee of \$2,000. Examples of other cities in the DFW area and their fees can be seen below.

- **Grand Prairie** - \$2,750 - [Link to ordinance](#)
With other fees when there is rework, an operator transfer, etc.

- **Flower Mound** - \$4,250 - [Link to ordinance](#)
“34-421(c) Annual inspection fees: An inspection fee of \$4,250.00 per well shall be required annually, starting one year after the initial date the oil, gas, or combined well permit is issued and each year thereafter.”
- **Arlington** - \$2397 - [Link to ordinance](#)
- **Bedford** - \$2,500 - [Link to ordinance](#)
- **Mansfield** - \$2,250 - [Link to ordinance](#)

The year-one safety inspection for hydrocarbon wells would include the following:

- Verify RRC dataset and aerial depiction of padsites within the City Limits/match to operator; and
- coordinate with operators on equipment specifics, permit status, access needs and schedule; and
- generate initial field maps from multiple database sources for field event; and
- generate compliance checklist from existing ordinance and applicable RRC, TCEQ, EPA rules; and
- conduct field visits – verify infrastructure location, type, and establish unique nomenclature for each major component; confirm compliance items; and
- conduct inspections – complete leak detection effort consistent with Quad Oa using OGI and NORM Screening; and
- provide interim reporting – within two-weeks of final inspection event Modern will communicate findings and Action Items from the inspection event for them to communicate corrective action; and
- generate reports (Individual Padsite) - approximately two-weeks from operator communication, Modern will generate an electronic report with scale map, infrastructure specifics, compliance inspection, leak inspection, and radiation inspection findings. Photos of selected equipment, pad site conditions, and leak documentation (OGI and Standard) included (these reports may be used to meet the requirements for Quad Oa and Quad Ob inspection elements - a cost of \$500-\$900 per well for all wells drilled post September 2015 but anticipated to become a requirement for all wells in the near future); and
- provide reporting summary – create a full summary of the findings with Leak Rate and NORM Rate comparison to evaluate operator performance. Will have summary maps of open Action Items for your team to check on and other findings.

The year-one safety inspection for retail, office, and other commercial operations would include the following:

- Develop a list of all commercial operations within the City Limits; and
- coordinate with businesses on permit status, hours of operation, inspection schedule, and checklist for inspections; and
- add data into the City's GIS system, updating the parcel and building layers; and
- conduct field inspections – verify infrastructure location, inspect emergency lighting, fire extinguishers, occupancy, points of ingress/egress from the building, utilities, emergency exit signs, fire alarms, hazardous areas, and training records (use of fire extinguisher, fire drills, etc.); and
- generate report – final report for each facility, including images and updates on the facility, utilization, etc.

Staff is continuing to work with counterparts in the different commercial establishments within the city limits to discuss the implementation of this ordinance and how it will impact their operations.

Financial Information:

Year-one hydrocarbon well inspection costs are estimated at \$275,000 (not including equipment and materials; year-one retail, office, and other commercial safety inspection costs are estimated at \$1,500; year-one capital costs for the safety inspection are estimated at \$175,000, including the acquisition of two safety inspection vehicles, equipment, and gear; safety inspection fee revenues will offset new expenditures to implement the program.

City Contact and Recommendation:

Ben Nibarger, City Administrator

Approve resolution

Attachments:

Resolution

Attachment A

Sample of Hydrocarbon Well Inspection Report

Sample of the Fire Marshal Safety Inspection Report



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, AMENDING THE COUNCIL ADOPTED FEE SCHEDULE TO INCLUDE COMMERCIAL SAFETY INSPECTION FEES, CRITERIA, AND SCHEDULES.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, the City of New Fairview wishes to ensure a safe environment for those who live, work, or visit the City; and

WHEREAS, the City Council has previously adopted an ordinance authorizing commercial safety inspections; and

WHEREAS, the City Council has directed staff to develop and implement a commercial safety inspection program to efficiently and effectively meet the needs of the City; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of New Fairview.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY NEW FAIRVIEW:

1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
2. That the City Council does hereby amend the previously adopted fee schedule to include the safety inspection fees included in "Attachment A".

3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the _____ invalid _____ provision.
4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this **15th day of November**, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

Nolan Schoonmaker
Mayor

Brooke Boller
Interim Deputy City Secretary

Attachment A

Hydrocarbon Well Annual Safety Inspection

Year-one	\$2,000
Year-two (Leak Rate and NORM Rate benchmark comparison)	TBD

Fire Marshal safety inspection	\$100
---------------------------------------	--------------



DATE July 12, 2021

PROJECT 21125

ATTN City of Denton
215 East McKinney Street
Denton, Texas 76201

Padsite Inspection Report	
Padsite No.	150 (Robson Ranch 600)
Operator:	Bedrock
Location:	<input checked="" type="checkbox"/> City of Denton <input type="checkbox"/> Denton ETJ
Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Moderate <input type="checkbox"/> Low

Modern Geosciences, LLC (Modern) is pleased to provide the attached Padsite Inspection Report documenting the results of our recent inspection and monitoring events at the above-referenced padsite. A general summary of findings is presented below with detailed results provided in the attached report.

- **Field Inspection Results:** As part of the field inspection efforts, Modern evaluated the padsite concerning general ordinance or operational requirements set forth by the City.

No operational or ordinance compliance issues were noted by Modern during our inspection efforts.

- **Near-Equipment Inspection Results:** Our inspection efforts at this padsite included near-equipment monitoring using optical gas imaging (OGI) to identify leaks of methane and/or volatile organic compounds (VOCs) and radiation meters to identify equipment exhibiting naturally-occurring radioactive material (NORM) above applicable regulatory criteria. The accumulation of scale within equipment can cause elevated NORM levels requiring proper signage and equipment management. A summary of near-equipment findings is presented below with further detail in the attached report.

Near Equipment Inspection Summary:				
Equipment	Number	Leaks*	Unlabeled NORM**	Labeled NORM**
Wells	12	2	0	7
Separators	15	4	1	7
ASTs	3	0	1***	0
Other	18	0	0	2

*OGI leaks identified exclude operational low bleed components (≤ 6 scf/hr)

**NORM exceeding 50 μ R/hr

***AST B noted as temporary. NORM exceedance not noted as an Action Item at this time. Future verification suggested.

All near-equipment inspection concerns (e.g., leaks) were communicated to the operators with a two-week period to address each. If the concerns were not addressed, these are included in the Action Items listed below. If items were addressed, this will be documented in the report.



- **Fenceline Inspection Results:** Our inspection efforts for this padsite included an evaluation of air quality at representative upwind and downwind points at the padsite boundary. Our approach utilized a variety of equipment to screen for potential impacts that could affect air quality off of the padsite or suggest additional monitoring may be warranted. Please refer to the report for additional detail on our findings.

Fenceline inspection did not identify air quality concerns above program screening goals.

- **Action Items:** If items are identified during our inspection that remain unresolved or require future confirmation, these will be listed as individual action items for the operator until the City has confirmed further action is not required.

There are no outstanding Action Items as of the date of this report.

- **Next Inspection Event:** The City of Denton completes periodic inspections at all padsites throughout the year. In addition to this, the City has asked Modern to perform supplemental inspections with high-resolution equipment based on proximity to sensitive property uses. Based on the current prioritization, this padsite is scheduled to be inspected again by Modern in the second half of 2021.

CLOSING

We appreciate the opportunity to provide our services to you. Should you require additional information or have any questions regarding this report, please contact the undersigned at 682.223.1322.

Respectfully submitted,

Kenneth S. Tramm, PhD, PG, CHMM
Senior Program Manager

MODERN GEOSCIENCES

Texas Registered Geoscience Firm 50411
Texas Registered Engineering Firm F-16201



MODERN GEOSCIENCES

TRUSTED ENVIRONMENTAL ADVISORS

DATE

July 12, 2021

PROJECT

21125

PADSITE INSPECTION REPORT

Padsite No. 150 – Robson Ranch 600

PREPARED FOR

City of Denton

215 East McKinney Street

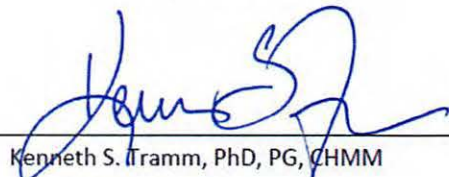
Denton, Texas 76201

PREPARED BY



Zachary Tondre, MS, GIT
PROJECT MANAGER

REVIEWED BY



Kenneth S. Tramm, PhD, PG, CHMM
SENIOR PROGRAM MANAGER

PADSITE INSPECTION REPORT

Padsite Name: Robson Ranch 600 (#150)

Inspection Date: 06/04/21

Operator: Bedrock

Inspectors: ZT, DW



FIELD INSPECTION RESULTS:

Pass	Fail	N/A	General Inspection Checklist Items
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 1: Appropriate signage present at padsite entrance including operator name, site address, well names, 24 hr phone number, and no smoking. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 2: Appropriate signage present at padsite entrance and/or equipment including RRC/API numbers. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 3: Fencing present surrounding padsite and/or equipment. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 4: Site secured. Gates locked to control unauthorized access. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 5: Surface topography prevents areas with significant water collection. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 6: Surface free of stains or other signs of significant spills/releases. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 7: Padsite free of trash/waste debris. Comments: None
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 8: Lighting not directed toward adjacent property/roads (as applicable). Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 9: All equipment painted with no bare pipe present. Comments: Minor corrosion noted as potential future action item.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 10: Landscaping appears well maintained (as applicable). Comments: None
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 11: Lightning arrestors present at ASTs and in good condition (as applicable). Comments: Not applicable – tank battery not present; temporary tanks noted, not in use.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 12: Pipeline markers present at roads (as applicable). Comments: None
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 13: Tank battery and secondary containment appear to have integrity with no significant corrosion. Comments: Not applicable – tank battery not present; temporary tanks noted, not in use.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 14: Remote compressed air foam line (fire suppression) present. Comments: None
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 15: Access road accommodates 20' wide emergency vehicle requirements. Comments: None
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 16: Water/oil transfer points within secondary containment or have drip control accessory to minimize spillage during waste transfer. Comments: Not applicable – tank battery not present; temporary tanks noted, not in use.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 17: Tank battery has appropriate hazardous material signage. Comments: Not applicable – tank battery not present; temporary tanks noted, not in use.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Item 18: Poned water (Pit) has fencing and access controls. Comments: Not applicable – ponded water not present.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item 19: Other Audio, Visual, or Olfactory concerns noted during the inspection. Comments: None

PADSITE INSPECTION REPORT

Padsite Name: Robson Ranch 600 (#150)

Inspection Date: 06/04/21

Operator: Bedrock

Inspectors: ZT, DW



NEAR EQUIPMENT INSPECTION CRITERIA:

Constituent:	Methane	NORM
At Equipment:	10,000 ppmv ¹	50 μ R/hr ²
Equipment:	OGL Camera	Radiation Meter
Resolution:	3,000-10,000 ppmv	1 μ R/hr

FENCELINE INSPECTION CRITERIA:

Constituent:	Methane	tVOCs	H ₂ S	NORM
Fenceline:	500 ppmv ³	0.1 ppmv ⁴	0.08 ppmv ⁵	20 μ R/hr ⁶
Equipment:	DPIR Meter	PID	H ₂ S Meter	Radiation Meter
Resolution:	1 ppmv	0.001 ppmv	0.003 ppmv	1 μ R/hr

Notes:

- 1- Utilizes the Interstate Natural Gas Association of America (INGAA) recommended leak definition within their December 4, 2015 response to EPA Docket No. EPA-HQ-OAR-2010-0505 – “Oil and Natural Gas Sector: Emission Standards for New and Modified Sources,” dated September 18, 2015 (80 FR 56593). Also represents 20% of the Lower Explosive Limit. A lower leak definition and additional inspection and reporting may be required at facilities subject to 40 CFR §60 Subpart OOOOa. Documented continuous low-bleed components (<6 scf/hr) and intermittent emissions from properly functioning pneumatic devices are not considered leaks for the purposes of this inspection.
- 2- The Texas Railroad Commission (RRC) regulates NORM under 16 TAC §4 (*Environmental Protection, Subchapter F, Oil and Gas NORM*). Subchapter F establishes the requirements for oil and gas NORM waste disposal for the purpose of protecting public health and the environment. NORM-contaminated equipment is defined in Subchapter F as “equipment that, at any accessible point, exhibits a minimum radiation exposure level greater than 50 μ R/hr including background radiation level.” When identified, the equipment suspected of being NORM-containing will be communicated to the City and operator(s) to allow further inspection and where appropriate compliance with RRC signage and management requirements.
- 3- Represent half of the American Conference of Governmental Industrial Hygienists (ACGIH) 8-hour threshold limit value (TLV) of 1,000 ppmv (0.1% by volume) set for potential cardiac sensitization and central nervous system depression.
- 4- Consistent fenceline concentrations of 0.1 ppmv could indicate a potential off-site air quality exceedance of applicable TCEQ Air Monitoring Comparison Values (AMCVs) or Effect Screening Levels (ESLs). Further sampling will be needed to confirm the individual compounds present and direct regulatory comparison.
- 5- Indicative of possible 30 TAC §112.31 (30-min avg.) exceedance of 0.08 ppmv. Further sampling will be needed to confirm the 30-minute average and allow direct regulatory comparison.
- 6- EPA average background criteria established under Document No. 402-R-08-005; April 2008. Reported background ranged from 10 μ R/hr to 85 μ R/hr. Elevated fenceline observations may require further screening to confirm attenuated levels near sensitive receptors.

PADSITE INSPECTION REPORT

Padsite Name: Robson Ranch 600 (#150)

Inspection Date: 06/04/21

Operator: Bedrock

Inspectors: ZT, DW



NEAR EQUIPMENT INSPECTION RESULTS:

INSPECTION RESULTS - WELLS

Location ID:	Leaks (OGI):	NORM ($\mu\text{R/hr}$; max):	Date Reported ¹ :	Date Addressed ² :
Well A	None	<15	NA	NA
Well B	None	290	NA	NA
Well C	Kimray Valve	600	06/07/21	07/02/21
Well D	None	320	NA	NA
Well E	None	400	NA	NA
Well F	None	500	NA	NA
Well G	None	800	NA	NA
Well H	None	<15	NA	NA
Well I	None	45	NA	NA
Well J	None	140	NA	NA
Well K	None	<15	NA	NA
Well L	Subgrade Leak	<15	06/07/21	07/02/21

General Notes: The NORM observations were labeled prior to Modern's inspection. No other concerns noted.

¹ - Reported to operator; ² - If reported to Modern by operator/City; *NORM exceeding 50 $\mu\text{R/hr}$ not labeled

INSPECTION RESULTS - SEPARATORS

Location ID:	Leaks (OGI):	NORM ($\mu\text{R/hr}$; max):	Date Reported ¹ :	Date Addressed ² :
Separator A	None	100	NA	NA
Separator B	Actuator	400	06/07/21	07/02/21
Separator C	None	160*	06/07/21	07/02/21
Separator D	None	190	NA	NA
Separator E	Actuator	200	06/07/21	07/02/21
Separator F	Actuator	270	06/07/21	07/02/21
Separator G	None	200	NA	NA
Separator H	None	40	NA	NA
Separator I	None	25	NA	NA
Separator J	None	110	NA	NA
Separator K	None	<15	NA	NA
Separator L	Actuator	100	06/07/21	07/02/21
Separator M	None	<15	NA	NA
Separator N	None	<15	NA	NA
Separator O	None	45	NA	NA

General Notes: NORM exceedance noted on Separator C; the remaining NORM observations were labeled prior to Modern's inspection. Minor corrosion noted on separators. No other concerns noted.

¹ - Reported to operator; ² - If reported to Modern by operator/City; *NORM exceeding 50 $\mu\text{R/hr}$ not labeled

PADSITE INSPECTION REPORT

Padsite Name: Robson Ranch 600 (#150)

Inspection Date: 06/04/21

Operator: Bedrock

Inspectors: ZT, DW



INSPECTION RESULTS – TANK BATTERY (ASTs)

Location ID:	Leaks (OGI):	NORM ($\mu\text{R/hr}$; max):	Date Reported ¹ :	Date Addressed ² :
Former AST A	NA	NA	NA	NA
AST B	None	110*	NA	NA
AST C	None	<15	NA	NA
AST D	None	<15	NA	NA

General Notes: ASTs B, C, and D noted as temporary. NORM exceedance on AST B not noted as an Action Item at this time due to being temporary. Future verification suggested. No other concerns noted.

¹ – Reported to operator; ² – If reported to Modern by operator/City; *NORM exceeding 50 $\mu\text{R/hr}$ not labeled

INSPECTION RESULTS – COMPRESSORS OR ANCILLARY EQUIPMENT

Location ID:	Leaks (OGI):	NORM ($\mu\text{R/hr}$; max):	Date Reported ¹ :	Date Addressed ² :
Ancillary A	None	<15	NA	NA
Ancillary B	None	<15	NA	NA
Ancillary C	None	20	NA	NA
Ancillary D	None	350	NA	NA
Ancillary E	None	200	NA	NA
Ancillary F	None	<15	NA	NA
Ancillary G	None	20	NA	NA
Ancillary H	None	25	NA	NA
Ancillary I	None	35	NA	NA
Ancillary J	None	35	NA	NA
Ancillary K	None	30	NA	NA
Ancillary L	None	25	NA	NA
Ancillary M	None	<15	NA	NA
Ancillary N	None	20	NA	NA
Ancillary O	None	<15	NA	NA
Ancillary P	None	<15	NA	NA
Ancillary Q	None	<15	NA	NA
Ancillary R	None	<15	NA	NA

General Notes: The NORM observations were labeled prior to Modern's inspection. No other concerns noted.

¹ – Reported to operator; ² – If reported to Modern by operator/City; *NORM exceeding 50 $\mu\text{R/hr}$ not labeled

PADSITE INSPECTION REPORT

Padsite Name: Robson Ranch 600 (#150)

Inspection Date: 06/04/21

Operator: Bedrock

Inspectors: ZT, DW



FENCELINE INSPECTION RESULTS:

Meteorological Data	Avg. Wind Direction (to): N	Avg. Wind Speed (mph): 4.8	Bar. Pressure ("Hg): 29.27
	Avg. Temp (°F): 80.4	Humidity (%): 61.8	Precipitation: N/A

Fenceline Screening Criteria:	Yes	No	N/A	Upwind Observations:	Downwind Observations:
¹ PID > 100 ppbv (0.1 ppmv)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<1 ppbv	<1 ppbv
¹ Radiation > 20 µR/hr?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<15 µR/hr	<15 µR/hr
¹ H ₂ S > 80 ppbv (0.08 ppmv)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<5 ppbv	<5 ppbv
¹ Methane > 500 ppmv?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<5 ppmv	<5 ppmv
² PM _{2.5} > 35 µg/m ³ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6.86 µg/m ³	7.06 µg/m ³
² PM ₁₀ > 150 µg/m ³ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.41 µg/m ³	18.56 µg/m ³
³ Perimeter Noise Monitoring > 65 dBA?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Perimeter Result: <u>52.0</u> dBA (File #: 534) Comments: None Primary Source(s): ambient	
^{3, 4} Alternate Noise Monitoring > 65 dBA?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alternate Result: <u>N/A</u> dBA (File #: N/A) Comments: N/A Primary Source(s): N/A	

Other perimeter/fenceline observations suggestive of releases or concerns: None

Comments: In addition to direct screening of the above sound level, Modern calculated pure tone levels consistent with ordinance requirements. Based on this evaluation, ordinance thresholds were not exceeded. A depiction of pure tone comparisons is included in the attached graph(s).

Notes:

- 1- Represents the maximum discrete sampling result recorded by Modern across fenceline screening alignment.
- 2- Represents the approximately 10-minute average result recorded by Modern. Sample point selected by field professional as a conservative representation of fenceline conditions at the time of sampling.
- 3- Represents the approximately 1 to 5-minute average result recorded by Modern. Sample point selected by field professional as a conservative representation of fenceline conditions at the time of sampling. When available, site-specific ambient levels are presented (default is 65 dBA).
- 4- Perimeter monitoring occurred at the padsite fenceline closest to an apparent occupied structure. If an exceedance of our screening criteria is noted at this point, a secondary (alternate) monitoring event is conducted approximately 100 feet from perimeter toward the nearest occupied structure to allow an understanding of site-specific attenuation. Further monitoring may be needed to evaluate tonal compositions and longer time-weighted averages.

General Inspection Program Notes:

- 1- Modern confirmed operation of all field equipment in accordance with manufacture specifications and Modern's standard operating procedures prior to field inspection efforts. This included the use of zero and prepared calibration samples.
- 2- Modern's services were performed in a manner consistent with a level of care and skill ordinarily exercised by other members of our profession practicing in the same locality, under similar conditions and at the time the services were performed. The scope of services performed was in accordance with the scope of work agreed with by our client, as set forth in our proposal and related authorization agreement(s).
- 3- Laws, regulations and professional standards applicable to Modern's services are continually evolving. Techniques are, by necessity, often new and relatively untried. Different professionals may reasonably adopt different approaches to similar problems. As such, our services are intended to provide our client with a source of professional advice, opinions and recommendations based on a limited number of field observations and tests, collected and performed in accordance with the generally accepted practice that exists at the time, and may depend on, and be qualified by, information gathered previously by others and provided to Modern by our Client. Modern does not warrant the work of third parties supplying information used in the report.
- 4- The monitoring results collected as part of these services represent field conditions at the time of inspection or monitoring only. Samples or monitoring data collected at other times may reveal different results that are representative of site conditions during other periods of time. The use of monitoring efforts is not intended to replace laboratory methodology, but rather provide data indicative of when additional efforts may be warranted. Modern's air sampling is consistent with current regulatory guidance and/or manufacturer specification. For a higher level of certainty, our monitoring methods can be expanded over longer periods of time and/or supplemented by use of a state-accredited laboratory when evaluation of specific COCs is desired or further verification is needed.



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DATA GRAPHS



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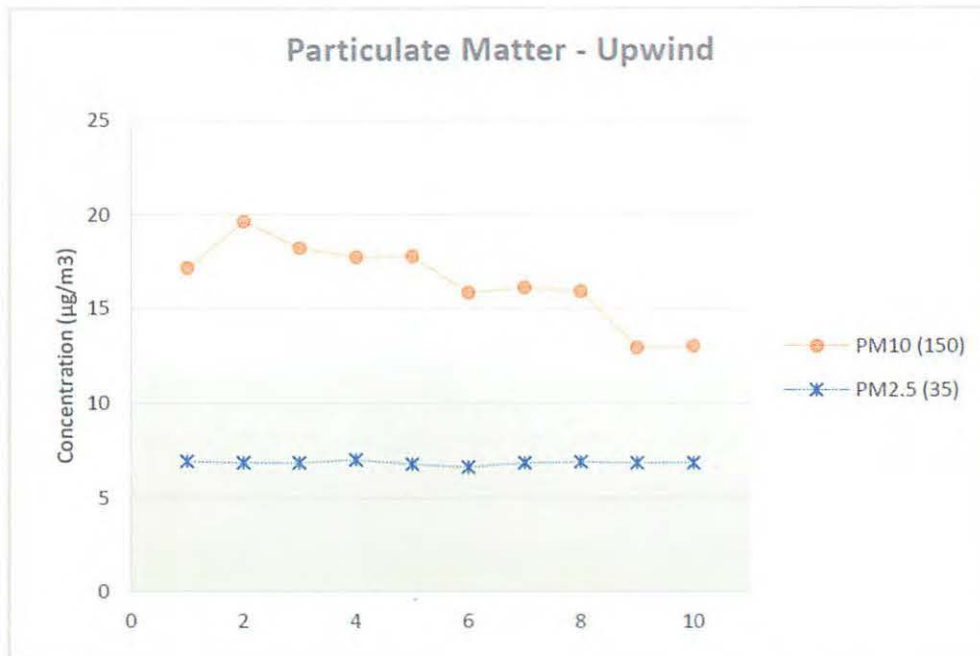


Fig. R1: Particulate Matter – Upwind Results (10 Minute Sampling)

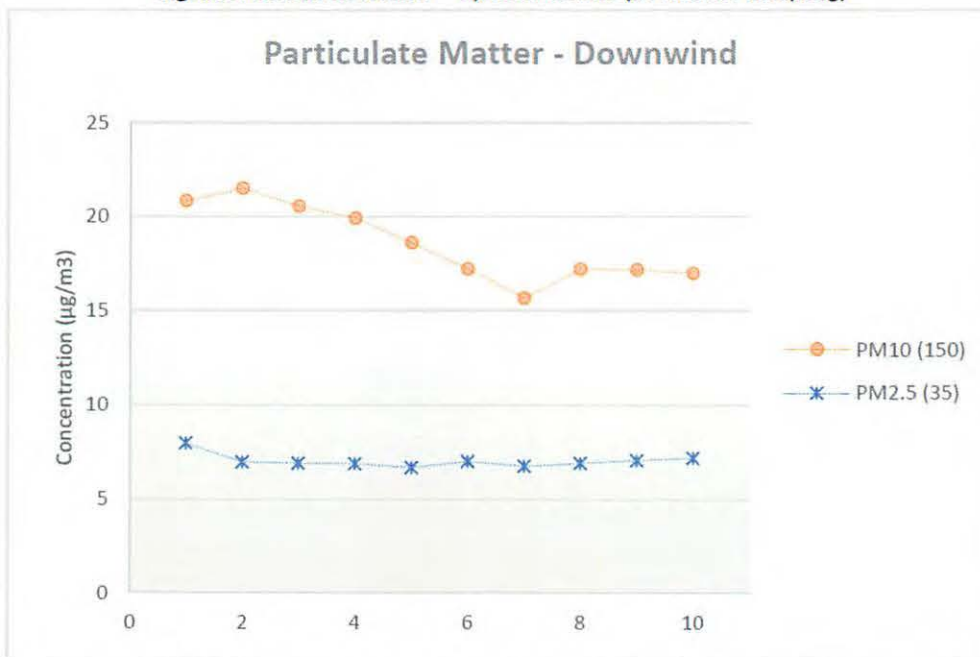


Fig. R2: Particulate Matter – Downwind Results (10 Minute Sampling)

The above particulate monitoring data provides a summary of both upwind and downwind observations during Modern's monitoring activities. Please see the attached figures for sampling locations.

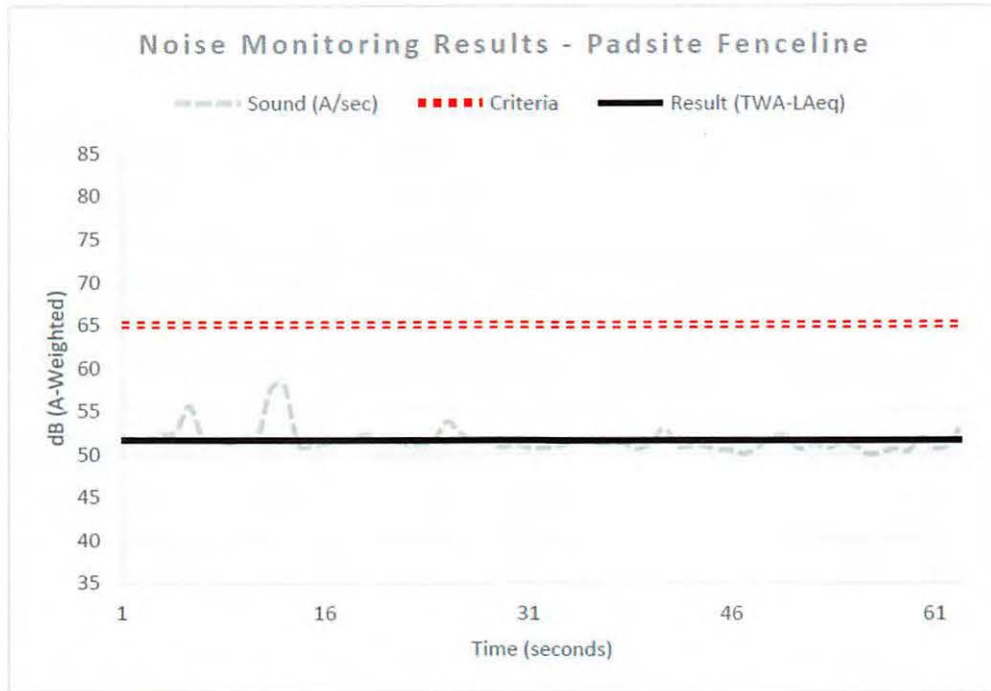


Fig. R3: Noise Monitoring Results (1-5 Minute Sampling) – File No. 534

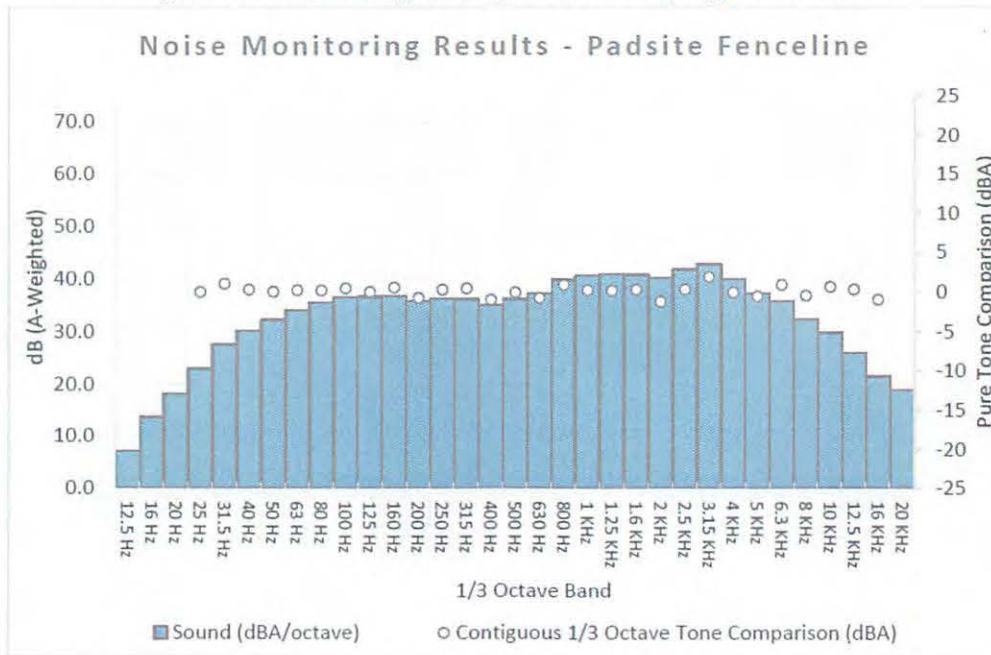


Fig. R4: Noise Monitoring Results (1-5 Minute Sampling) – File No. 534

The above noise monitoring data provides a summary of Modern's sampling event. The general design criteria of 65 dBA is presented for comparison purposes only (time-weighted average; Leq). Please see the attached figures for sampling location(s).



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PHOTOGRAPHIC DOCUMENTATION

PHOTOGRAPHIC DOCUMENTATION



No. 1 Leak observed at a kimray valve on Well C.



No. 2 Leak observed at a kimray valve on Well C in High Sensitivity Mode.



No. 3 Leak observed at a subgrade leak (bubbling) on Well L.



No. 4 Leak observed at a subgrade leak on Well L in High Sensitivity Mode.

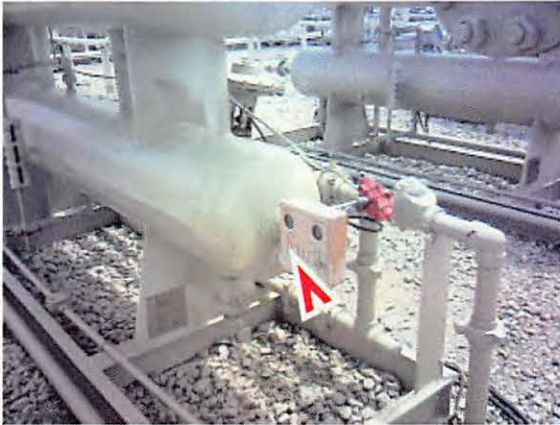


No. 5 Leak observed at an actuator on Separator B.



No. 6 Leak observed at an actuator on Separator B in High Sensitivity Mode.

PHOTOGRAPHIC DOCUMENTATION



No. 7 Leak observed at an actuator on Separator E.



No. 8 Leak observed at an actuator on Separator E in High Sensitivity Mode.



No. 9 Leak observed at an actuator on Separator F.



No. 10 Leak observed at an actuator on Separator F in High Sensitivity Mode.



No. 11 Leak observed at an actuator on Separator L.



No. 12 Leak observed at an actuator on Separator L in High Sensitivity Mode.

PHOTOGRAPHIC DOCUMENTATION



No. 13 View of wells.



No. 14 Additional view of wells.



No. 15 View of separators.



No. 16 Additional view of separators.



No. 17 View of ASTs.



No. 18 View of ancillary.



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FIGURES

Bedrock			
Well ID	RRC ID	Well ID	RRC ID
A	254787	G	261261
B	264414	H	261299
C	260995	I	260969
D	263882	J	260570
E	260614	K	257966
F	260722	L	257956



Legend:

- Well
- Separator
- Temporary AST
- Former AST
- Ancillary Equipment
- Upwind Air Sampling Point
- Downwind Air Sampling Point
- Fenceline Screening Alignment
- Sound Sampling Point
- Wind Direction (to)
- Observation Path
- Padsite
- Denton County Parcels

0 50 100 150 200
Feet

This figure was prepared using data from a variety of sources. No warranty is made as to the accuracy or completeness of data provided through third parties. All data contained herein is subject to change without notice. This figure is not intended for use as a legal survey or construction design document. If denoted, wind direction represents dominant wind direction observed during field activities.



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PROJECT NO. 21125
DRAWN: 07.22.21
DRAWN BY: CS/LG
CHECKED BY: KT
FILE NAME:
150_M_BR_RR600_Padsite_210722.mxd

PADSITE MAP

Robson Ranch 600 Pad (No. 150)
9500 Robson Ranch Road
Denton, Texas

FIGURE

1



Building A (multi-purpose occupancy) / 26 Nov 2019 / Marc Abbey


Fire Marshal Inspection Checklist for Business

Complete

Inspection score	Failed items	Created actions
96.23%	2	0

Facility Name
Building A (multi-purpose occupancy)
Facility Owner/Managed by
RealTea Inc.
Facility Contact email/phone
real.tea.inc@realteabuilding.com
Inspection Date and Time
<input type="checkbox"/> 26th Nov, 2019 <input type="checkbox"/> 12:41 PM +08
Inspected by
Marc Abbey
Address
E Second St Long Beach Alamitos Beach CA 90802 United States (33.76727670301146, -118.1705471991863)

Fire Marshal Inspection Checklist for Business / Emergency Lights

In Good Condition	No
<div><div>— Notes</div><div>One emergency light is blinking when tested.</div><div><div>— Photos</div><div></div></div></div> <div>Photo 2</div>	


Fire Marshal Inspection Checklist for Business / Operating Features

Employees Trained in Fire Extinguisher Use	No
<div><div>— Notes</div><div>A new employee that had completed new hire training didn't do fire extinguisher training.</div></div>	

Fire Marshal Inspection Checklist for Business

2 Failed 96.23%

Occupancy

Any Changes from Last Inspection	Yes
<p>— Notes</p> <p>New storage room near the old fire exit</p> <p>— Photos</p>  <p>Photo 1</p>	
Occupant Load	100
Egress Capacity	170
Any Renovations	Yes
<p>— Notes</p> <p>Only one. The new storage room.</p>	
High Rise	No
Windowless	No
Underground	No


Building Services

Utilities	<p>+ Electricity</p> <p>+ Water</p> <p>+ Gas</p>
Utilities in Good Working Order	Yes
Elevators	Yes
Fire Service Control	Yes
Elevator Recall	Yes
Heating System Type	Electric
Heating System In Good Working Order	Yes

Emergency Generator	Yes
Size 24 kw	
Last Date Tested 📅 15th Oct, 2019	
Date of Last Full Load Test 📅 15th Oct, 2019	
In Automatic Position	Yes
Fire Pump	Yes
Date Last Tested 📅 15th Oct, 2019	
In Automatic Position	Yes


Emergency Lights

1 Failed

Operable	Yes
Tested Monthly	Yes
In Good Condition	No
<p>— Notes</p> <p>One emergency light is blinking when tested.</p> <p>— Photos</p> <div data-bbox="193 1232 422 1456">  </div> <p>Photo 2</p>	
Emergency lighting appears to be adequate for the facility	Yes

Exit Signs

Illuminated	Yes
-------------	-----

Readily Visible	Yes
— Photos  Photo 3	

Fire Alarm

Fire Alarm Installed	Yes
Location of Panel Concierge	
Coverage	Total
Monitored	Yes
• Method Manual monthly monitoring	
• Fire Department Notification	Yes
Type of Initiation Devices	Smoke
Date of Last Test 📅 15th Jul, 2019	
Inspection Date Current	Yes
Fire alarm system is operational	Yes

Fire Extinguishers

Proper Type for Hazard Protected	Yes
Mounted Properly	Yes
Inspection Date Current	Yes
Serviced and adequate in number	Yes

Hazardous Areas

Protected by	+ Extinguishing System + Fire-Resistance Rated Separation
Doors have Self-Closers	Yes

Residential Separated	Yes
1-Hour Fire-Resistance Rating	Yes
Fire sprinkler system(s) is operational	Yes
Parking Structure Separated	Yes

Housekeeping

Areas Free of Excessive Combustibles	Yes
Smoking Regulated	Yes
– Notes It's a strictly no smoking facility	
Housekeeping/storage practices are acceptable	Yes

Means of Egress

Readily Visible	Yes
Clear and Unobstructed	Yes
Two Remote Exits Available	Yes
• Travel Distance within Limits	Yes
• Common Path of Travel within Limits	Yes
• Dead-Ends within Limits	Yes
Adequate Illumination	Yes
All Exit Enclosures Free of Storage	Yes
Doors Swing in the Direction of Egress Travel (where required)	Yes
• Panic/Fire Exit Hardware Operable	Yes
• Doors Open Easily	Yes
• Self-Closers Operable	Yes
• Doors Closed or Held Open with Automatic Closers	Yes
Corridors and Aisles of Sufficient Size	Yes
Stairwell Allows Re-Entry	Yes
Mezzanines	Yes
Proper Exits	Yes

Exit doors are unlocked	Yes
-------------------------	-----

Operating Features

1 Failed

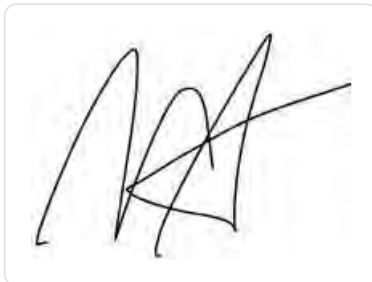
Employees Trained in Fire Extinguisher Use	No
— Notes	
A new employee that had completed new hire training didn't do fire extinguisher training.	
Fire Drills Conducted	Yes
• Date of Last Fire Drill	
📅 7th Oct, 2019	
Records Protected	Yes
Hydrants are operational	Yes

COMPLETION

Comments/Recommendations

Aside from the one defective emergency light and the new employee that is yet to be trained for fire safety, all is compliant. Scheduled a training session with the employee for this afternoon. The defective emergency light is being replaced as I complete this report.

Fire Marshal Name and Signature



Marc Abbey

26th Nov, 2019 1:02 PM +08

Photos

3 Photos



Photo 1



Photo 2



Photo 3



**City Council Agenda
November 15, 2021**

Agenda Item: **Resolution** **(Action Item)**

Agenda Description:

Discuss, consider, and act on a resolution of the City of New Fairview, Texas, authorizing the City Administrator to sign an Agreement with Strategic Government Resources (SGR) to conduct an executive search for a City Secretary and provide interim City Secretary services.

Background Information:

Council directed staff to obtain a proposal from SGR to conduct an executive search for a City Secretary as well as a proposal for interim City Secretary services. The proposals are attached to the document but include a \$70 per hour interim City Secretary rate of pay and take approximately 15 weeks and \$24,900 for the executive search.

The rate of pay for the last five positions SGR has filled have a median rate of \$64.50 and maximum rate of \$69.00 per hour respectively. Further, within the past week, they have “received six requests for this position [City Secretary].”

Financial Information:

Interim City Secretary Services - \$70 per hour
Executive Search - \$24,900

City Contact and Recommendation:

Ben Nibarger, City Administrator
Discuss and provide direction for the City Administrator.

Attachments:

Interim Services Proposal
Executive Search Proposal



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH STRATEGIC GOVERNMENT RESOURCES (SGR) TO PROVIDE INTERIM CITY SECRETARY SERVICES AND AN EXECUTIVE SEARCH.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, the City Council of the City of New Fairview recently removed the City Secretary and appointed an interim Deputy City Secretary; and

WHEREAS, the City Council requested a proposal from SGR to provide interim services and conduct an executive search; and

WHEREAS, SGR is willing and capable to provide these services; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of New Fairview.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
NEW FAIRVIEW:**

1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
2. That the City Council approves the interim services proposal from Strategic Government Resources and authorizes the City Administrator to sign the agreement.

- PRESENTED AND PASSED on this **15th day of November**, at a meeting of the New Fairview City Council.

Nolan Schoonmaker
Mayor

Brooke Boller
Interim Deputy City Secretary

PROPOSAL FOR EXECUTIVE RECRUITMENT SERVICES

CITY SECRETARY
CITY OF NEW FAIRVIEW, TEXAS

November 2021

(This proposal is valid for 90 days)



Strategic Government Resources

P.O. Box 1642, Keller, Texas 76244
Office: 817-337-8581

JJ Peters, President of Executive Recruitment
JJPeters@GovernmentResource.com



November 8, 2021

Hon. Mayor Cindy Poe and City Council
City of New Fairview, Texas

Dear Mayor Poe and City Council Members:

Thank you for the opportunity to submit this proposal to assist the City of New Fairview in your recruitment for a new City Secretary. SGR has the unique ability to provide a personalized and comprehensive recruitment to meet your needs.

I would like to draw your attention to a few key items that distinguish SGR from other recruitment firms and allow us to reach the most extensive and diverse pool of applicants:

- SGR is a recognized thought leader in local government management and is actively engaged in local government operations, issues, and best management practices.
- SGR's Servant Leadership e-newsletter, where all recruitments conducted by SGR are announced, reaches over 48,000 subscribers in all 50 states.
- SGR will send targeted emails over 3,300 opt-in subscribers to our city secretary/city clerk job alerts. We also provide a comprehensive social media marketing campaign.

We recognize that the COVID-19 pandemic has created unique operating challenges for local governments in a myriad of ways, including recruitment efforts. SGR has invested in a variety of technologies that will allow a safe social distancing recruitment process, and we will continue to provide alternatives to in-person meetings, to the extent the City desires, during this uncertain time.

We are excited about the prospect of conducting this recruitment for the City of New Fairview, and we are available to visit with you at your convenience.

Respectfully submitted,

Jennifer Fadden, Chief Operating Officer
JenniferFadden@GovernmentResource.com

TABLE OF CONTENTS

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- 2** Unique Qualifications
- 3** Project Personnel
- 4** Recruitment Methodology
- 5** Projected Schedule
- 6** Costs & Service Guarantee
- 7** References
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- 9** Executive Recruitment Clients
- 10** Sample Position Profile Brochures

Company Profile

Background

Strategic Government Resources, Inc. (SGR) exists to help local governments become more successful by Recruiting, Assessing, and Developing Innovative, Collaborative, and Authentic Leaders. SGR was incorporated in Texas in 2002 with the mission to facilitate innovative leadership in local government. SGR is fully owned by former City Manager Ron Holifield, who spent two high-profile decades in city management and served as a City Manager in several cities.

SGR's business model is truly unique. Although we are a private company, SGR operates like a local government association. Most of SGR's principals are former local government officials, allowing SGR to bring a perspective and depth of local government expertise to every project that no other firm can match.

SGR's Core Values are Customer Service, Integrity, Philanthropy, Continuous Improvement, Agility, Collaboration, Protecting Relationships, and the Golden Rule.

SGR is a **full-service firm**, specializing in executive recruitment, interim placements, online training, onsite training, leadership development, psychometric assessments, strategic visioning retreats, one-on-one employee coaching, and other consulting services designed to promote innovation, team building, collaboration, and continuous improvement in local governments. SGR has approximately 700 local government clients in 47 states for all of our business lines combined. SGR has been, and continues to be, a leader in spurring innovation in local government.

SGR has 24 full-time employees, 2 part-time employees, 17 recruiters, and a number of consultants who function as subject matter experts on a variety of projects.

SGR's corporate headquarters is in the Dallas/Fort Worth Metroplex. SGR also has virtual offices in California, Florida, Minnesota, New York, North Carolina, Ohio, Oklahoma, Oregon, and Pennsylvania.

SGR Executive Leadership – Recruitment

- Ron Holifield, Chief Executive Officer
- Jennifer Fadden, Chief Operating Officer
- JJ Peters, President of Executive Recruitment

View all SGR team members and bios at: governmentresource.com/about-us/meet-the-team

SGR's Unique Qualifications

Extensive Network of Prospects

SGR is intent on being a leader in executive recruitment, and we believe it is imperative to be proactive in our mission to build a workforce that represents the communities we serve. SGR reaches an extensive and diverse pool of prospects by utilizing our unequaled network of prospects.

- SGR's Servant Leadership e-newsletter, where your position will be announced, reaches over 48,000 subscribers in all 50 states.
- We will send targeted emails to over 3,300 opt-in subscribers to SGR's City Secretary Job Alerts.
- Your position will be posted on SGR's Website, GovernmentResource.com, which has more than 36,000 visitors per month.
- Your position will be posted on SGR's Job Board, SGRjobs.com, which averages more than 16,000 unique visitors per month and has over 1,600 jobs listed at any given time.
- SGR provides a comprehensive social media marketing campaign that includes custom-made graphics and distribution on Facebook, Twitter, Instagram, and LinkedIn.
- SGR frequently partners with local government associations including League of Women in Government and the Local Government Hispanic Network.
- Approximately 65% of semifinalists selected by our clients learned about the open recruitment through via our website, servant leadership e-newsletter, job board, social media, job alert emails, or personal contact.

Collective Local Government Experience

Our recruiters have years of experience in local government and both regional and national networks of relationships. The entire executive recruitment group works as a team to leverage their networks to assist with each recruitment. SGR team members are active on a national basis, in both local government organizations and professional associations. Many SGR team members frequently speak and write on issues of interest to local government executives. SGR can navigate all of the relevant networks as both a peer and insider.

Equal Opportunity Commitment

SGR strongly believes in equal employment opportunity. SGR does not discriminate and believes that equal opportunity is an ethical issue. SGR quite simply will not enter into an engagement with an entity or organization that directs, or expects, that bias should or will be demonstrated on any basis other than those factors that have a bearing on the ability of the candidate to do the job. You can anticipate that SGR will make a serious and sincere effort to encourage qualified applicants from underrepresented demographic groups to apply. Although SGR obviously cannot, and would not, guarantee the makeup of the semifinalist or finalist groups, SGR does have relationships and contacts nationwide to encourage the meaningful participation of

underrepresented minority groups, and we continue to evaluate and improve our processes by embedding a lens of equity and inclusion into our recruitment practices.

Listening to Your Unique Needs

SGR devotes a significant amount of time to actively listening to your organization and helping you define and articulate your needs. We work hard to conduct a comprehensive recruitment that is unique to you. SGR devotes a tremendous amount of energy to understanding your organization's unique culture, environment, and local issues to ensure a great "fit" from values, philosophy, and management style perspectives.

Trust of Candidates

SGR has a track record of remarkable confidentiality and providing wise counsel to candidates and next generation leaders; we have earned their trust. As a result, SGR is often able to get exceptional prospects to become candidates, even if they have declined to become involved in other recruitment processes. Candidates trust SGR to assess the situation well, communicate honestly and bluntly, and maintain their confidentiality to the greatest extent possible.

Accessibility & Communication

Your executive recruiter is accessible at all times throughout the recruitment process and can be reached by candidates or clients, even at night and on weekends, by cell phone or email. In addition, the recruiter communicates with active applicants on a weekly basis and sends Google alerts articles to keep the applicants informed about the community and opportunity.

Comprehensive Evaluation and Vetting of Candidates

SGR offers a candidate screening process that prevents surprises and ensures in-depth understanding. Our vetting process includes:

- Prescreening questions and technical review of resumes
- Cross communication between our recruiters about candidates who have been in previous searches for greater understanding of background and skills
- Comprehensive written questionnaires to gain different insights than typically available on a resume
- Online pre-recorded video interviews that allow search committee members, at their convenience, to view candidates in an interview setting prior to the finalist stage of the recruitment process
- Comprehensive media reports that go far beyond automated Google/LexisNexis searches and are customized to each candidate based on where they have lived and worked
- Comprehensive automated and anonymous reference checks that provide deep insights on candidates' soft skills from a well-rounded group of references
- Psychometric assessments (supplemental cost)
- Comprehensive background checks completed by a licensed private investigation firm
- Advanced exercise, customized to the organization, for finalist candidates

Project Personnel

Margie Rose, Senior Vice President

MargieRose@GovernmentResource.com

Cell: 361-813-8599



Margie C. Rose joined SGR in 2018 as a Senior Vice President for Executive Recruitment. Prior to joining SGR she spent the past 33 years in Municipal and County Government in Michigan and Texas. She most recently served 16 years with the City of Corpus Christi, Texas where she served as Assistant City Manager, Deputy City Manager and City Manager.

Prior to coming to Texas Margie also served as City Manager of Inkster, Michigan. She served in various Director and Interim Director positions throughout her Municipal Government career. She also held an Executive position with the County of Wayne, Michigan.

Margie is currently a member of the International City/County Management Association (ICMA) and Texas City Management Association (TCMA). She is a Retired ICMA Credentialed City Manager and a former Certified Labor Relations Professional (CLRP). She is a past member of Rotary International, Executive Women International and board member for the United Way of the Coastal Bend.

Margie served as an online and classroom faculty member for the University of Phoenix. She also received numerous awards throughout her career.

Margie received her Bachelor of Business Administration Degree and Master of Public Administration Degree from Eastern Michigan University, Ypsilanti, Michigan.

Recruitment Methodology

A full-service recruitment typically entails the following steps:

- 1. Organizational Inquiry and Analysis**
 - Develop Recruitment Plan and Timeline
 - Individual Interviews with Key Stakeholders
 - Development of Position Profile Brochure
- 2. Advertising and Marketing, Communication with Applicants and Prospects**
- 3. Initial Screening and Review**
- 4. Search Committee Briefing to Facilitate Selection of Semifinalists**
- 5. Evaluation of Semifinalist Candidates**
 - Written Questionnaires
 - Recorded Online Interviews
 - Media Searches - Stage 1
- 6. Search Committee Briefing to Facilitate Selection of Finalists**
- 7. Evaluation of Finalist Candidates**
 - Comprehensive Media Searches - Stage 2
 - Comprehensive Background Investigation Reports
 - DiSC Management Assessments (supplemental service)
 - First Year Game Plan or Other Advanced Exercise
- 8. Interview Process**
 - Face-to-Face Interviews
 - Stakeholder Engagement (may occur earlier in process)
 - Deliberations
 - Reference Checks (may occur earlier in process)
- 9. Negotiations and Hiring Process**
 - Determine the Terms of an Offer
 - Negotiate Terms and Conditions of Employment
 - Press Release (if requested)

Step 1: Organizational Inquiry and Analysis

Develop Recruitment Plan and Timeline

SGR will meet with the client at the outset of the project to finalize the recruitment plan and timeline. At this time, SGR will also request that the client provide us with photos and information on the community, organization, and position to assist us in drafting the position profile brochure.

Individual Interviews with Key Stakeholders

SGR devotes tremendous energy to understanding your organization's unique culture, environment, and goals to ensure you get the right match for your particular needs. Fully understanding your organizational needs is the most critical part of conducting a successful executive recruitment. In consultation with the Search Committee, SGR will develop a list of individuals to meet with about the position. Individual interviews may include members of the Search Committee, key staff members, peers in other organizations, and/or community leaders to find out more about the position, special considerations, and the political environment. These interviews last approximately 30-60 minutes each and identify issues that may affect the dynamics of the recruitment, as well as develop a composite understanding of the organization's preferences. This process helps with organizational buy-in and will assist us in developing the position profile.

Development of Position Profile Brochure

Following the individual interviews, SGR will develop a draft position profile brochure that is reviewed and revised in partnership with your organization until we are in agreement that it accurately reflects the sought-after leadership and management characteristics.

To view sample recruitment brochures, please visit:

<https://www.governmentresource.com/executive-recruitment>.

Step 2: Advertising and Marketing, Communication with Applicants and Prospects

Advertising and Marketing

The Executive Recruiter and client work together to determine the best ways to advertise and recruit for the position. SGR's Servant Leadership e-newsletter, where your position will be announced, reaches over 48,000 subscribers in all 50 states. We will also send targeted emails to over 3,300 opt-in subscribers to SGR's City Secretary/City Clerk Job Alerts. Your position will be posted on SGR's Website, [GovernmentResource.com](https://www.governmentresource.com), and on SGR's Job Board, [SGRjobs.com](https://www.sgrjobs.com). SGR provides a comprehensive social media marketing campaign that includes custom-made graphics and distribution on Facebook, Twitter, Instagram, and LinkedIn. Ads are also typically placed in various state and national publications, targeting the most effective venues for reaching qualified candidates for that particular position.

Communication with Prospects

SGR communicates with interested prospects on ongoing basis during the recruitment process. Outstanding prospects often will not submit a resume until they have done considerable homework on the available position. A significant number of inquiries will be made, and it is essential that the executive search firm be prepared to answer those questions with fast, accurate, and complete information, and in a warm and personal manner. This is one of the first places a prospective candidate will develop an impression about the organization, and it is an area in which SGR excels.

Communication with Active Applicants

Handling the flow of resumes is an ongoing and significant process. On the front end, it involves tracking resumes and promptly acknowledging their receipt. It also involves timely and personal responses to any questions or inquiries. SGR communicates frequently with applicants to ensure they stay enthusiastic and informed about the opportunity. SGR utilizes Google Alerts and sends weekly update emails to active applicants regarding the organization and community.

Step 3: Initial Screening and Review

SGR uses a triage process to identify high-probability, medium-probability, and low-probability candidates. The triage ranking is focused on overall assessment based on interaction with the applicant, qualifications, any known issues regarding previous work experience, and evaluation of cultural fit with the organization.

In contrast with the triage process described above, which focuses on subjective assessment of the resumes and how the candidates present themselves, we also evaluate each candidate to make sure that the minimum requirements of the position are met, and which of the preferred requirements are met. This sifting process assesses how well candidates' applications fulfill the recruitment criteria outlined in the Position Profile.

Step 4: Search Committee Briefing / Selection of Semifinalist Candidates

At this briefing, SGR will provide a comprehensive progress report and facilitate the selection of up to 12 semifinalists. The presentation will include summary information on the process so far, the candidate pool overall, and any trends or issues, as well as a briefing on each candidate and their credentials. No other firm offers this level of reporting detail and transparency.

Step 5: Evaluation of Semifinalist Candidates

Reviewing resumes is an important and valuable step in the executive recruitment process. However, the simple fact is that resumes can be misleading. They tell you nothing about the individual's personal qualities or his/her ability to get along with other people. Resumes can also exaggerate or inflate accomplishments or experience. SGR's responsibility is to go more in-

depth than the resume to ensure that those candidates who continue in the process are truly outstanding. SGR's goal is to have a clear understanding of the person behind the resume and what makes him/her an outstanding prospect for you. The evaluation of semifinalist candidates includes follow-up when appropriate to ask any questions about underlying issues.

Written Questionnaires

SGR will ask semifinalist candidates to complete a comprehensive written exercise designed to provide greater insight into candidate thought processes and communication styles. SGR's written instrument is custom designed around the priorities identified by the Search Committee and usually includes questions focusing on key areas of particular interest to the client. This written instrument will be included in the semifinalist briefing book along with cover letters and resumes submitted by the candidates.

Recorded Online Interviews

SGR will ask semifinalist candidates to complete online interviews. This provides a very insightful, efficient and cost-effective way to gain additional insights to utilize in selecting finalists you want to invite for an onsite interview. The recorded online interviews allow the Search Committee to evaluate technological competence, demeanor, verbal communication skills, and on-camera presence. Online interviews also convey to candidates that the organization is using leading edge technology in its business processes and provide an opportunity for the Search Committee to ask candidates questions on specific topics of special interest. Links to view the online interviews are emailed to the Search Committee members for viewing at their convenience prior to selection of finalist candidates.

Media Searches - Stage 1

"Stage 1" of our media search process involves the use of the web-based interface Nexis Diligence™. This platform is an aggregated subscription-based platform that allows access to global news, business, legal, and regulatory content. These media reports at the semifinalist stage have proven helpful by uncovering issues that may not have been previously disclosed by prospective candidates. The recruiter will communicate any "red flags" to the Search Committee immediately upon discovery.

Step 6: Search Committee Briefing / Selection of Finalist Candidates

Prior to this briefing, SGR will provide each member of the Search Committee with a briefing book on the semifinalist candidates. The briefing book includes cover letters, resumes, and completed questionnaires. The link to view the online interviews is emailed separately to Search Committee members. The purpose of this briefing is to facilitate narrowing the list to up to 5 finalists who will be invited for personal interviews.

Step 7: Evaluation of Finalist Candidates

Comprehensive Media Searches - Stage 2

“Stage 2” of our media search process includes the web-based interface Nexis Diligence™ along with Google as a supplementary tool. By utilizing both, we can provide our clients with an enhanced due diligence process to help vet potential candidates in an efficient and comprehensive manner, which reduces the risk of overlooking important information.

The Stage 2 media search consists of a more complex search, which also includes social media platforms, and has proven helpful in analyzing possible adverse news about the candidate by uncovering issues that may not have been previously disclosed by the candidate. The media search gives the Search Committee an overview of the type and extent of press coverage that a candidate has experienced over the course of their career. View a sample media report at: <http://bit.ly/SGRSampleMediaReport>.

Comprehensive Background Investigation Reports

Through SGR’s partnership with a licensed private investigation firm, we are able to provide our clients with comprehensive background screening reports that include the detailed information listed below. View a sample background report at: bit.ly/SGRSampleBackgroundReport.

- Social Security number trace
- Address history
- Driving history/motor vehicle records
- Credit report (if desired)
- Federal criminal search
- National criminal search
- County wants and warrants for previous 10 years
- Global homeland security search
- Sex offender registry search
- State criminal search (for current and previous states of residence)
- County civil and criminal search (for every county in which candidate has lived or worked) for previous 10 years
- Education verification
- Employment verification (if desired)
- Military verification (if desired)

DiSC Management Assessments (supplemental service)

SGR uses a DiSC Management assessment tool, which is among the most validated and reliable personal assessment tools available. The DiSC Management assessment analyzes and reports comprehensively on the candidate’s preferences in five vital areas: management style, directing and delegating, motivation, development of others, and working with his/her own manager. View a sample report at: bit.ly/SGRDiscProfileSample. For assessments of more than two candidates, a DiSC Management Comparison Report is included, which provides a side-by-side

view of each candidate's preferred management style. View a sample comparison report at: bit.ly/SGRDiscTeamReport.

First Year Game Plan or Other Advanced Exercise

SGR will work with your organization, if desired, to develop an advanced exercise for the finalist candidates. One example of such an exercise is a “First Year Game Plan,” a process where finalist candidates are provided with the contact information for elected officials, key staff, and community leaders and then given free rein to make contact with all of them in advance and use those insights to develop a “first year game plan” based on what they know so far. Feedback is received from the key contacts on their impressions of the finalist candidates from the interactions with the candidates prior to the interviews. This exercise provides the opportunity to evaluate candidates’ written and interpersonal communication skills, as well as critical analysis skills.

Step 8: Interview Process

Face-to-Face Interviews

SGR will schedule interviews at a date/time convenient to your organization. This process can be as simple, or as complex, as your organization desires. SGR will help you determine the specifics and assist in developing the interview schedule and timeline. SGR will prepare sample interview questions and will participate throughout the process to make it smooth and efficient.

Stakeholder Engagement

At the discretion of the Search Committee, we will work closely with your organization to engage stakeholders in the recruitment process. Our recommendation is that we design a specific stakeholder engagement process after we learn more about the organization and the community. Different approaches work best in different communities. We will collaborate with your organization to determine which option, or combination of options, will be the most effective for the unique needs of the organization.

- Stakeholder survey (supplemental service, can be provided at an additional cost)
- Interviewing community leaders at the outset of the recruitment;
- Holding a public forum for citizen engagement at the outset of the recruitment;
- Community leader reception;
- Meet and greet;
- Search Committee and key community leader dinner meeting;
- “Round Robin” forum meetings with various community groups during a multi-day interview process.

Deliberations

SGR will facilitate a discussion about the finalist interviews and assist the Search Committee in making a hiring decision or in deciding whether to bring back one or more candidates for a second interview.

Reference Checks

SGR uses a progressive and adaptive automated reference check system to provide insights on candidates' soft skills from a well-rounded group of references. References may include elected officials, direct supervisors, direct reports, internal organizational peers, professional peers in other organizations, and civic leaders. SGR's reference check platform is anonymous, which is proven to encourage more candid and truthful responses, in turn providing organizations with more meaningful and insightful information on candidates. SGR provides a written summary report to the organization once all reference checks are completed. The timing of reference checks may vary depending on the specific search process and situation. If the names of the finalists are made public prior to interviews, SGR will typically contact references prior to the interview process. If the names of the finalists are not made public prior to interviews, SGR will typically wait until the organization has selected its top candidate before calling references in order to protect candidate confidentiality.

Step 9: Negotiations and Hiring Process

Determine the Terms of an Offer

Upon request, SGR will provide appropriate employment agreement language and other helpful information to assist you in determining an appropriate offer to extend to your candidate of choice.

Negotiate Terms and Conditions of Employment

SGR will assist to whatever degree you deem appropriate in conducting negotiations with the chosen candidate. SGR will determine and define any special needs or concerns of the chosen candidate, including anything that could be a complicating factor. SGR is experienced and prepared to help craft win-win solutions to negotiation "log-jams."

Press Release (if requested)

Until you have "sealed the deal," you need to be cautious in order to avoid the embarrassment of a premature announcement that does not work out. You also want to try to notify all senior staff and unsuccessful candidates before they read about it in the newspaper. SGR will assist with this coordination and with drafting any announcements or press releases.

Satisfaction Surveys

SGR is committed to authentically following the golden rule by providing prompt, professional and excellent communication and always treating every client with honor, dignity and respect. We ask clients and candidates to complete a brief and confidential survey after the completion of their recruitment. This helps us strive to continuously improve our processes and meet the changing needs of the workforce.

Supplemental Service: Post-Hire Team Building Workshop

SGR can provide a customized team building workshop after you hire for the position. SGR utilizes I-OPT, which is a validated measurement tool that shows how a person perceives and processes information. Because people “see” different things when they assess a situation, they are motivated to take various courses of action, so understanding you and your colleagues’ I-OPT Profiles will enable you to work much more effectively as a team. This service can be provided at an additional cost. View sample I-OPT reports at: bit.ly/sampleIOPReports.

Projected Schedule

Schedule will be adjusted at the outset of the search to meet the organization's needs. Holidays may affect recruitment schedule.

Task	Weeks
<ul style="list-style-type: none"> Contract Executed Develop Recruitment Plan, Timeline <u>Individual Interviews with Key Stakeholders</u> 	Week 1
<ul style="list-style-type: none"> <u>Deliverable</u>: Position Profile Brochure Search Committee Reviews and Approves Brochure 	Weeks 2-3
<ul style="list-style-type: none"> Advertising and Marketing Accept Applications Communication with Prospects and Applicants 	Weeks 4-7
<ul style="list-style-type: none"> Initial Screening and Review 	Week 8
<ul style="list-style-type: none"> <u>Search Committee Briefing</u> / Select Semifinalists Questionnaires and Recorded Online Interviews Media Searches - Stage 1 	Week 9
<ul style="list-style-type: none"> <u>Deliverable</u>: Semifinalist Briefing Books and Online Interviews 	Week 10
<ul style="list-style-type: none"> <u>Search Committee Briefing</u> / Select Finalist Candidates 	Week 11
<ul style="list-style-type: none"> Comprehensive Media Searches - Stage 2 Comprehensive Background Investigation Reports DiSC Management Assessments (supplemental service) First Year Game Plan or Other Advanced Exercise 	Weeks 12-13
<ul style="list-style-type: none"> <u>Deliverable</u>: Finalist Briefing Books 	Week 14
<ul style="list-style-type: none"> <u>Face-to-Face Interviews</u> Stakeholder Engagement (may occur earlier in process) Deliberations Reference Checks (may occur earlier in process) Negotiations and Hiring Process 	Week 15

Recruitment Costs & Service Guarantee

Not-to-Exceed Price: \$24,900

Not-to-exceed price includes:

- **Professional Service Fee - \$18,500**
- **Expenses:**
 - **Position Profile Brochure & Marketing - \$1,500**
 - Production of a professional position profile brochure
 - Custom-designed graphics for social media and email marketing
 - Announcement in SGR's 10 in 10 Leadership and Innovation e-newsletter
 - Two (2) email blasts to SGR's opt-in Job Alert subscribers for the relevant job category
 - Featured job placement on SGR's website
 - Featured ad on SGR's job board
 - Promotions on SGR's social media pages – Facebook, Twitter, LinkedIn, and Instagram
 - **Semifinalist Recorded Online interviews** for up to twelve (12) semifinalists - **\$225 each**
 - **Comprehensive Media Reports** for up to five (5) finalists - **\$500 each**
 - **Comprehensive Background Investigation Reports** for up to five (5) finalists - **\$400 each**
 - **Comprehensive Reference Checks** with individual reports for up to five (5) finalists - **\$225 each**
 - **Up to Two (2) onsite visits** by the Recruiter to the Organization. Meals are billed back at a per diem rate of \$10 for breakfast, \$15 for lunch, and \$25 for dinner. Mileage will be reimbursed at the current IRS rate. All other travel-related expenses are billed back at actual cost, with no markup for overhead. **Travel will be dependent on COVID restrictions in place at the time and take into consideration the health and safety of team members of both SGR and the Organization.**

Supplemental Services

The supplemental services listed below are not included in the not-to-exceed price:

- **Ad placements, as approved by the organization, will be billed back at actual cost with no markup for overhead.**
- There may be an additional charge for changes made to the Position Profile Brochure after the brochure has been approved by the organization and the position has been posted online.

- Additional online interviews (over and above the twelve (12) included in the not-to-exceed price above) are offered for \$225 per candidate.
- Additional comprehensive media reports (over and above the five (5) included in the not-to-exceed price above) are offered for \$500 per candidate.
- Additional background investigation reports (over and above the five (5) included in the not-to-exceed price above) are offered for \$400 per candidate.
- Additional reference checks (over and above the five (5) included in the not-to-exceed price above) are offered for \$225 per candidate.
- There is a cost of \$175 per candidate for the DiSC Management Profile.
- Semifinalist and finalist briefing materials will be provided to the search committee via an electronic link. Should the organization request printing of those materials, the reproduction and shipping of briefing materials will be outsourced and be billed back at actual cost.
- Additional in-person visits (over and above the two (2) in-person visits included in the not-to-exceed price above) by the Recruiter will be billed over and above the not-to-exceed price. Meals are billed back at a per diem rate of \$10 for breakfast, \$15 for lunch, and \$25 for dinner. Mileage will be reimbursed at the current IRS rate. All other travel-related expenses are billed back at actual cost, with no markup for overhead.
- Candidates are reimbursed directly by the organization for travel expenses.
- SGR will conduct a Stakeholder Survey for \$1,000. SGR provides recommended survey questions and sets up an online survey. Stakeholders are directed to a web page or invited to take the survey by email. A written summary of results is provided to the organization.
- If desired, the Recruiter will travel to the communities of the finalist candidates to conduct onsite visits. Site visits will be charged at a day rate of \$1,000 per day, plus travel expenses. Meals are billed back at a per diem rate of \$10 for breakfast, \$15 for lunch, and \$25 for dinner. Mileage will be reimbursed at the current IRS rate. All other travel-related expenses are billed back at actual cost, with no markup for overhead.
- A half-day onsite post-hire team building workshop is offered for \$4,000, plus travel expenses and \$150 per person for I-OPT reports.
- In the unexpected event the organization requests that unusual out of pocket expenses be incurred, said expenses will be reimbursed at the actual cost with no mark up for overhead.
- If the organization desires any supplemental services not mentioned in this section, an estimate of the cost and hours to be committed will be provided at that time, and no work shall be done without approval. Supplemental services will be billed out at \$250 per hour.

Billing

The professional service fee for the recruitment is billed in three equal installments during the course of the recruitment. The initial installment is billed after the position profile brochure has been created. The second installment is billed after semifinalists are selected. The final installment is billed at the conclusion of the recruitment. Expenses and supplemental services will be billed with each of the three installments, as appropriate.

Service Guarantee

SGR guarantees that you will be satisfied with the results of the full service recruitment process, or we will repeat the entire process one additional time and charge only for expenses. Additionally, if you select a candidate (that SGR has fully vetted) who resigns or is released within 18 months of their hire date, SGR will repeat the process one additional time and charge only for expenses. If the organization circumvents SGR's recruitment process and selects a candidate who did not participate in the full recruitment process, the service guarantee is null and void. We also guarantee that we will not directly solicit a candidate we bring to you for another job.

References

City of Seagoville, Texas

Population: 15,000

Patrick Stallings, City Manager

pstallings@seagoville.us

972-287-2050

City Secretary, 2017

City of Taylor, Texas

Population: 17,000

Jeff Jenkins, Deputy City Manager

jeffery.jenkins@taylortx.gov

512-352-3675

Multiple recruitments, including City Clerk, 2018

City of Amarillo, Texas

Population: 200,000

Mitchell Normand, Human Resources Director

mitchell.normand@amarillo.gov

806-378-3090

Multiple recruitments, including City Secretary, in progress; Assistant City Secretary, 2021

City Secretary Recruitments

- Amarillo, TX (pop. 200,000) - City Secretary *, in progress
- Amarillo, TX (pop. 200,000) - Assistant City Secretary, 2021 *
- Anna, TX (pop. 11,000) - City Secretary, 2015 *
- Denton, TX (pop. 136,000) - City Secretary, 2019
- DeSoto, TX (pop. 53,000) - City Secretary, in progress
- Fort Worth, TX (pop. 900,000) - City Secretary, 2021
- Seagoville, TX (pop. 15,000) - City Secretary, 2017
- Taylor, TX (pop. 17,000) - City Clerk, 2018 *

** SGR conducted “front-end” of search that included development of position profile brochure, marketing, application management, initial screening of applications, virtual briefing with organization, and release of applicants not continuing in the process. At that point, the search was handed off to the organization.*

Population number is approximate population at the time the recruitment took place.

SGR Executive Recruitment Clients 2013 to Present Include:

Alabama

- Montgomery

Arizona

- Avondale
- Chandler
- Mesa
- Wickenburg

Arkansas

- Fort Smith
- Hot Springs

California

- Encinitas

Colorado

- Arvada
- Aurora
- Brighton
- Combined Regional Communications Authority (Fremont County)
- Commerce City
- Craig
- Durango
- Eagle County Paramedic Services
- Englewood
- Erie
- Fort Collins
- Golden
- Gunnison
- Lamar
- Mountain View Fire Protection District
- Northglenn
- Vail
- Wheat Ridge

Connecticut

- Clinton
- Fairfield
- Hartford
- Manchester
- South Windsor
- Tolland
- Wethersfield

Florida

- Boynton Beach
- Brevard County
- Clermont
- DeLand
- Fernandina Beach
- Fort Lauderdale
- Government Services Group, Inc.
- Green Cove Springs
- Indian River County
- Jupiter
- Lakeland
- Lee County
- Nassau County
- North Port
- Ormond Beach
- Palm Coast
- Plant City
- Port St. Lucie
- River to Sea Transportation Planning Organization
- Sarasota County
- Tamarac
- Winter Haven

Georgia

- Albany
- Alpharetta
- Covington
- Johns Creek

Indiana

- Clarksville

Iowa

- Ames
- Davenport
- Des Moines Water Works

Kansas

- Coffeyville
- Hutchinson
- Iola
- Johnson County
- Johnson County Park & Recreation District
- Lawrence
- Lenexa
- Mission Hills
- Olathe
- Overland Park
- Shawnee
- Topeka
- Wyandotte County/Kansas City, Kansas
- Valley Center

Kentucky

- Paducah

Louisiana

- Shreveport

Maryland

- Cecil County Government

Michigan

- Ann Arbor
- Kalamazoo County Consolidated Dispatch Authority
- Lansing
- Midland
- Muskegon Heights

Minnesota

- Blaine
- Chanhassen

Mississippi

- Hancock County Port and Harbor Commission

Missouri

- Ballwin
- Cameron
- Cape Girardeau
- Grandview
- Joplin
- Lebanon
- Monett
- Nixa
- Parkville
- Riverside
- Sikeston
- Smithville
- Springfield
- St. Charles

Montana

- Bozeman
- Great Falls

Nevada

- Clark County
- Las Vegas
- Washoe County

New Mexico

- Farmington
- Four Corners Economic Development Corp.
- Lea County
- Los Lunas

New York

- Briarcliff Manor
- Port Chester
- Rye

North Carolina

- Cary
- Mooresville

North Dakota

- Mountrail-Williams Electric Cooperative
- Williston

Ohio

- Beavercreek
- Franklin County

Oklahoma

- Altus
- Bethany
- Broken Arrow
- Chickasha
- Choctaw
- Glenpool
- Lawton
- Miami
- Miami Office of Economic Development
- Oklahoma Municipal League
- Owasso
- Stillwater

Oregon

- Clackamas County
- Eugene
- Hermiston
- Klamath Falls
- Lane Regional Air Protection Agency
- Sandy
- Sherwood
- Springfield
- Tigard

Pennsylvania

- Kennett Square

Tennessee

- Johnson City
- Murfreesboro

Texas

- Abilene
- Addison
- Alamo Heights
- Aledo
- Alice
- Allen
- Alvarado
- Alvin
- Amarillo
- Angleton
- Anna
- Argyle
- Arlington
- Austin
- Azle
- Bastrop
- Bastrop Economic Development Corp.
- Bay City
- Baytown
- BCFS Health & Human Services
- Bedford
- Bell County
- Bellaire
- Belton
- Boerne
- Breckenridge
- Brenham
- Bridgeport
- Brownsville
- Brushy Creek Regional Utility Authority
- Bullard
- Burkburnett
- Burleson

Texas, continued

- Canadian
- Canyon
- Canyon Regional Water Authority
- Capital Area of Texas Regional Advisory Council (CATRAC)
- Carrollton
- Castroville
- Cedar Park
- Celina
- Citizens for Progress
- City Center Waco
- Cleburne
- Clute
- Coleman
- College Station
- Colleyville
- Commerce
- Copperas Cove
- Corpus Christi
- Dallas County
- Dallas County Park Cities M.U.D.
- Del Rio
- Denison
- Denison Area Chamber of Commerce
- Denton
- Denton County Fresh Water Supply District No. 1-A
- Denton County Transportation Authority
- DeSoto
- Dickinson
- Duncanville
- Eagle Pass
- Edinburg
- El Paso
- El Paso MPO
- Elgin
- Ennis
- Euless
- Fairview
- Farmers Branch

Texas, continued

- Fate
- Ferris
- Flower Mound
- Forney
- Fort Worth
- Freeport
- Frisco
- Fulshear
- Garland
- Georgetown
- Georgetown Chamber of Commerce
- Gonzales Economic Development Corp.
- Granbury
- Grand Prairie
- Grapevine
- Green Valley Special Utility District
- Gun Barrel City
- Harris County ESD No. 48
- Henderson
- Highland Park
- Humble
- Hutto
- Hutto Community Development Corp.
- HJV Associates
- Irving
- Jacksonville
- Jacksonville Economic Development Corp.
- Joshua
- Katy
- Kaufman
- Kilgore
- Killeen
- Kingsville
- Kyle
- Lago Vista
- Lake Dallas
- Lake Worth
- Lakeway
- Lamesa
- Lancaster

Texas, continued

- League City
- Leander
- Levelland
- Levelland Economic Development Corp.
- Liberty Hill
- Lindale
- Little Elm
- Live Oak
- Lockhart
- Longview
- Longview Economic Development Corp.
- Lubbock
- Lubbock Power & Light
- Madisonville
- Manor
- Marble Falls
- Marshall
- McKinney
- McKinney Economic Development Corp.
- Memorial Villages Police Department
- Mesquite
- Messer Rockefeller & Fort
- Midland
- Mineral Wells
- Missouri City
- Mont Belvieu
- Montgomery
- Mount Pleasant
- Mount Pleasant Economic Development Corp.
- MPACT CDC
- Nacogdoches
- Nederland
- New Braunfels
- North Central Texas Council of Governments (NCTCOG)
- North Texas Municipal Water District
- North East Texas Regional Mobility Authority

Texas, continued

- North Hays County Emergency Services District No. 1
- North Texas Municipal Water District
- North Richland Hills
- North Texas Emergency Communications Center (NTECC)
- Odessa
- Orange
- Palestine
- Paris
- Pearland
- Pflugerville
- Piney Point Village
- Plainview
- Plano
- Port Arthur
- Port Lavaca
- Port Neches
- Portland
- Princeton
- Red Oak
- Reeves County
- Richardson
- Riverbend Water District
- Rockwall Economic Development Corp.
- Round Rock
- Round Rock ISD
- Rowlett
- Royse City Community Development Corporation
- Saginaw
- San Angelo
- San Antonio ISD
- San Jacinto River Authority
- San Marcos
- San Marcos/Hays County EMS
- San Patricio County Economic Development Corp.
- Santa Fe
- Seagoville

Texas, continued

- Sealy
- Sherman Economic Development Corp.
- Snyder
- Socorro
- South Grayson Special Utility District
- South Padre Island
- Southlake
- Stephenville
- Sunnyvale
- Sweetwater
- Tarrant County 9-1-1 District
- Taylor
- Temple
- Terrell
- TexAmericas Center
- Texas City
- The Colony
- Trophy Club Municipal Utility District
- Tyler
- Upper Brushy Creek Water Control & Improvement District
- Venus
- Victoria
- Waco
- Waxahachie
- Weatherford
- Webster
- West Lake Hills
- West University Place
- Westworth Village
- Wichita Falls
- Willow Park
- Wills Point
- Wilmer

Virginia

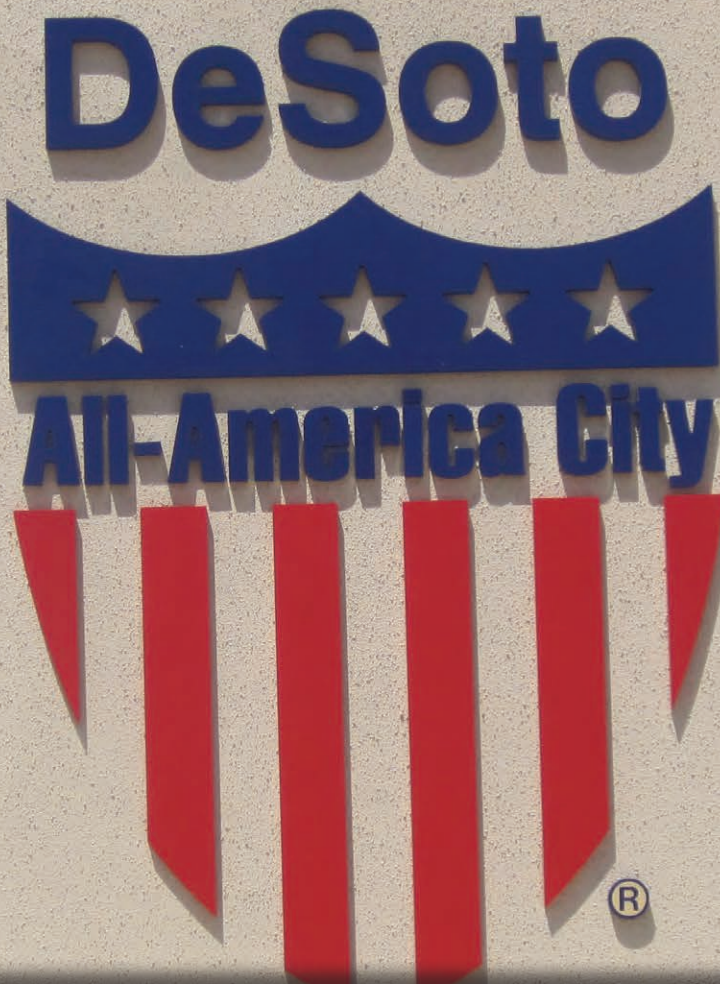
- Orange County

Washington

- Bainbridge Island
- Bellevue
- Blaine
- Burien
- Des Moines
- Richland
- Shoreline
- Snohomish County Fire District #5
- Snoqualmie
- Spokane
- Spokane Regional Transportation Council
- Spokane Valley
- Whitworth Water District #2

Wyoming

- Campbell County
- Casper



CITY SECRETARY

CITY OF DESOTO, TEXAS



THE COMMUNITY

The City of DeSoto, Texas, is located in southern Dallas County. The community is home to more than 59,000 residents and covers approximately 21.58 square miles. DeSoto is part of the Dallas/Fort Worth Metroplex, which consists of 12 counties, over 200 cities and towns, and over 7.5 million people. Its economy is one of the healthiest in the country due to its central location, convenient access to the Dallas-Fort Worth International Airport and other transportation resources, 23 Fortune 500 company headquarters, and an extremely diversified economic base.

The City of DeSoto offers a wide array of recreational, cultural, and entertainment opportunities for residents and visitors alike. Currently, the City has developed 430 acres into 20 parks, trails, and leisure facilities to meet the recreational needs of residents. In addition to the developed park and trail sites, there are 61 acres of City-owned property available for expanded park facilities. The City has received many awards and accolades for its service excellence. The DeSoto Police Department has been accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA) since 1993; DeSoto Fire Rescue was awarded the coveted ISO 1 Rating for Fire Protection in 2016, resulting in lower commercial insurance rates for DeSoto businesses; DeSoto Parks & Recreation received accreditation from the Commission for Accreditation for Parks and Recreation Agencies (CAPRA) in 2016; for the third year in a row, DeSoto's Information Technology Department received the prestigious Digital Cities Award for cities with a population under 75,000; and the DeSoto Public Library received the Achievement of Excellence in Libraries Award in 2018 from the Texas Municipal Library Directors Association.

The City of DeSoto is an "All American" City. The National Civic League annually presents the award to 10 communities in the country. It recognizes those whose citizens work together to identify and tackle community-wide challenges and achieve uncommon results. DeSoto strives to continue to embody the accomplishments that earned the award in 2006.

Major employers include the Kohls e-Fulfillment Center, DeSoto Independent School District, Kohler, Solar Turbines (a Caterpillar Co.), Diab Inc., and NFI Industries.

DeSoto Independent School District (DeSoto I.S.D.) serves over 9,400 Pre-K through 12th-grade students across 13 campuses. The district has strong sports and fine arts programming and activities. For those seeking higher education opportunities, there are many options in the area. The University of North Texas at Dallas, Cedar Valley College, Mountain View College, and the University of Phoenix at Cedar Hill Resource Center are within easy driving distance.

The city has a median household income of \$85,916 and an average home value of \$269,146.

GOVERNMENT AND ORGANIZATION

CITY COUNCIL VISION STATEMENT

DeSoto is an All-America City, rich in history and educational opportunities, where people come to live, work, and play in a prosperous, attractive, culturally inclusive community that is a destination for arts, family entertainment, and sports.



DeSoto is a home rule city that operates under the council-manager form of government. The City Council consists of seven members, including the Mayor. All members are elected at large serving three-year terms with a two-term limit.

The City Manager is appointed by and reports directly to the Mayor and City Council and acts as the Chief Executive Officer of the municipality. The City Manager oversees the execution of all ordinances and policies adopted by the Council, the development and execution of the annual operating budgets, municipal operations, and communication and coordination with the Council, various boards, commissions, county, state, and federal agencies, and City staff. Currently, the City Manager's Office is organized in such a way that some members of the Executive Leadership Team report directly to the City Manager, while others report to the two Deputy City Managers.

The City has received the GFOA Distinguished Budget Presentation Award for 27 continuous years and the GFOA Certificate of Achievement for Excellence in Financial Reporting for 34 continuous years.

GOVERNANCE AND ORGANIZATION CONTINUED



FY2021 BUDGET

\$102,132,759



EMPLOYEES

426



AD VALOREM TAX RATE

FY2021 0.701554

Major projects underway or recently completed

- Danieldale Road (West City limits to Westmoreland Road).
- Cove Meadow/Lake Grove Erosion Mitigation.
- Bee Branch Erosion Mitigation.
- 2019 Alley Reconstruction (Misty Glen Drive/Dennis Drive and Ray Andra Drive/Vince Lane).
- Chattey Road – Pleasant Run Road to Belt Line Road Improvements.
- 2020 Renovation and Replacement Phase 2 (Thunderbrook Circle, Clubbrook Circle, Meriweather Place, Meadowbrook Drive, Windingbrook Drive, Pebblebrook Drive).
- 2020 Renovation and Replacement Phase 1 (Greenbrook Drive, Shadybrook Drive, Briarbrook Drive).
- 2020 Street Reconstruction (Old Hickory Trail, Keysville Avenue, Stinnett Place, Reedsport Place, Silver Creek Drive).
- Westmoreland Road (Parkerville Road to Belt Line Road).
- Pleasant Run Road (Cockrell Hill Road to Westmoreland Road).
- Hampton Road Corridor Planning Study (Belt Line Road to Pleasant Run Road).
- Wintergreen Road Intersection Re-Alignment (West City limit at Wintergreen/Main Street/Duncanville Road intersection).
- 2021 Street Reconstruction (Wintergreen Road [Westmoreland Road to Ten Creek Mile Creek Bridge]; UHL Road [Parkerville Road to South City Limits]; Parkerville Road [Westmoreland Road to Hampton Road]; and Parkerville Road (Kemper Drive to Kentsdale Lane).
- 2021 Alley Reconstruction (Select alley segments serving Westlake Drive/Shadywood Lane, Rosewood Drive/Oak Meadow Lane, Live Oak Drive/Cottonwood Drive, Briarwood Drive, and Belclaire Terrace).





MISSION STATEMENT

"The Office of the City Secretary is committed to leadership that ensures quality public service based on honesty, dependability, integrity, consistency, respectfulness, and fairness. We strive to improve citizens' access to local government by providing accurate and timely information through production and diligent care of the City's official records."

ABOUT THE POSITION

The City Secretary is appointed by and reports to the Mayor and City Council to assist the Council in their legislative capacity. The City Secretary directly supervises the Assistant City Secretary.

This position provides complex administrative support to the Mayor, City Council, and City Manager. This is accomplished by directing and overseeing the administration of all City Charter amendments, elections and voting; administering records management programs and open records requests; acting as the liaison for boards and commissions; and preparing, publishing, and maintaining all official documents, general correspondence, and reports.

The City Secretary is responsible for preparing and monitoring budgets; administering oaths of office; maintaining calendars; managing the elections process; posting meeting notices; preparing agendas and packets, and ensuring all appropriate documents are signed and retained.

Essential Responsibilities:

- Represents City administration before boards and commissions by preparing agendas.
- Attends meetings; provides information, advice, and guidance; arranges for support services; and reports on actions or proposals of boards and commissions.
- Facilitates the provision of services to citizens or other departments by serving as the liaison between the Mayor/City Council and the citizens in responding to inquiries, requests, and concerns of the public.
- Responds to internal and external customers regarding research and data.
- Directs and oversees the administration of charter amendments and elections by serving as Early Voting Clerk, as well as provides information to candidates and officeholders and conducts training for election officials.

OPPORTUNITIES AND CHALLENGES

The new City Secretary will focus on:

- Promoting and embracing the diversity of the City Council.
- Responding promptly and being accessible to the needs of citizens, as DeSoto has a very engaged community.
- Using logic and methods to solve difficult issues with effective solutions and having the ability to identify hidden problems.
- Finding common ground and fostering cooperation efficiently and effectively by focused listening.
- Collaborating with City Council, City Staff, and community stakeholders as the City transitions to a redevelopment stage with new energy being generated and new plans moving forward through economic development.



IDEAL CANDIDATE

The City of DeSoto seeks a confident, personable, and progressive servant leader to serve as its new City Secretary. The ideal candidate will be organized and deliver excellent customer service, have a good temperament, and be resourceful. They will be quick-thinking, goal-oriented, and flexible. The ability to foster relationships, solve problems with patience, and have exceptional critical thinking skills is important. The City Secretary should also have strong leadership abilities, know how to build a team, and have experience dealing with conflict resolution.

The successful candidate will possess knowledge of state, federal, and local laws governing municipal operations, records management, and records retention requirements. The person best suited for the position will have experience as a City Secretary or Assistant City Secretary, with demonstrated results and experience dealing with elections and the election process. The selected candidate will be able to work well in high-pressure and sometimes stressful situations, be proactive in anticipating issues, and be able to respond professionally in all matters.

It will be important for the incumbent City Secretary to have experience in project management and have a thorough understanding of software, including databases, presentation programs, and standard Microsoft products. The chosen candidate will be able to effectively supervise and manage support staff; prepare budgets, correspondence, and reports; and work with co-workers, the public, and elected and appointed officials while delivering a high level of service. The next City Secretary will be an effective communicator with excellent verbal and written skills and be able to engage with audiences of all levels. The ability to accept constructive criticism being comfortable in the role of City Secretary is essential.

IDEAL CANDIDATE CONTINUED

The City desires a City Secretary with experience in managing the office efficiently and who has demonstrated experience in records management. The ideal candidate will be efficient at proofreading, ensuring that Council agendas are free of errors, and be able to accurately scope out the length and difficulty of tasks and projects. A strong multi-tasker, with a friendly and positive demeanor, the new City Secretary will understand the importance of maintaining a calm and understanding presence when managing challenging situations and working in a fast-paced environment. Candidates who understand the complex role of City Secretary and have experience working in a similar size community to DeSoto are preferred. This position requires work outside of regular business hours including nights and weekends as needed.



EDUCATION AND EXPERIENCE

Candidates should have a bachelor's degree from an accredited post-secondary institution and five years of experience as a City Secretary or Assistant City Secretary (two of which must be in supervision). An equivalent combination of education and experience will also be considered. The selected candidate must have completed the Texas Municipal Clerk Certification Program or be able to do so within five years of hire.

A valid Texas driver's license with a good driving record and ability to maintain while employed is required.

COMPENSATION AND BENEFITS

The salary range for this position is \$78,000.93 to \$113,881.36, dependent on qualifications and experience. The City participates in the Texas Municipal Retirement System (TMRS) at a 7% employee deposit rate, with a municipal matching ratio of 2:1. A generous benefits package is provided, including medical, dental, and vision insurance, and paid vacation and sick leave.



APPLICATION PROCESS

Please apply online: <http://bit.ly/SGROpenRecruitments>

For more information on this position contact:

Margie Rose, Senior Vice President

MargieRose@governmentresource.com

361-813-8599



The City of DeSoto is an Equal Opportunity Employer and values diversity in its workforce. Applicants selected as finalists for this position will be subject to a comprehensive background check.

RESOURCES

City of DeSoto
desototexas.gov

City Secretary Department
ci.desoto.tx.us/40/City-Secretary

Comprehensive Plan
ci.desoto.tx.us/1378/Comprehensive-Plan

Economic Development
dedc.org

Chamber of Commerce
desotochamber.org

SOCIAL MEDIA





CITY CLERK

THE COMMUNITY



Ideally situated on the rolling plains of eastern Williamson County, the City of Taylor, Texas, is home to 17,700 residents who enjoy a laid back, semi-rural atmosphere with the world-class amenities of Austin within easy distance. Williamson County is one of the fastest growing counties in the state, with a population estimate of over 530,000. The City of Taylor covers approximately 19 square miles and is located only eight miles east of the 130 Toll Road, at the intersection of U.S. Highway 79 and State Highway 95, just 40 minutes from Austin. Taylor has benefited tremendously from the astronomic growth of the Austin metro area but has maintained its unique, small town charm.

Taylor's beginnings are tied to the railroads, cattle, and cotton. The City was originally settled in the mid-1800s as the railroads expanded into Texas. Because of its location on one of the major cattle trails, Taylor became a shipping point for cattle, and the fertile soil in the area made it ideal for cotton production. Taylor's downtown is recognized as a National Historic District by the U.S. Department of the Interior. Efforts are underway to redevelop and revitalize the downtown and attract new businesses and restaurants to the City.

A number of large, historic homes, which reflect a time of affluence in a young Taylor, dot the area. Many of these homes have been maintained by

generations of the same family, while others have been faithfully restored and modernized. Taylor's connection to the railroads continues today through the modern Amtrak station located in downtown Taylor. The community takes great pride in its ethnic diversity that includes Czech, Polish, German, English, Scotch-Irish, Swedish, Black, Hispanic, Middle Eastern, and other ancestry. Taylor has a reputation for being an extremely friendly and welcoming community. The City's ethnic diversity is reflected in its reputation for great barbecue restaurants and delicious kolaches, Slavic pastries that are extremely popular throughout the region.

The City is proud of its parks system, which includes three major parks and more than eight miles of hike-and-bike trails. The Taylor Regional Park and Sports Complex is a state-of-the art recreation facility and nature preserve which includes a variety of tournament-quality athletic fields, basketball courts, a covered pavilion, two modern playscapes, and a hike-and-bike trail. The park also features an innovative nature conservation project and a six-acre lake that provide excellent opportunities for outdoor education. The newly renovated Williamson County Expo Center is a central location for a variety of sporting, spectator, and recreational events, including Texas rodeo. The expanded facility had its grand opening in November 2016.

Taylor Independent School District (TISD) serves over 3,200 Taylor students. The area is also served by a number of institutions of higher learning, including the East Williamson County Higher Education Center (located in Hutto), a multi-institutional teaching center that boasts partnerships with Temple College, Texas State Technical College, Texas Tech, and Concordia College, along with Legacy Early College High School, which is located in downtown Taylor. Students can earn an associate's degree at the same time as a high school diploma. The Austin campus of the University of Texas is only 30 minutes away. A number of other colleges and universities are located in the Austin area.

Baylor Scott & White Hospital in Taylor is a 25-bed critical access hospital with a newly renovated 24-hour emergency room service, as well as radiology, laboratory, and surgery services. Baylor Scott & White Clinic provides pediatrics, women's healthcare, cancer screening, office surgery, orthopedic care, and occupational medicine to the City's residents. Twenty-five hospitals and one children's hospital are located in Greater Austin, totaling more than 3,000 hospital beds and 13,000 physicians and nurses.

GOVERNANCE AND ORGANIZATION

The City of Taylor operates as a council-manager form of government under a home rule charter. The City is governed by a five-member Council with four members elected from districts and the fifth member elected at-large. Council Members serve three-year terms, and the Mayor is elected from among the five members. The City Council appoints a professional City Manager, City Attorney, and Municipal Judge. The City Manager is appointed to be the chief administrative officer of the City for any term, condition, and compensation deemed acceptable to the City Council. The current City Manager is Isaac Turner who was appointed to the position in September of 2014.

The City Manager oversees an organization with 154.5 full-time equivalent employees and an operating budget for FY 2017-2018 for all funds of \$27.9 million. The City is very strong financially and has an "AA-" bond rating.

Council Goals 2015 - 2020

- Economic Vitality
- Streets/Infrastructure
- Quality of Life

MISSION:

To be a productive, fiscally responsible organization that takes proactive steps to ensure economic growth and the safety, well-being, and success of Taylor residents and the growth of business. Our vision for Taylor is to be a vibrant and diverse community.





GOVERNANCE AND ORGANIZATION CONTINUED

The City is organized into a number of departments, including Police, Fire, Development Services, Public Works, Finance, Library, General Services, Human Resources, City Clerk, Main Street, and Public Information, and operates the Taylor Municipal Airport. Solid waste services are provided to the City through a private contractor. Taylor has established a Municipal Drainage Utility System which allows the City to collect a fee to address drainage related issues in the community, including localized flooding, emergency operations, and the cost of providing infrastructure and facilities that permit the safe drainage of storm water. The City is currently updating the Master Drainage Plan. Taylor's long-term water supply is provided from Lake Granger through a 50-year contract with the Brazos River Authority (BRA). The City also operates a 4 MGD wastewater treatment plant.

Taylor has adopted the Type "A" economic development sales tax and has established the Taylor Economic Development Corporation (TEDC) to administer the tax. TEDC owns two industrial parks, one of which has been fully developed. The City Council has recently adopted a Transportation User Fee which provides funding for increased street maintenance and reconstruction.

ABOUT THE POSITION

Under the direction of the City Manager, the City Clerk coordinates City elections, prepares Council agenda packets, posts notices of Council meetings, attends Council meetings, records and maintains official minutes of Council meetings, and serves as the Records Management Officer and custodian of the City Seal. An administrative assistant reports directly to the City Clerk.

Duties include:

- Act as City Clerk, coordinating and conducting City elections; administer oath of office to newly elected Council members, City judge, and other board members; attest to the Mayor's and City Manager's signature
- Facilitate Council meetings by preparing and distributing agendas and packets, typing, scanning, and computer linking agenda items, copying and distributing supporting documentation, and coordinating with public and civic groups; publish legal notices in the paper
- Serve as the City's Records Management Officer by maintaining, preserving, and disposing of all City records for the purpose of reducing costs and improving the efficiency of recordkeeping
- Prepare ordinances, resolutions, proclamations, and other legal documents; file and release liens through the county courthouse; maintain deeds, contracts, leases, and license agreements

ABOUT THE POSITION

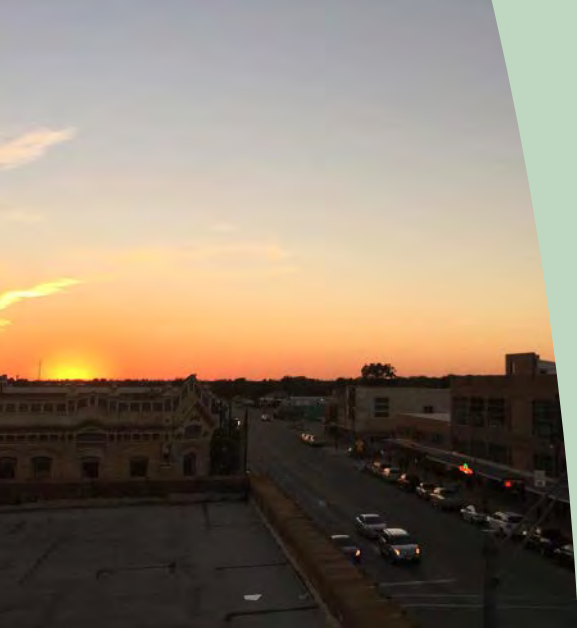
CONTINUED

- Maintain records of City liquor licenses, mail notices to businesses, and issue yearly renewals
- Prepare purchase orders for City Clerk/Council budget and track all expenses for the department
- Maintain roster of all board and commission members, i.e, Airport, TEDC, Planning & Zoning, etc.; process applications for such boards and advise Council when new appointments are due
- Provide research assistance and information to executive staff, City officials, and citizens seeking information on ordinances, City policies, the City charter, the board and commissions handbook, and the City's historical data
- Respond to and, when necessary, refer inquiries and complaints from the general public on a variety of issues, exercising appropriate diplomacy and discretion
- Maintain reservation schedule for use of Council chambers and Auditorium by other departments and outside agencies
- Schedule and manage Council and staff attendance at TML functions, including hotel and travel reservations, expense tracking, registrations, etc.
- Receive, distribute, and process all open records requests

IDEAL CANDIDATE

The City of Taylor seeks a detail-oriented, experienced, and tech-savvy City Clerk. The person selected will be a personable, approachable individual who can establish and maintain effective working relationships with other City employees, officials, and the general public. The ideal candidate will have exceptional organizational abilities and analytical skills, with the ability to manage multiple projects simultaneously.

The City Clerk must be able to communicate effectively both verbally and in writing, with the ability to proofread for completeness, accuracy, and content, and will be able to establish and maintain complex records and files. The chosen candidate should have in-depth knowledge of elections, records management, and open records laws and resources. Advanced skills with word processing and spreadsheet programs are essential.



EDUCATION AND EXPERIENCE

The selected candidate must be a high school graduate and have at least three years of related experience; a college degree is preferred. Any equivalent combination of experience and training which provides the required knowledge, skills, and abilities will be considered. Certification as a Notary Public is required, and Texas Municipal Clerk Certification is preferred.



COMPENSATION AND BENEFITS

The City of Taylor offers a starting salary range between \$62,500 and \$75,000 depending on qualifications and experience. In addition to a competitive salary, the City provides a generous benefits package which includes comprehensive medical coverage, life insurance, disability, retirement (mandatory TMRS at 7%:1.5 to 1 and two voluntary 457 plans), paid vacation, paid sick leave, and holidays.

APPLICATION PROCESS



Please apply online at: <http://bit.ly/SGRCurrentSearches>

For more information on this position contact:

Kristin Navarro, Director of Recruitment

Strategic Government Resources

KristinNavarro@GovernmentResource.com

Office: 817-382-0087

Mobile: 817-637-3243

This position is open until filled. To view the status of this position, please visit:

<http://bit.ly/SGRCurrentSearches>

The City of Taylor is an Equal Opportunity Employer and values diversity in its workforce. Applicants selected as finalists for this position will be subject to a comprehensive background check.



RESOURCES

City of Taylor

ci.taylor.tx.us

Chamber of Commerce

taylorchamber.org

**Taylor Economic
Development Corporation**

tayloredc.org

Follow Us





Date: November 9, 2021

Agreement for Interim City Secretary Services
By and Between Strategic Government Resources and the City of New Fairview, Texas

City of New Fairview, Texas
Ben Nibarger, City Administrator
cityadministrator@newfairview.org

Strategic Government Resources
Wendle Medford, President
Interim, Embedded and Consulting Services
WendleMedford@GovernmentResource.com

("City")

("SGR")

Scope of Services. The City of New Fairview, Texas, (referred to as "City") seeks an Interim City Secretary to perform related duties for City. Strategic Government Resources (referred to as "SGR") will provide a highly experienced local government professional to serve as Interim City Secretary for City.

Recommended Candidate. SGR and City will work together to determine a final candidate for consideration. Should City wish to consider an alternate candidate, SGR can provide other experienced local government professionals for City to interview. City may interview candidate(s) by phone, Skype, or in person. City will reimburse all travel, lodging, and per diem expenses for any in-person interviews.

If at any time during the assignment, City wishes to have another candidate provided to serve as Interim City Secretary, SGR will produce additional experienced local government professionals to fill the position, to the satisfaction of City, pending availability of suitable candidates.

Directions and Control. The City is responsible for the direction, supervision, and control of the contractor. It is the City's responsibility to provide a safe workplace and to furnish the contractor with any equipment/training needed to perform their role.

Terms and Conditions. SGR will provide an Interim City Secretary at a rate of \$70.00 per hour. The Interim City Secretary will work a maximum of 40 hours per week unless approved by City. Any hours worked in excess of 40 hours per week, will be billed at the standard contract rate of \$70.00 per hour.

City Contact for Invoicing:

Name: _____

Email: _____

Phone: _____

1. SGR will perform a Comprehensive Media Search on the candidate selected by City and provide a comprehensive media report to City. This media report is compiled from information gathered using our proprietary online search process. This is not an automated process and produces far superior results than a standard media or simple Google search. The report length may be as long as 350 pages and may include news articles, links to video interviews, blog posts by residents, etc.

The City's final approval of the interim candidate will be dependent upon client acceptance of results of the media and background searches conducted, and we recommend a start date after completion of all elements of our background checking process.

Should an organization choose to start an interim candidate prior to completion of media searches and/or any other elements of the standard background investigation, SGR will be held harmless for any unexpected findings.

2. SGR will perform a comprehensive background investigation on the candidate selected by the City. SGR uses a licensed private investigation firm for these services. Through SGR's partnership with FirstCheck, we are able to provide our Cities with comprehensive background screening reports that include detailed information such as:
 - Social Security number trace
 - Address history
 - Driving history/motor vehicle records
 - Credit report
 - Federal criminal search
 - National criminal search
 - Global homeland security search
 - Sex offender registry search
 - State criminal search (for current and previous states of residence)
 - City criminal search (for every City in which candidate has lived or worked)
 - City civil search (for every City in which candidate has lived or worked)
 - Education verification
3. City is responsible for the cost of any drug screening that City may require.
4. All routine business expenses incurred by SGR's representative in their role as Interim City Secretary will be reimbursed under the same terms and conditions that such expenses would be reimbursed for any other employee of City, such as mileage, hotel, and per diem when traveling at the request of City, and business meals incurred for local meetings. Commute time will not be billed by SGR.
5. Depending on the location of the permanent residence of the selected Interim City Secretary, mileage reimbursement and temporary housing may be required. Mileage is reimbursed by City at the current IRS mileage reimbursement rate. The City may elect to provide temporary housing such as a local hotel, direct billed to City, with a mileage/travel reimbursement of twice per month between Interim City Secretary's permanent residence and City.

6. City will be billed weekly for the previous week's work and any travel/housing reimbursement. payment will be due within 14 days of each billing. SGR will not be compensated for holidays, vacation time, sick leave, etc.
7. If City hires the candidate placed as Interim City Secretary for a permanent position during the term of this agreement or within 12 months after the conclusion of this agreement, City will pay SGR an employment placement fee of \$10,000.00. This fee is waived if SGR conducts a full-service executive search for this position.
8. City or SGR may terminate the agreement for Interim City Secretary Services with a fourteen (14) day written notice, without cause or penalty.

Cost Summary. SGR will provide Interim City Secretary Services to City as follows:

<i>Interim City Secretary Services</i>	<i>\$70.00 per hour</i>
<i>Comprehensive Media Search Report</i>	<i>\$500.00</i>
<i>Background Investigation</i>	<i>\$400.00</i>
<i>Mileage/Temporary Housing</i>	<i>TBD*</i>
<i>Travel expenses for in-person interviews, if needed</i>	<i>TBD</i>
<i>Per diem for in-person interview, if needed</i>	<i>\$10 breakfast, \$15 lunch, \$25 dinner</i>

**Mileage will be billed at the Standard Mileage Reimbursement Rate established by the IRS. City will provide temporary housing or a housing stipend, if necessary.*

Confidentiality Agreement. The Interim City Secretary will perform services for City which may require City to disclose confidential and proprietary information to Interim City Secretary or which may require City to grant authorization to the Interim City Secretary to make financial and legal transactions on behalf of the City. Confidential information includes, but is not limited to, any information of any kind, nature, or description concerning any matters affecting or relating to Interim City Secretary's services for City, the business or operations of City, and/or the products, projects, drawings, plans, processes, or other data of City. Financial and legal information includes, but is not limited to, financial institution wire transfers, deposits, withdrawals, cash handling, investment handling, real property transactions, or other financial or legal transactions of City. The Interim City Secretary, through his/her contract with SGR agrees:

- To hold any and all confidential information received from City in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others.
- Not to disclose or divulge, either directly or indirectly, the confidential information to others unless first authorized to do so in writing by City. For financial and legal transactions, Interim City Secretary must receive authorization from City verbally and in writing, other than by email, and Interim City Secretary shall maintain reasonable data security controls to protect Interim City Secretary and City from social engineering attacks.
- Not to reproduce the confidential information, nor use this information commercially, or for any purpose other than the performance of his/her duties for City.

- That upon request or upon termination of his/her relationship with City, deliver to City, any drawings, notes, documents, equipment, and materials received from City or originating from his/her activities for City.
- That City shall have the sole right to determine the treatment of any information that is part or project specific received from Interim City Secretary, including the right to keep the same as confidential and proprietary.

Indemnification. To the extent it may be permitted to do so by applicable law, City does hereby agree to defend, hold harmless, and indemnify the designated Interim City Secretary, SGR, and all officers, employees, and contractors of SGR, from any and all demands, claims, suits, actions, judgments, expenses, and attorneys' fees incurred in any legal proceedings brought against them as a result of action taken in the Interim's individual or official capacity for the City as an independent contractor and as Interim City Secretary, providing the incident(s), which is (are) the basis of any such demand, claim, suit, actions, judgments, expenses, and attorneys' fees, arose or does arise in the future from an act or omission of the Interim City Secretary as an independent contractor of City acting within the course and scope of the Interim City Secretary's engagement with City; excluding, however, any such demand, claim, suit, action, judgment, expense, and attorneys' fees for those claims or any causes of action where it is determined that the Interim City Secretary committed official misconduct, or committed a willful or wrongful act or omission, or an act or omission constituting gross negligence, or acted in bad faith; and excluding any insurance contract, held either by City or SGR. In the case of such indemnified demand, claim, suit, action, or judgment, the selection of the Interim City Secretary's legal counsel shall be with the mutual agreement of the Interim City Secretary and City if such legal counsel is not also City's legal counsel. A legal defense may be provided through insurance coverage, in which case the Interim City Secretary's right to agree to legal counsel provided for him/her will depend on the terms of the applicable insurance contract. The provisions of this paragraph shall survive the termination, expiration, or other end of this agreement and/or the Interim City Secretary's engagement with City.

Venue. The venue for any disputes shall reside in New Fairview, Texas.

Applicable law. This agreement shall be governed by the laws of the State of Texas.

This agreement represents the full and complete agreement between Strategic Government Resources and the City of New Fairview, Texas, and supersedes any and all prior written or verbal agreements. This agreement may be modified or amended only by a written instrument signed by the parties.

Approved and Agreed to on _____, by and between Strategic Government Resources and the City of New Fairview, Texas.

Ben Nibarger, City Administrator
 City of New Fairview, Texas

Wendle Medford, President
Interim, Embedded and Consulting Services
 Strategic Government Resources



**City Council Agenda
November 15, 2021**

Agenda Item:	Resolution	(Action Item)
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Agenda Description:

Discuss, consider, and act on a resolution approving the results and canvass the votes for the November 2, 2021 Election.

Background Information:

The City Council called an election for the creation of a Municipal Development District and the extension of the term of office for the Mayor and City Council members.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator
Approve the resolution

Attachments:

Resolution



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION CANVASSING THE RETURNS OF THE JOINT ELECTION HELD WITHIN THE CITY OF NEW FAIRVIEW AND ITS ETJ, ON THE 2ND DAY OF NOVEMBER, 2021 FOR THE PURPOSE OF (A) CREATING A MUNICIPAL DEVELOPMENT DISTRICT (MDD), AND (B) EXTEND THE TERM OF THE MAYOR AND CITY COUNCIL MEMBERS TO THREE YEARS. THE CITY OF NEW FAIRVIEW IS A GENERAL LAW A CITY AND THE RESULTS ARE DETERMINED BY A VOTE THAT IS AT LARGE AND DECLARING THE RESULTS OF THE ELECTION FINDING THAT NOTICE OF THE ELECTION WAS PROPERLY HELD AND THE RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, on November 2, 2021, an election was held in the City of New Fairview and its ETJ, Wise and Denton, County, Texas, for the creation of (a) a Municipal Development District (MDD), and (b) extending the term of the Mayor and City Council members to three years in the Joint Election; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW:

1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
2. After canvassing the returns of said Election pursuant to the ordinances of the City of New Fairview and pursuant to the applicable provisions of the Texas Election Code, the canvassing board certifies the following true and correct results, to-wit:

Joint Election: Proposition A (MDD) - FOR 37 | AGAINST 121
 Proposition B (Council Term Length) - FOR 16 | AGAINST 76

Said election was duly called; that notice of said election was given in accordance with the law; and that the canvass of the votes cast in said election and returns thereof were made in accordance with the law.

3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the invalid provision.
4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this **15th day of November**, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

Nolan Schoonmaker
Mayor

Brooke Boller
Interim Deputy City Secretary

Canvass Results Report

Official

Run Time 10:51 AM

Run Date 11/03/2021

Wise County, TX

CONSTITUTIONAL AMENDMENT AND JOINT ELECTION

11/2/2021

Page 20

Unofficial Results

Registered Voters

4031 of 47138 = 8.55%

Precincts Reporting

25 of 25 = 100.00%

City of New Fairview Proposition A - Vote For or Against

Precinct	FOR	AGAINST	Cast Votes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
05	3	11	14	0	5	10	15	409	3.67%
06	28	89	117	2	50	68	120	1,449	8.28%
Totals	31	100	131	2	55	78	135	1,858	7.27%

Canvass Results Report

Official

Run Time 10:51 AM

Run Date 11/03/2021

Wise County, TX

CONSTITUTIONAL AMENDMENT AND JOINT ELECTION

11/2/2021

Page 21

Unofficial Results

Registered Voters

4031 of 47138 = 8.55%

Precincts Reporting

25 of 25 = 100.00%

City of New Fairview Proposition B - Vote For or Against

Precinct	FOR	AGAINST	Cast Votes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
05	0	2	2	0	2	0	2	17	11.76%
06	15	58	73	0	33	40	73	751	9.72%
Totals	15	60	75	0	35	40	75	768	9.77%

City of New Fairview Canvass Report

Official Results

Run Time 11:06 AM

Run Date 11/09/2021

Denton County

Constitutional Amendment and Joint General and Special Elections

11/2/2021

Page 1

Unofficial Results

Registered Voters

29 of 320 = 9.06%

Precincts Reporting

2 of 2 = 100.00%

City of New Fairview Proposition A

Precinct	For	Against	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
4036	4	16	20	2	0	0	9	13	22	235	9.36%
4049	2	5	7	0	0	0	2	5	7	85	8.24%
Totals	6	21	27	2	0	0	11	18	29	320	9.06%

City of New Fairview Canvass Report

Official Results

Run Time 11:06 AM

Run Date 11/09/2021

Denton County

Constitutional Amendment and Joint General and Special Elections

11/2/2021

Page 2

Unofficial Results

Registered Voters

29 of 320 = 9.06%

Precincts Reporting

2 of 2 = 100.00%

City of New Fairview Proposition B

Precinct	For	Against	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
4036	1	16	17	2	0	0	9	10	19	154	12.34%
Totals	1	16	17	2	0	0	9	10	19	154	12.34%

City of New Fairview Canvass Report

Official Results

Run Time11:06 AM

Run Date11/09/2021

Denton County

Constitutional Amendment and Joint General and Special Elections

11/2/2021

Page 3

Unofficial Results

Registered Voters
29 of 320 = 9.06%

Precincts Reporting
2 of 2 = 100.00%

*** End of report ***

**City of New Fairview
Cumulative Report**

Official Results

Run Time 11:06 AM

Run Date 11/09/2021

Denton County**Constitutional Amendment and Joint General and Special
Elections**

11/2/2021

Page 1

Unofficial Results**Registered Voters**

29 of 320 = 9.06%

Precincts Reporting

2 of 2 = 100.00%

City of New Fairview Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	2	22.22%	4	22.22%	6	22.22%
Against		0	0.00%	7	77.78%	14	77.78%	21	77.78%
Cast Votes:		0	0.00%	9	100.00%	18	100.00%	27	100.00%
Undervotes:		0		2		0		2	
Overvotes:		0		0		0		0	

City of New Fairview Proposition B

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	1	10.00%	1	5.88%
Against		0	0.00%	7	100.00%	9	90.00%	16	94.12%
Cast Votes:		0	0.00%	7	100.00%	10	100.00%	17	100.00%
Undervotes:		0		2		0		2	
Overvotes:		0		0		0		0	

*** End of report ***

City of New Fairview Precinct Report

Official Results

Run Time 11:07 AM

Run Date 11/09/2021

Denton County**Constitutional Amendment and Joint General and Special Elections**

11/2/2021

Page 1

Unofficial Results**Registered Voters**

29 of 320 = 9.06%

Precincts Reporting

2 of 2 = 100.00%

4036

22 of 235 registered voters = 9.36%

City of New Fairview Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	1	14.29%	3	23.08%	4	20.00%
Against		0	0.00%	6	85.71%	10	76.92%	16	80.00%
Cast Votes:		0	0.00%	7	100.00%	13	100.00%	20	100.00%
Undervotes:		0		2		0		2	
Overvotes:		0		0		0		0	

City of New Fairview Proposition B

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	1	10.00%	1	5.88%
Against		0	0.00%	7	100.00%	9	90.00%	16	94.12%
Cast Votes:		0	0.00%	7	100.00%	10	100.00%	17	100.00%
Undervotes:		0		2		0		2	
Overvotes:		0		0		0		0	

*** End of report ***



**City Council Agenda
November 15, 2021**

Agenda Item:	Resolution	(Action Item)
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Agenda Description:

Discuss, consider, and act on the executive session items.

Background Information:

N/A

Financial Information:

Unknown at this time

City Contact and Recommendation:

Ben Nibarger, City Administrator

N/A

Attachments:

Resolution(s) provided under separate cover



**City Council Agenda
November 15, 2021**

Agenda Item:	Resolution	(Action Item)
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Agenda Description:

Discuss the New Fairview City Council Procedures and Decorum Policy, the Texas Open Meetings Act, and the Texas Public Information Act related to recent Council member actions and behavior.

Background Information:

The Council and staff have been in discussion regarding professionalism. The Mayor invited a facilitator to work with the Council and staff to walk through the recent issues and work towards a more productive and professional City Hall. The item was tabled until the November 15, 2021 Council meeting for further discussion and consideration of action items.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator
N/A

Attachments:

New Fairview City Council Procedures and Decorum Policy
Resolution(s) provided under separate cover



The New Fairview Procedures & Decorum Policy

"I will never bring reproach upon my hallowed arms, nor will I desert the comrade at whose side I stand, but I will defend our altars and our hearths, alone or supported by many. My native land I will not leave a diminished heritage, but greater and better than when I received it. I will obey the current statute and authorities and I am convinced of the institutions of the founding people, and so should the people of the world be founded in the same way. If anyone tries to overthrow the constitution or disobeys it, I will not permit him, but will come to its defense, alone or supported by many. I will honor the religion of my fathers. Let the gods be my witness: Agraulus, Enyalius, Ares, Zeus, Thallo, Auxo, Hegemone."

The Ephebic Oath was taken by the young men of ancient Athens when they became of age to assume the responsibility of citizenship

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Introduction and Summary

The New Fairview City Council is the governing body for the City of New Fairview; therefore, they must bear the initial responsibility for the integrity of governance. The Council is responsible for its own development, both as a body and as individuals, its responsibilities, its own discipline, and its own performance. The policy that was developed and adopted was designed to ensure effective and efficient governance.

This policy will address Mayor and Council relations, Council and Staff relations, and Council and media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, and to the public. The Council will govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficiency and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

1. The Council has as high priorities the continual improvement of the member's professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members.
2. The Council will endeavor to keep the community informed on municipal affairs; encourage communication between the residents and the Council; strive for strong working relationships among neighboring municipalities and elected officials.
3. In its governance role, the Council will continue to be dedicated to friendly and courteous relationships with Staff, other Council members, and the public, and seek to improve the quality and image of public service.
4. The Council will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the ties of the community when making policies.
5. Finally, each Council member will make a commitment to improving the quality of life for the individual and the community and to be dedicated to the faithful stewardship of the public trust.

Definitions

Attendance - for the purposes of a regularly scheduled City Council meeting of New Fairview, attendance is defined as being present for roll call throughout the entirety of the meeting until adjournment.

Sec. 1-100 – Authority

Pursuant to the provisions of the Ordinances of the City of New Fairview, Texas, the City Council shall enact rules of procedure for all meetings of the City Council of the City of New Fairview, Texas, which shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted. These rules of procedures shall serve as general guidelines for Council conduct and meeting protocols.

Additionally, these general rules and guidelines shall govern the procedures and decorum of all Council appointed boards, commissions, committees, or other advisory bodies. References specific to the Council, Mayor, Mayor Pro Tem, or Council member duties and responsibilities shall apply to the advisory body, Chair, Vice Chair, and members respectively.

Sec. 1-110 – City Council Agenda

- (a) The City Administrator is responsible for creating and processing the agenda and agenda materials for City Council meetings. The City Administrator will submit agenda materials as appropriate for review by the City Attorney. The City Secretary is responsible for preparing and posting the agenda and assembling and distributing the agenda packets.
- (b) The Mayor or two Council Members may direct the City Administrator in writing to place an item on an agenda for a regular City Council meeting, special meeting, or work session for discussion only. Items must be submitted to the City Administrator no later than noon on the Monday preceding the week of the City Council meeting.
- (c) The City Council, during any scheduled regular or special meeting or work session, may direct the City Administrator to place an item on a future agenda.
- (d) Any two Council Members may request an item to be placed on the agenda for discussion. Should extraordinary staff time be required to address a requested agenda item, the City Administrator will place the item on a future Council agenda for direction and discussion prior to investing the extraordinary amount of staff time and communicate this decision to those requesting the item.
- (e) Agenda items placed on the agenda by the Mayor or members of the City Council previously considered and whereby action was taken by the City Council may not be placed on a future agenda for reconsideration within six months of such action unless either: (1) directed by a majority of the City Council to the City Administrator during any scheduled regular or special meeting or work session; or (2) directed by the Mayor and one Council Member in writing to the City Administrator. In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item.

Further, items placed on the agenda by the Mayor or members of the City Council for discussion and/or action whereby no action was taken by the City Council may not be placed on a future agenda for discussion within six months, unless either: (1) requested in writing by three members of the Council; or (2) three Council members direct staff to add the item to an upcoming agenda during a Council meeting.

Sec. 1-111 – Planning & Zoning Commission Agenda

(a) The City Administrator is responsible for creating and processing the agenda and agenda materials for Planning & Zoning Commission (P&Z) meetings. The City Administrator will submit agenda materials as appropriate for review by the City Attorney. The City Secretary is responsible for preparing and posting the agenda and assembling and distributing the agenda packets.

(b) The Chair and two members may direct the City Administrator in writing to place an item on an agenda for a regular P&Z meeting, special meeting, or work session for discussion only. Items must be submitted to the City Administrator no later than noon on the Monday preceding the week of the P&Z meeting.

(c) The P&Z, during any scheduled regular or special meeting or work session, may direct the City Administrator to place an item on a future agenda.

(d) Any two Commissioners may request an item to be placed on the agenda for discussion. Should extraordinary staff time be required to address a requested agenda item, the City Administrator will place the item on a future P&Z agenda for direction and discussion prior to investing the extraordinary amount of staff time and communicate this decision to those requesting the item.

Sec. 1-120 – Types of Meetings

(a) *Regular Meetings:* The City of New Fairview regular City Council meetings are held on the first Monday of each month, at such time as may be set by the City Council, unless the meeting is rescheduled or canceled. All regular meetings of the City Council will be held in New Fairview Town Hall at 999 Illinois Lane, New Fairview, Texas, or at such other locations as the City Council may, by motion, resolution or ordinance, designate.

(b) *Work Session Meetings:* A work session is a meeting to discuss or explore matters of interest to the City, review and discuss agenda items, meet with City boards, commissions or committee members, City Staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the Mayor, City Administrator or the Council. These meetings are informational and no formal action shall be taken unless the

posted agenda indicates otherwise. The Mayor may allow any citizen to participate in the discussion at a work session, but only as recognized by the Mayor. The Mayor may end citizen participation in a work session in order to allow the City Council to proceed with the discussion.

If necessary, a work session will normally be scheduled before a regular meeting of the City Council and will be known as the "Pre-Council meeting."

- (c) *Special Meetings:* Special meetings may be called by the Mayor, the City Administrator, or by any two (2) members of the City Council. The call for a special meeting shall be filed with the City Secretary in written form, and the City Secretary shall cause the posting of notice of the meeting as governed by applicable law. The Mayor, City Administrator, or two Council Members may designate a location for the special meeting other than Town Hall as long as the location is open to the public and in compliance with applicable law.
- (d) *Emergency Meeting:* In case of emergency or urgent public necessity, as defined by State law and confirmed by the City Attorney when practical, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor, City Administrator or his/her designee, or two members of the City Council, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.
- (e) *Closed Meeting:* The City Council may meet in a closed meeting but only under conditions allowed by applicable law. Details discussed in closed meetings shall be considered confidential and shall not be discussed or disclosed outside the meeting.
- (f) *Recessed Meetings.* Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a period longer than twenty-four hours from the time the meeting is recessed.

Sec. 1-130 – Quorum

A quorum at a regular meeting of the City Council will be established by the presence of three members of the Council. A quorum at a special or emergency meeting of the City Council will be established by the presence of four members of the Council. The Mayor shall not count as a Council Member for the establishment of a quorum.

Sec. 1-140 – Order of Business

The Regular City Council meeting will be generally conducted in the following order unless otherwise specified. If the Mayor or any member of Council wishes to change the order of business, a proper motion must be made followed by a second and then passed by the affirmative

vote of a majority of the Council Members present and voting. An executive session may be held at any time during a meeting pursuant to applicable State law.

(a) *Regular Meeting Agenda:*

- (1) Call to Order – Chair officially calls the meeting to order.
- (2) Pledge of Allegiance – Each agenda of a regularly scheduled City Council meeting shall provide an item for the recital of the “Pledge of Allegiance” to both the United States flag and the Texas flag.
- (3) Public with Business – The time for the public to address the City Council on any subject. However, the City Council cannot discuss items presented under Public with Business nor take any action thereon other than consideration of the placement of the said item on a future agenda as a discussion item or refer the item to Staff for research and possible future action, unless the item presented is an item on the posted agenda for the meeting. Each speaker will be allowed three (3) minutes to speak. Speakers are not permitted to yield their time to others but are encouraged to inform the City Council if they are speaking on behalf of a larger group.
- (4) Old Business – Business items pending from previous City Council meetings. Members of the public may speak on any item under Old Business. They will be allowed three (3) minutes.
- (5) New Business – New or amended ordinances, resolutions, or policies that the Mayor, City Council Members or City Staff wish to have the City Council consider. Members of the public may speak on any item under New Business. They will be allowed three (3) minutes.
- (6) Consent agenda - Shall contain routine, non-controversial items that require City Council action but need little or no Council deliberation. An item can be removed from the consent agenda by the City Administrator, Mayor, or any member of the City Council and will be considered after approval of the consent agenda.
- (7) Presentations – The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented to the City Council.
- (8) Discussion Items – Items to be presented or discussed with City Council in order to garner direction from City Council. No action shall be taken on discussion items. Members of the public may speak on any Discussion item. They will be allowed three (3) minutes.
- (9) Executive Session (if needed) – Items to be discussed in the closed meeting under conditions allowed by applicable law. The City Council may not take final action during the executive session. It is understood and agreed that information discussed in the Executive Session is considered confidential and should remain so. Any final action resulting from an Executive Session discussion must be taken during the open public session.
- (10) Adjourn

(b) *Work Session Agenda (if necessary):*

- (1) Discussion of consent items – Council review and discussion of items that are by nature routine and typically require little or no Council deliberation.
- (2) Questions regarding regular agenda items – Council review and discussion of regular agenda items. The Council may ask questions of Staff, receive a brief presentation, and request additional information prior to consideration during the regular meeting.
- (3) Written or verbal presentations or discussions – Council updates and discussions regarding items, some of which may not be included as part of the regular meeting agenda.
- (4) Executive Session (if needed) - Items to be discussed in the closed meeting under conditions allowed by applicable law. The City Council may not take final action during executive session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so. Any final action resulting from an Executive Session discussion must be taken during the open public session.
- (5) Adjourn

(c) *Executive Session:*

- (1) Conduct Executive Session – Items to be discussed in a closed meeting under conditions allowed by applicable law. The City Council may not take final action during Executive Session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so until the Council takes action in public on the matter. Any final action resulting from an Executive Session discussion must be taken during the open public session.

Sec. 1-150 – General Procedures

- (a) *General Procedure:* General rules of parliamentary procedure as defined herein, consistent with state law and any applicable City ordinance, statute, or other legal requirements, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council shall use Robert's Rules of Order as a general guideline for additional rules of the parliamentary procedure without being a procedural requirement. Notwithstanding the above, failure to abide by, or adhere to, these rules shall not nullify or negate any action by the City Council. These rules of parliamentary procedure are intended solely as a guideline.
- (b) *Chair of Meeting:* The Mayor shall preside over all meetings of the City Council as the Tempore Chair and enforce these rules and procedures during a meeting. In the absence

of the Mayor, the Pro Tempore shall assume the Chair's responsibility at the meeting. In the absence of the Pro Tempore, the Council will choose a Chair for the meeting.

- (c) *Authority of the Chair:* The Chairperson shall make decisions on questions of procedure subject to review respectively by the Council as a whole.
- (d) *Council Deliberations:* The Chair has the responsibility to control the discussion and the order of speakers. Council Members will generally be called upon in the order of the request to speak. Generally, a Council Member may not be recognized to speak subsequently until each Council Member has had an opportunity to obtain the floor. A Council Member holding the floor may address a question to another Council Member and that Council Member may, should they so choose, respond to the question while the floor is still held by the Council Member asking the question.
- (e) *Limits to Deliberations:* After an agenda item is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Council Members will limit their comments to the subject matter or motion currently being considered.
- (f) *Repetitious Comments Prohibited:* A speaker or Council Member shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting oral comments. A speaker or Council Member shall not present an argument on a matter previously considered by the City Council at the same session.
- (g) *Obtaining the Floor:* Any member of the Council wishing to speak shall first obtain the floor by making a request for the floor to the Chair. The Chair shall recognize any Council Member who seeks the floor when appropriately entitled to do so.
- (h) *Motions:* Motions may be made by any member of the Council including the Chair. Any member of the City Council may second a motion.
- (i) *Procedures for Motions:* The following is the general procedure for making motions:
 - (1) The item is presented by Staff or others followed by questions and discussion by Council Members.
 - (2) A Council Member who wishes to make a motion shall first obtain the floor.
 - (3) A Council Member who wishes to second a motion shall do so through a request to the Chair.
 - (4) Before a motion can be discussed, it shall be seconded.
 - (5) Once the motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Council Member properly recognized by the Chair.

- (j) *Amendments to Motions:* When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject other than the agenda item under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. The action shall be taken on the amended amendment prior to any other action to further amend the original motion.
- (k) *Continuance of Discussion or Hearings:* Any item being discussed or any public hearing at a City Council meeting may, by order, notice, or motion, be continued or tabled to any subsequent meeting.
- (l) *Voting:* All Council Members must vote either “yea” in the affirmative or “nay” in the negative. A present member who does not vote will be officially recorded as a “nay” or negative vote. When a Council Member recused oneself, that Council Member is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present”.
- (m) *Public Hearings:* The following is the general procedure for conducting public hearings:
 - (1) Staff presents a report.
 - (2) City Council Members may ask Staff questions.
 - (3) The applicant then has the opportunity to present comments, testimony, and/or oral arguments.
 - (4) City Council Members may ask questions of the applicant.
 - (5) The Chair opens the public hearing.
 - (6) Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.
 - (7) Members of the public are provided with the opportunity for comments and testimony in accordance with Section 1-160 (d) of the City Council Procedures and Decorum Policy.
 - (8) A vote by City Council to close the public hearing upon a motion and second.
 - (9) The applicant may be given the opportunity to respond to questions from the City Council and for closing comments or rebuttal.
 - (10) The City Council deliberates on the issue.

- (11) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony are permitted in accordance with Section 1-160 (d) of the City Council Procedures and Decorum Policy.
- (12) The City Council deliberates and takes action as needed.
- (13) The Chair announces the final decision of the City Council as applicable.
- (n) *Call for Recess:* The Chair may call for a recess of up to fifteen (15) minutes at regular intervals at appropriate points in the meeting agenda, or if requested by any two (2) Council Members.

Sec. 1-160 – Decorum

- (a) General: During Council meetings, Council Members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall obey the rules of the Council. Council Members shall demonstrate respect and courtesy to one another, to City Staff, and to members of the public appearing before the Council. Council Members shall seek to phrase and communicate all writings, publications, and speeches in a professional and constructive manner.

Council Members may express differing ideas. Equitable representation helps promote the unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Members of the Council will not condone any unethical or illegal activity from any Council Member or members of the Staff. All members of the Council agree to uphold the intent of this policy and to govern their actions accordingly.

- (b) *Mayoral Responsibilities:*

- (1) The Mayor shall serve as the Chair of all meetings. The Mayor Pro Tempore shall preside in the absence of the Mayor.
- (2) The Mayor shall have a voice in all matters before the Council.
- (3) The Chair is responsible for preserving order and decorum and shall keep the meetings orderly by recognizing each Member for discussion, limiting speaking items, encouraging debate among Members, and keeping discussion limited to the agenda item being considered.
- (4) The Mayor is the official spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tempore or appropriate designee will assume the

role. The views presented by the Mayor, or the Mayor Pro Tempore in his/her absence, should provide an equitable representation of all Council Members.

- (5) The Chair will encourage all Council Members to participate in Council discussion and give each Member an opportunity to speak before any Member can speak again on the same subject.
- (6) The Mayor is responsible for ensuring that an orientation of all Council Members is conducted following an election. The orientation shall include Council procedures, staff and media relations, current agenda items, municipal leadership training programs, and legal issues governing the behavior of elected officials, etc.

(c) Council Responsibilities

- (1) Each Council Member is responsible for being prepared to discuss the agenda.
- (2) Each Council Member is required to attend a Council Member Orientation and is encouraged to attend at least one Texas Municipal League-sponsored conference each year in order to stay informed on issues facing municipalities.
- (3) It is the responsibility of Council Members to be informed about the action taken by the Council in their absence. In the case of an absence from a work session, the Council Member is responsible for obtaining this information from the City Administrator prior to the Council meeting during which said item is to be voted upon.
- (4) When addressing an agenda item, the Council Member shall first be recognized by the Chair, confine comments to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Council Member or Staff Member during debate or vote.
- (5) Any Council Member may appeal a ruling by the Chair to the Council as a whole. If the appeal is seconded, the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Members, but each Member may speak only once. The affirmative vote of a majority of the Council Members present and voting shall be necessary to approve the motion.
- (6) Any Council Member may ask the Chair to enforce the policy established by the Council. Should the Chair fail to do so, a majority vote of the Council Members present shall require the Chair to enforce the policy.
- (7) When a Council Member is appointed to serve as a liaison to a board, committee or commission, the Council Member is responsible for keeping all Council Members informed of significant activities of that board, committee or commission. The appointed Council Member should report the actions of the board, committee or commission during a work session of the City Council.
- (8) While a member of the Council is speaking, other members shall not hold private discourse or in any manner interrupt the speaker. In all discussions, disrespectful

language and behavior shall be avoided.

- (9) Every member of the Council who shall be present at a meeting, when a vote is called for by the Chair shall vote thereon unless they have recused themselves due to a conflict of interest.
 - (a) If a Council member has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:
 - (1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
 - (2) in the case of a substantial interest in real property, it is reasonably foreseeable that action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.
 - (b) The affidavit must be filed with the City Secretary.
 - (c) If a Council member is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.
- (10) A Council Member may not represent any third party before any City board or commission.
- (11) All personal communication devices should be placed in a silent mode during any City Council meetings. Personal communication devices shall not be used for communicating City-related business during any City Council meetings.
- (d) *Citizens' participation:* The following rules shall be in force for persons in attendance at all meetings of Council:
 - (1) Persons wishing to address the Council during Public with Business or on a particular agenda item shall complete a Public Comment Form and present said form to the City Secretary up to the close of the comment period during which they choose to speak. Speakers shall approach the lectern and give his/her name and address before speaking. Speakers shall address the Mayor and Council with civility that is conducive to appropriate public discussion. All public comments should be addressed to the City Council rather than to individual members. Each speaker will be allowed three (3) minutes to speak. Speakers are not permitted to yield their time to others but are encouraged to inform the City Council if they are speaking on behalf of a larger group. No person shall be allowed to address the

Council more than once per agenda item unless called upon by a City Council Member to do so.

- (2) City Council Members cannot discuss items presented under Public with Business nor take any action thereon other than consideration of the placement of said item on a future agenda as a discussion item or refer the item to City Staff for research and possible future action, unless the item presented is an item on the posted agenda for the meeting.
- (3) Persons may not engage in discussions with the Council during Council deliberations unless specifically asked a question by a Council Member. Persons who have been asked a question by a Council Member must be recognized by the Chair before being allowed to speak. The Chair may end any question and answer session between Council Members and a member of the public in order to facilitate the order of business.
- (4) Persons may present printed material to be included in the Council agenda packets one week prior to a meeting. Persons may present printed material to the City Secretary to distribute to the Council during a meeting.
- (5) Persons may present electronic media during their comments provided that all materials are submitted to the City by 4:00 P.M. the day of the meeting. Files should be emailed to citysecretary@NewFairview.org. Materials submitted after 4:00 p.m. will be forwarded to City Council following staff review but will not be available to present during the meeting. Any digital presentation material will be included in an individual's 3-minute time limit.
- (6) Persons attending Council meetings shall remain seated or may stand in the back and come and go so long as it does not disrupt the meeting. Persons in attendance shall not carry signs, placards or other items which could block the view of those behind them or be disruptive to the proceedings. No person attending any Council meeting shall delay the proceedings or refuse to obey the orders of the presiding officer.
- (7) Disturbances, transgressions of the rules or disorderly conduct in the Council chamber may cause the transgressor to be removed from the meeting. The Chair of the meeting, shall exercise control over persons who disrupt the meeting in the following ascending order of action:
 - a. Call the person to order, advising that person of the infraction.
 - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
 - c. Order the person to leave the meeting. If the offending person is a member of Council, the Chair shall call for a vote on the expulsion of that member from the meeting, and such vote requires a majority for adoption.
A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.

- (8) Persons are encouraged to attend Council meetings. However, the number admitted shall be limited to the fire safety capacity of the Council chamber as determined by the fire chief or designee. If the capacity is surpassed the Council may adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants.

Sec. 1-170 - Staff Relations

- (a) In order to ensure proper presentation of agenda items by Staff, questions arising from Council Members after receiving their information packet should be, whenever possible, presented to the City Administrator for Staff consideration prior to the Council meeting. This allows Staff the time to address the Council Member's concern and provide all Council Members with additional information.
- (b) The City Administrator shall designate the appropriate Staff Member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Council on the issues that require Council action. The presentation should be professional, timely and allow for discussion of options for resolving the issue. As a summary, the Staff Member making the presentation shall make it clear if no Council action is required or present the Staff recommendation as a part of the presentation, and/or present the specific options for Council consideration.
- (c) The City Administrator is directly responsible for providing information to all the Council concerning any inquiries by a specific Council Member that is significant in nature and would be beneficial to all Council Members. If the City Administrator or the Staff's time is being dominated or misdirected by a Council Member, it is the City Administrator's responsibility to inform the Mayor.
- (d) The City Administrator will exhibit the highest professional and ethical behavior. The City Administrator is responsible for the professional and ethical behavior and discipline of his/her Staff. The City Administrator is also responsible for ensuring that the Staff receives the training and information necessary to address the issues facing municipal government.
- (e) Any conflicts arising between the City Staff and the Council will be addressed by the Mayor and the City Administrator.
- (f) All Staff Members shall show one another, each Council Member, and the public, respect, and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
- (g) The City Administrator, after an election, will make sure that the Staff has prepared the information needed for the orientation of new Council Members, and inform the Council of any available Texas Municipal League conferences and seminars. The City Administrator

will also be responsible for meeting personally with new Members and informing them about City facilities, policies and procedures.

Sec 1-180 – Council and Media Relations

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the governmental process. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with all media reporters. The Council and the City Administrator recognize that the media provides an important link between the Council and the public. It is desired to establish a professional working relationship to help maintain a well informed and educated citizenry.

- (a) During the conduct of official business, the news media shall occupy places designated for them or the general public.
- (b) All reporters will have access to an agenda and will be furnished support materials needed for clarification if requested.
- (c) In order to preserve the decorum and professionalism of Council meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interview with the public outside the meeting room while the Council is in session.
- (d) Since each government body conducts business differently, it is requested that all reporters new to Council meetings meet with the City Administrator or the designated media relations representative prior to covering their first meeting to be informed of the policies and procedures to help foster a professional working relationship between the media reporter and the City.
- (e) On administrative matters, the City Administrator is the spokesperson, unless he/she has appointed a media relations person to present Staff information on the agenda.
- (f) The Mayor, or his/her designee, is the primary spokesperson for the City on matters regarding policy decisions or any Council information pertaining to issues on the agenda. In order to ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process. In respect to each Council Member and the citizens of the City, the views presented by each Council Member should provide equitable representation of all

Members. Even though Council Members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Sec. 1-190 – Statements by public officials regarding litigation

When the City of New Fairview is involved in litigation or a legal dispute, Council Members shall refrain from commenting on settlements, appeals or other issues related to the subject until the matter is resolved. The Mayor, City Administrator or City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.

Sec 1-200 - Non-Exclusive Rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of the City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Sec 1-210 – Disbursement of Council Requested Information

As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Council Member from Staff shall be provided to all members of the Council.

Sec. 1-220 – Policy Enforcement

If a Member(s) of the City Council believes this policy has been violated, the topic shall be placed on a meeting agenda following proper procedure (by City Administrator, Mayor, or two members of the City Council).

A determination of violation shall be stated by the majority vote of those present during the deliberation.

If it is a Member of the Council who is determined to be in violation of this policy, a standard letter of violation signed by the Mayor (or Mayor Pro Tempore, if the letter is going to the Mayor) shall be issued to the person. A copy of the letter shall become a part of the Council Member's official file with the City.



City Council Agenda November 15, 2021

Agenda Item: **Resolution** **(Action Item)**

Agenda Description:

Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, regarding a financing agreement for the purpose of procuring a hot box, crack seal unit, seal coat unit, a trailer, vehicles, and safety inspection equipment.

Background Information:

The Council approved the expenditure of \$108,000 for streets improvement equipment in the current budget, as well as the expenditure of \$110,000 for public safety equipment (offset by inspection fee revenues). Staff recommends expanding the purchase of streets improvement equipment to include a seal coat unit, which will allow staff to remove a portion of the maintenance component of the bond-funded 2021 streets improvement project, allowing for a cost savings and greater value for our dollars.

In addition, staff recommends financing these expenditures to push the initial cost to the City into the next fiscal year, limiting our first two annual payments to \$35,000 each year, with the balance being paid over the next four-to-six-years. The additional cost the City would incur (financing/interest costs) would be from \$7,740 per year (\$46,500 over six years) to \$8,500 per year (\$34,000 over four years). This allows the City to put the budgeted \$218,000 into the 2021 streets improvement project, helping to close the funding gap between the total project cost (\$4.2 million) and the budgeted funds (\$3.31 million), while absorbing the payments with increased revenues due to the increases in the tax base.

Financial Information:

TERM:	<u>4 Annual Pmts.</u>	<u>5 Annual Pmts.</u>	<u>6 Annual Pmts.</u>
INTEREST RATE:	2.788% <u>Fixed</u>	2.891% <u>Fixed</u>	2.986 % <u>Fixed</u>
PAYMENTS #1-2 AMOUNTS:	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
REMAINING PAYMENT AMOUNTS:	\$ 169,444.48	\$ 115,003.83	\$ 87,857.48

City Contact and Recommendation:

Ben Nibarger, City Administrator
Approve resolution

Attachments:

Financing Proposal

Resolution

Previous Materials and Presentation



November 10, 2021

Mr. Ben Nibarger
New Fairview City Hall
(817) 638-5366
Ben@newfairview.org

Dear Mr. Nibarger,

Thank you for the opportunity to present proposed financing for the City of New Fairview. I am submitting for your review the following proposed structure:

ISSUER:	City of New Fairview, Texas		
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005		
EQUIPMENT COST:	\$ 375,000		
TERM:	<u>4 Annual Pmts.</u>	<u>5 Annual Pmts.</u>	<u>6 Annual Pmts.</u>
INTEREST RATE:	2.788% <u>Fixed</u>	2.891% <u>Fixed</u>	2.986 % <u>Fixed</u>
PAYMENTS #1-2 AMOUNTS:	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
REMAINING PAYMENT AMOUNTS:	\$ 169,444.48	\$ 115,003.83	\$ 87,857.48
PAYMENTS BEGINNING:	One year from signing, annually thereafter		

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible and as always, my job is to make sure you have the best possible experience every time you interact with our brand. We're always open to feedback on how to make your experience better. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

Blessings,



Drew Whittington
Client Services
Main: 817-421-5400

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.

RESOLUTION # _____

A RESOLUTION REGARDING A FINANCING AGREEMENT FOR THE
PURPOSE OF PROCURING A HOT BOX, CRACK SEAL UNIT, SEAL COAT UNIT, A TRAILER,
VEHICLES, AND SAFETY INSPECTION EQUIPMENT.

WHEREAS, City of New Fairview desires to enter into a certain Financing Agreement, by and between Government Capital Corporation and the City of New Fairview, for the purpose of financing a Hot Box, Crack Seal Unit, Seal Coat Unit, a trailer, Vehicles, and Safety Inspection Equipment. The City of New Fairview desires to designate this Agreement as a "qualified tax-exempt obligation" of the City of New Fairview for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of New Fairview desires to designate the City Manager, as an authorized signer of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW FAIRVIEW:

Section 1. That the City of New Fairview enters into a Financing Agreement with Government Capital Corporation for the purpose of procuring a Hot Box, Crack Seal Unit, Seal Coat Unit, a trailer, Vehicles, and Safety Inspection Equipment.

Section 2. That the Financing Agreement, by and between the City of New Fairview and Government Capital Corporation is designated by the City of New Fairview as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

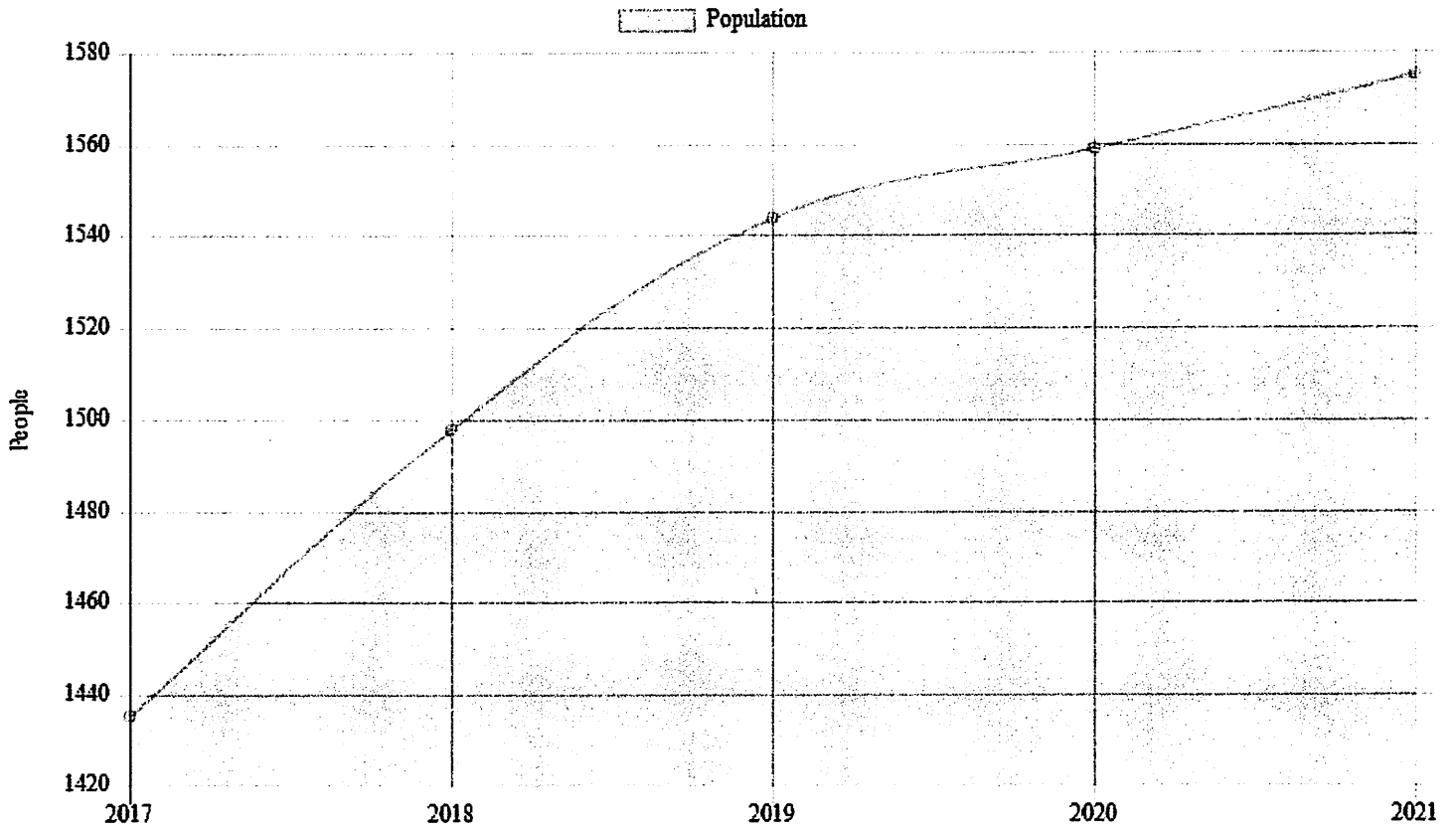
Section 3 That the City of New Fairview designates the City Manager, as an authorized signer of the Financing Agreement, by and between the City of New Fairview and Government Capital Corporation.

Section 4. That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended

This Resolution has been PASSED upon Motion made by Council Member _____,
seconded by Council Member _____ by a vote of _____ to _____ and is
effective this _____, 2021.

City of New Fairview	Witness Signature
X	X
_____ Mayor Signature	_____ City Secretary Signature
<u>Printed</u> <u>Name:</u> <u>Title:</u> Mayor	<u>Printed</u> <u>Name:</u> <u>Title:</u> City Secretary

Population for New Fairview, City of	
Year	Population
2021	1,575
2020	1,559
2019	1,544
2018	1,498
2017	1,435



4252 - New Fairview, City of (General Obligation Debt)**Report - New Fairview, City of (General Obligation Debt) / Top Ten Taxpayers**

Year

2020

[Download to Excel](#)**2020 Total AV: \$156,573,319**

Taxpayer	Property Type	AV	% of total
Devon Energy Productions Co	Oil & Gas	\$21,989,303	14.04 %
PTCAA Texas LP	Gas Station	\$3,588,020	2.29 %
Enlink Midstream Svcs. LLC	Oil & Gas	\$3,263,804	2.08 %
Pilot Travel Centers #1140	Gas Station	\$2,906,510	1.86 %
Dodson Living Trust	Individual Residence	\$2,495,007	1.59 %
Top Flight Steel Inc.	Metal Refinery	\$1,724,940	1.10 %
Oxalis Properties Inc.	Retail Store	\$1,058,752	0.68 %
Repool 11 LLC	Commercial Building	\$1,033,260	0.66 %
Atmos Energy/ Mid-Tex Pipe	Electric Utility/Power Plant	\$1,023,063	0.65 %
Dodjohn LTD	Commercial Building	\$1,002,280	0.64 %
Top 10 Totals:		\$40,084,939	25.60 %



November 1, 2021

Mr. Ben Nibarger
New Fairview City Hall
(817) 638-5366
Ben@newfairview.org

Dear Mr. Nibarger,

Thank you for the opportunity to present proposed financing for the City of New Fairview. I am submitting for your review the following proposed structure:

ISSUER:	City of New Fairview, Texas		
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005		
EQUIPMENT COST:	\$ 175,000		
TERM:	<u>3 Annual Pmts.</u>	<u>4 Annual Pmts.</u>	<u>5 Annual Pmts.</u>
INTEREST RATE:	2.682% <u>Fixed</u>	2.788% <u>Fixed</u>	2.891% <u>Fixed</u>
PAYMENTS #1-2 AMOUNTS:	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
REMAINING PAYMENT AMOUNTS:	\$ 116,620.24	\$ 59,352.06	\$ 40,307.26
PAYMENTS BEGINNING:	One year from signing, annually thereafter		

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible and as always, my job is to make sure you have the best possible experience every time you interact with our brand. We're always open to feedback on how to make your experience better. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

Blessings,

Drew

Drew Whittington
Client Services
Main: 817-421-5400

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.



CONTACT:

Bay City Community Development Corporation
Jessica Russell, Executive Director
Phone: 979-245-8081
Email: jrussell@cityofbaycity.org



CONTACT:

Government Capital Corporation
Jana Jay, Municipal Finance Specialist
Phone: 817-722-0217
Email: jana.jay@govcap.com

For Immediate Release

Bay City Community Development Corporation Announces Refunding Savings

Bay City, Texas (July 2021) – The Bay City Community Development Corporation announces the recent refunding of two separate debt obligations, one for a training facility and another for land acquisition. “Combining the two into one obligation maximized the savings for Bay City Community Development Corporation,” stated Jessica Russell, Executive Director. With the restructuring, Bay City is able to achieve significant interest savings via today’s low market rates. Government Capital Corporation, Southlake, Texas provided the refunding structure and refinancing.

“The financing provided by Government Capital Corporation, will allow us optimum budget flexibility. Their experience allowed the refunding to proceed very efficiently,” Ms. Russell commented.

“The current economic environment has development corporations searching for alternative funding options,” stated Jana Jay, Municipal Finance Specialist, Government Capital Corporation. “Our ability to customize this financing was integral to meeting the needs and budget of this client. It was a pleasure to work with Bay City Community Development Corporation on this transaction.”

About Bay City Community Development Corporation

Bay City Community Development Corporation creates welcoming opportunities for residents and businesses in the city of Bay City. Their goals include providing opportunities for education expansion in their community, developing and encouraging entrepreneurship and leadership in their community, and encouraging new and current businesses to invest in Bay City. To learn more visit www.visitbaycity.org

About Government Capital Corporation

Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company has successfully completed thousands of municipal financings exceeding \$4.5 Billion in Texas and across the nation. For more information, visit www.govcap.com

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CONTACT:

Lavon Economic Development Corporation
Kay Wright, President
Phone: 469-867-9258
Email: kay.wright@lavonedc.com

CONTACT:

Government Capital Corporation
Stephanie Cates, Senior Vice President
Phone: 817-722-0214
Email: Stephanie.Cates@govcap.com

For Immediate Release

LAVON ECONOMIC DEVELOPMENT CORPORATION PURCHASES LAND FOR "PROJECT MAIN STREET"

Lavon, Texas (July 2021) – The Lavon Economic Development Corporation (LEDC) has acquired a 0.6-acre retail site at 619 Main Street and Lake Road for a "Project Main Street" development. This area will be developed as a retail and/or office building for various small businesses. The LEDC will use this development as a demonstration of the commercial development potential for Lavon. The Lavon EDC has begun the design of the "Main Street Project" and is considering a 2-story, 6,000 square foot facility. Construction is expected to begin in early 2022. Financing was provided by Government Capital Corporation, Southlake, Texas.

"The finance structure provided by Government Capital Corporation was the perfect solution for our project. I appreciate the financial analysis and projections GCC provided for this phase and the construction phase of the project," commented Kay Wright, President, Lavon EDC. "The finance solution provided by Government Capital Corporation was a complete win for LEDC."

"I would like to congratulate Kay Wright and LEDC for their work and foresight," stated Stephanie Cates, Senior Vice President, Government Capital Corporation. "This is a great example of dedicated leaders being responsible with their resources and diligently assessing the needs of and opportunities for the community."

About Lavon Economic Development Corporation

Lavon Economic Development Corporation is located in Lavon, Texas and serves a population of more than 4,000 residents. The Lavon City Council adopted the Articles of Incorporation for the LEDC following the approval of the voters, on December 20, 2004. The motto of the LEDC is "We Cultivate Investment and Growth" with their purpose being to develop and market retail, commercial, technology, and manufacturing investments which will benefit Lavon for years to come. To learn more visit www.lavonedc.com

About Government Capital Corporation

Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company has successfully completed thousands of municipal financings exceeding \$4.5 billion in Texas and across the country. For more information, visit www.govcap.com

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CONTACT:

Little Elm Economic Development Corporation
Jennette Espinosa, Executive Director
Phone: 214-975-0455
Email: jke@littleelm.org



CONTACT:

Government Capital Corporation
Kevin Lerner, Senior Vice President
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For Immediate Release

Little Elm Economic Development Corporation Breaks Ground on Tinman Social Entertainment Venue

Little Elm, Texas (July 2021) – The Little Elm Economic Development Corporation announces the groundbreaking of, “Tinman Social.” This social entertainment venue is made possible through a Public-Private Partnership. The facility will include ping pong, cornhole, axe throwing, shuffleboard, bowling, and a full-service restaurant and bar with indoor and outdoor seating. The square footage of the facility will be 36,000 square feet. Financing for the project was provided by Government Capital Corporation, Southlake, Texas.

“We have completed multiple projects with Government Capital Corporation over the past ten years and we know we can always count on their experience,” stated Jennette Espinosa, Executive Director, “The finance structure Government Capital Corporation provided was a complete success for us.”

“We are excited to work with Little Elm EDC to finance this entertainment venue,” said Kevin Lerner, Senior Vice President of Government Capital Corporation. “The venue provides a win-win project for the City of Little Elm. It not only provides entertainment for residents but, will also generate revenue for the City.”

About Little Elm Economic Development Corporation

Little Elm Economic Development Corporation’s mission is to advance economic development in Little Elm by creating new commercial businesses, new tourism opportunities, and new jobs to Little Elm. The EDC partners with the Town to facilitate the vision and manage the progression of the Town Center development. To learn more visit www.littleelmedc.com

About Government Capital Corporation

Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company has successfully completed thousands of municipal financings exceeding \$4.5 billion in Texas and across the country. For more information, visit www.govcap.com

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Contact:

Palestine Economic Development

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For Immediate Release



Contact:

Government Capital Corporation

Stephanie Cates, Senior Vice President Client Services

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Palestine EDC Upgrades Broadband Service

Palestine, Texas (February 2021) – The Palestine Economic Development Corporation announces the upgrade of fiber broadband service to the businesses and residents of Palestine. The improved high-speed internet and telephone project is scheduled to be completed summer 2021. Etex Communications, L.P., Gilmer, Texas provided the fiber optics for the project. Financing was provided by Government Capital Corporation, Southlake, Texas.

Lisa Denton, Executive Director of the Palestine Economic Development Corporation stated, "The EDC is excited to participate in this much needed improvement to our communication and broadband capabilities, which will benefit the overall quality of life for our community, as well as promote continued business growth for the foreseeable future. Government Capital Corporation's experience and expertise with economic development financing was a great value to our project."

"I want to congratulate Lisa Denton and the Palestine EDC Board for their foresight and leadership in the implementation of this project", commented Stephanie Cates, Government Capital Senior Vice President Client Services. "This project is an excellent example of the EDC Board and City working together in collaboration for the constituents. We take great pride assisting Texas municipalities meet their goals and objectives."

About Palestine Economic Development Corporation

Palestine EDC is a Type B Development Corporation located in Anderson County in the Piney Woods of East Texas, equally distanced between Dallas and Houston. Palestine is a charming town that boasts more than 1,800 historic sites, the Texas State Railroad and Texas Dogwood Trails Celebration, and has a tradition of small-town hospitality. The Palestine EDC is proud to develop business opportunities for the more than 18,000 citizens of the City of Palestine. For more information visit www.palestinetexas.net

About Government Capital Corporation

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CONTACT:

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Website: www.earlytx.net

CONTACT:

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For Immediate Release

EARLY MUNICIPAL DEVELOPMENT DISTRICT ANNOUNCES THE ACQUISITION OF REAL PROPERTY

Early, Texas (December 2019) - The Early Municipal Development District announces the acquisition of a new property. The newly procured property at 405 Early Boulevard, will serve as an incentive to promote economic growth in the community. Government Capital Corporation was selected as the most cost-effective financing solution for the real estate acquisition.

Mr. Larry McConn, Assistant City Administrator and Economic Development Director of Early Municipal Development District stated, "This project was simplified with the expertise and experience of Government Capital Corporation."

"I'd like to acknowledge all the hard work of Larry McConn and the City for the completion of this timely project. It was a pleasure working with everyone at Early Municipal Development District. We take great pride in provide financial services to Texas Municipal Development Districts," commented Stephanie Cates, Government Capital Client Services Vice President.

About Early Municipal Development District

Early Municipal Development District located in Brown County, was formed in 2016 to replace Early Economic Development Corporation. The city is named after Walter U. Early, a local attorney who donated land for the school district, boasts a population over 2,762. The Pecan Bayou, a tributary of the Colorado River runs past the western end of the city. An another amenity is Heartland Mall , the first mall in the area, is located in Early. For more information, visit www.earlytx.net.

About Government Capital Corporation

Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company has successfully completed thousands of project financings exceeding \$4 Billion dollars in Texas and across the nation. For more information, visit www.govcap.com.



Contact:

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Contact:

Government Capital Corporation
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For Immediate Release

COLEMAN EDC ANNOUNCES NEW SPORTS FIELDS

COLEMAN, TEXAS (May 2020) – The Coleman Economic Development Corporation announced the construction of baseball, softball and t-ball fields, including parking for each field, located at 2916 5TH Avenue in Coleman, Texas. The new complex replaces sports fields which had served the community for fifty years. The project is scheduled to be completed Fall of 2020 with a Ribbon Cutting First Pitch ceremony. SW Architects was selected to provide the architectural design for the construction. Government Capital Corporation was selected as the most cost-effective financing solution for this project.

Kim Little, Executive Director of Economic Development Corporation of Coleman stated, “This project is a public-private partnership between the Coleman Youth Sports Association, City of Coleman, Coleman EDC and private donors. The youth of Coleman County and the City of Coleman will have first-class fields and facilities. This project was streamlined with the expertise and experience of our financing partner, Government Capital Corporation,” stated Kim Little.

This project is an excellent example of community leaders working together in collaboration for the youth of Coleman. I want to congratulate Kim Little and the Coleman EDC Board for their foresight and leadership in the implementation of this important project with the upgraded sports facilities. The Coleman county youth and families will enjoy these facilities for many years,” stated Drew Whittington, Client Services Associate of Government Capital Corporation.

About Coleman Economic Development Corporation

Coleman EDC is a Type A Development Corporation authorized to undertake Type B projects located in North-Central Texas, 52 miles northwest of Abilene. The Coleman EDC is proud to develop business opportunities for the more than 5,000 citizens of the City of Coleman. For more information visit www.colemanedc.com

About Government Capital Corporation

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GOVERNMENT CAPITAL
CORPORATION

CONTACT:

Government Capital Corporation
Drew Whittington, Vice President
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For Immediate Release

**LA FERIA INDUSTRIAL AND ECONOMIC DEVELOPMENT CORPORATION ANNOUNCES THE
CONSTRUCTION OF PUBLIC WORKS FACILITY AND INFRASTRUCTURE IMPROVEMENTS**

La Feria, Texas (October 2021) – The La Feria Industrial Development Corporation (LFIDC) and La Feria Economic Development Corporation (LFEDC) joined together in launching a new public works facility and infrastructure improvement project. The project will greatly enhance the future growth within the city and promote economic development. With construction already underway, the anticipated completion is set for spring 2022. Financing was provided by Government Capital Corporation, Southlake, Texas.

“Government Capital Corporation was able to create a specific loan structure that allowed both of our entities to join together to complete a much needed project,” commented Juan Ortiz, Executive Director, La Feria Industrial Development Corporation. “Government Capital’s experience and expertise in the unique challenges facing economic development corporations was of tremendous value to us.”

“I would like to congratulate Mr. Ortiz and the La Feria IDC and EDC on the completion of their recent project,” stated Drew Whittington, Vice President, Government Capital Corporation. “This project will benefit the constituents of La Feria for many years.”

About La Feria Industrial Development Corporation and La Feria Economic Development Corporation

La Feria Industrial and Economic Development Corporation is located in La Feria, Texas and serves a population of more than 7,100 residents. The La Feria City Council adopted the Articles of Incorporation for the LFEDC and LFIDC following the approval of the voters, in 2009. To learn more visit www.cityoflaferia.com

About Government Capital Corporation

Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company has successfully completed thousands of municipal financings exceeding \$4.8 billion in Texas and across the country. For more information, visit www.govcap.com

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Partial Listing of Economic Development District Transactions

Anna EDC	Purchase & Building Renovation
Baird CDC	Utility Line Expansion
Bay City CDC	Construction Project & Refunding
Bowie EDC	Technology Center Improvements
Bonham EDC	Park Expansion / Improvements
Canyon EDC	EDC Office Complex Land & Building Purchase
Clarendon EDC	Theatre Renovation & Pool Construction
Coleman EDC	Sports Complex Lighting
Early EDC	Refunding
Eastland EDC	Airport Park Renovations
Encinal EDC	Park Improvements
Fairfield EDC	Infrastructure Improvements
Ferris EDC	Land Acquisition
Godley EDC	Park Rehabilitation
Grandview EDC	EDC / City Hall Renovation
Gun Barrel EDC	Property Acquisition
Italy EDC	Property Acquisition
Krugerville EDC	Property Acquisition
Lavon EDC	Land Procurement
Little Elm EDC	TinMan Social Entertainment Venue
Mathis EDC	Citywide Improvements
Ore City EDC	Park Improvements
Palestine EDC	Citywide Broadband Expansion
Quitman EDC	Refunding
San Saba EDC	Park Improvements
Sansom Park EDC	Property Acquisition
Sweeny EDC	Refunding
Sulphur Springs EDC	Refunding
Troup CDC	Property Acquisition
Van EDC	Texas Leverage Fund Refinance
Van Alstyne EDC	Land Acquisition
White Oak EDC	Ball Park Expansion
Wortham EDC	Park Expansion





Partial Listing of Texas Towns and Cities

City of Alton	City of Dawson	City of La Feria	City of Richmond
City of Alvarado	City of Dayton	City of La Joya	City of River Oaks
City of Alvin	City of Decatur	City of La Vernia	City of Robstown
City of Anahuac	City of De Leon	City of La Villa	City of Rogers
City of Anson	City of Del Rio	City of Ladonia	City of Roma
Town of Anthony	City of Dilley	City of Lake Dallas	City of Roman Forest
City of Aransas Pass	City of Dublin	City of Leonard	City of Rosebud
City of Athens	City of Early	City of Little Elm	City of Rosenberg
City of Aubrey	City of East Tawakoni	City of Little River-Academy	City of Royse City
City of Baird	City of Eastland	City of Lucas	City of Runaway Bay
City of Balch Springs	City of Eden	City of Madisonville	City of Runge
City of Ballinger	City of Edcouch	City of Malakoff	City of Sabinal
City of Bandera	City of Edna	City of Manvel	City of Saint Jo
City of Bangs	City of Electra	City of Marble Falls	City of San Benito
City of Bartlett	City of Elsa	City of Mart	City of San Saba
Town of Bartonville	City of Emory	City of Mason	City of Sanger
City of Batesville	City of Falfurrias	City of Mathis	City of Sansom Park
City of Bedford	City of Fate	City of Maypearl	City of Schulenberg
City of Beeville	City of Ferris	City of Melissa	City of Seagraves
City of Bellevue	City of Flatonia	City of Memphis	City of Seguin
City of Bells	City of Florence	City of Mexia	City of Selma
City of Benavides	City of Floresville	City of Midlothian	City of Silsbee
City of Bertram	City of Freer	City of Milano	City of Slaton
City of Bevil Oaks	City of Friendswood	City of Munday	City of Sour Lake
City of Bishop	City of Fulshear	City of Murchinson	City of South Houston
City of Blanco	City of George West	City of Mustang Ridge	City of South Padre Island
City of Blue Mound	City of Goliad	City of Natalia	City of Southlake
City of Bowie	City of Graham	City of New Braunfels	City of Stephenville
City of Boyd	City of Grandview	City of Newark	City of Stinnett
City of Brady	City of Grand Saline	City of Newton	City of Stafford
City of Brazoria	City of Granite Shoals	City of Nixon	City of Stamford
City of Bridgeport	City of Grapeland	City of Nocona	City of Sweeny
City of Brownsboro	City of Greenville	City of Nolanville	City of Taft
City of Buffalo	City of Groesbeck	City of Oak Point	City of Taylor
City of Bullard	City of Gun Barrel City	City of Omaha	City of Teague
City of Caddo Mills	City of Gunter	City of Onalaska	City of Tolar
City of Cameron	City of Hale Center	City of Paducah	City of Trenton
City of Caney City	City of Hamlin	City of Palestine	City of Trinidad
City of Canton	Town of Hickory Creek	City of Panhandle	City of Troup
City of Canyon	City of Hidalgo	City of Payne Springs	City of Tye
City of Celina	City of Hillsboro	City of Pearl	City of Tyler
City of Chandler	City of Holland	City of Pearsall	City of Uvalde
City of Childress	City of Honey Grove	Town of Pecos City	City of Valley View
City of Chillicothe	City of Hubbard	City of Penitas	City of Van
City of Clifton	City of Hudson	City of Perryton	City of Van Alstyne
City of Clyde	City of Huntington	City of Pilot Point	Town of Van Horn
City of Coleman	City of Hutto	City of Point Comfort	City of Venus
City of Collinsville	City of Italy	City of Port Arthur	City of Vidalia
City of Colorado City	City of Jacksonville	City of Portland	City of Wharton
Town of Combes	City of Jefferson	City of Poteet	City of Whitehouse
City of Combine	City of Joshua	City of Pottsboro	City of Whitesboro
City of Corinth	City of Justin	City of Prairie View	City of Whitewright
City of Corrigan	City of Katy	City of Presidio	City of Whitney
City of Cottonwood Shores	City of Keene	City of Progreso	City of Willow Park
City of Cotulla	City of Kemp	City of Quanah	City of Wills Point
City of Crockett	City of Kenedy	City of Reno	City of Winfield
City of Cross Plains	City of Kennedale	City of Richland Hills	City of Winnsboro
City of Crowell	City of Kermit	City of Riesel	City of Wolfe City
City of Crystal City	City of Kerens	City of Rio Grande City	City of Woodville
City of Cuero	City of Killeen	City of Rising Star	City of Wortham
City of Danbury	City of La Coste	City of Rhome	City of Wylie



Partial Listing of Texas School Districts

Abernathy ISD	Damon ISD	La Feria ISD	Robinson ISD
Aldine ISD	Darrouzett ISD	La Villa ISD	Robstown ISD
Aledo ISD	Dawson ISD	Laneville ISD	Rogers ISD
Alpine ISD	Dell City ISD	Leakey ISD	Roosevelt ISD
Aquilla ISD	Diboll ISD	Liberty Hill ISD	Rotan ISD
Aransas County ISD	Dilley ISD	Little Elm ISD	Roxton ISD
Aransas Pass ISD	Dodd City ISD	London ISD	Sabine ISD
Aspermont ISD	Driscoll ISD	Lone Oak ISD	Salado ISD
Atlanta ISD	Edcouch-Elsa ISD	Lovelady ISD	San Benito CISD
Avalon ISD	Elgin ISD	Luling ISD	San Saba ISD
Avery ISD	Elkhart ISD	Lyford CISD	San Perlita ISD
Avinger ISD	Eula ISD	Mansfield ISD	Sanger ISD
Axtell ISD	Fayetteville ISD	Marfa ISD	Santa Gertrudis ISD
Balmorhea ISD	Ferris ISD	Marlin ISD	Santa Maria ISD
Bandera ISD	Flatonia ISD	Mason ISD	Santa Rosa ISD
Bangs ISD	Florence ISD	Mathis ISD	Santo ISD
Banquete ISD	Frost ISD	May ISD	Sierra Blanca ISD
Bartlett ISD	Gainesville ISD	McDade ISD	Smithville ISD
Bay City ISD	Gladewater ISD	McMullen County ISD	Snook ISD
Beaumont ISD	Gonzales ISD	Memphis ISD	Spring Branch ISD
Ben Bolt-Palito Blanco ISD	Goodrich ISD	Mercedes ISD	Springtown ISD
Benavides ISD	Gorman ISD	Merkel ISD	Stamford ISD
Bland ISD	Graford ISD	Midway ISD	Stanton ISD
Bloomburg ISD	Grand Saline ISD	Miller Grove ISD	Sterling City ISD
Blooming Grove ISD	Grape Creek ISD	Millsap ISD	Strawn ISD
Blue Ridge ISD	Greenwood ISD	Mineral Wells ISD	Sulphur Bluff ISD
Blum ISD	Groesbeck ISD	Muenster ISD	Sunnyvale ISD
Boling ISD	Gunter ISD	Murchison ISD	Sweetwater ISD
Bosqueville ISD	Hallettsville ISD	Natalia ISD	Taft ISD
Bowie ISD	Hallsville ISD	Navasota ISD	Tarkington ISD
Brazos ISD	Hardin ISD	Needville ISD	Taylor ISD
Breckenridge ISD	Harleton ISD	Newcastle ISD	Temple ISD
Bridge City ISD	Harper ISD	New Summerfield ISD	Texhoma ISD
Bridgeport ISD	Harrold ISD	New Waverly ISD	Tioga ISD
Broadus ISD	Haskell CISD	Nixon-Smilely CISD	Tom Bean ISD
Brooks County ISD	Hempstead ISD	Nordheim ISD	Trent ISD
Bynum ISD	Hermleigh ISD	North Zulch ISD	Trenton ISD
Campbell ISD	Highland Park ISD	Olffen ISD	Trinity ISD
Carlisle ISD	Holland ISD	Olney ISD	Tuloso-Midway ISD
Carroll ISD	Houston ISD	Onalaska ISD	Valley View ISD
Cayuga ISD	Hubbard ISD	Paint Creek ISD	Van ISD
Celeste ISD	Huckabay ISD	Pearsall ISD	Venus ISD
Chapel Hill ISD	Hutto ISD	Perrin-Whitt CISD	Water Valley ISD
Chester ISD	Ingleside ISD	Perryton ISD	Waxahachie ISD
Chisum ISD	Iola ISD	Pharr-San Juan-Alamo ISD	Welaco ISD
Clarksville ISD	Iraan-Sheffield ISD	Plainview ISD	West ISD
Coldsprings-Oakhurst CISD	Jefferson ISD	Prairiland ISD	West Orange Cove CISD
Coleman ISD	Jim Hogg County ISD	Pringle-Morse CISD	Westhoff ISD
Commerce ISD	Jourdanton ISD	Quanah ISD	Westphalia ISD
Comstock ISD	Judson ISD	Quitman ISD	Wheeler ISD
Corrigan-Camden ISD	Kemp ISD	Randolph Field ISD	White Oak ISD
Covington ISD	Kendleton ISD	Raymondville ISD	Winfield ISD
Crockett County CISD	Kingsville ISD	Riesel ISD	Wink-Loving ISD
Cross Roads ISD	Kirbyville CISD	Rio Grande City CISD	Wolfe City ISD
Cumby ISD	Kopperl ISD	Rio Hondo ISD	Ysleta ISD
Dainingerfield-Lone Star ISD	Kountze ISD	Rivercrest ISD	Zephyr ISD



GOVERNMENT CAPITAL CORPORATION

Partial Listing of Emergency Service Districts

Austin County ESD No. 2	Harris County ESD No. 14	Nacogdoches County ESD No. 1
Bastrop County ESD No. 1	Harris County ESD No. 16	Newton County ESD No. 3
Bastrop County ESD No. 2	Harris County ESD No. 17	Nueces County ESD No. 1
Bexar County ESD No. 4	Harris County ESD No. 24	Nueces County ESD No. 2
Bexar County ESD No. 5	Harris County ESD No. 25	Nueces County ESD No. 4
Bexar County ESD No. 6	Harris County ESD No. 46	Orange County ESD No. 1
Bexar County ESD No. 7	Harris County ESD No. 47	Orange County ESD No. 2
Bexar County ESD No. 11	Harris County ESD No. 60	Orange County ESD No. 4
Brazos County ESD No. 2	Hays County ESD No. 4	Parker County ESD No. 1
Brazos County ESD No. 3	Hays County ESD No. 5	Parker County ESD No. 3
Brazos County ESD No. 4	Hays County ESD No. 6	Parker County ESD No. 6
Burnet County ESD No. 5	Hays County ESD No. 8	Parker County ESD No. 7
Caldwell-Hays ESD No. 1	Henderson County ESD No. 1	Parker County ESD No. 8
Cass County ESD No. 2	Henderson County ESD No. 4	Parker County ESD No. 9
Chambers County ESD No. 1	Henderson County ESD No. 5	Rains County ESD No. 1
Comal County ESD No. 1	Henderson County ESD No. 6	Smith County ESD No. 2
Comal County ESD No. 3	Hill County ESD No. 1	Travis County ESD No. 1
Comal County ESD No. 5	Hill County ESD No. 2	Travis County ESD No. 2
Denton County ESD No. 1	Houston County ESD No. 2	Travis County ESD No. 5
Duval County ESD No. 1	Jackson County ESD No. 3	Travis County ESD No. 6
Ellis County ESD No. 1	Jefferson County ESD No. 3	Travis County ESD No. 7
Ellis County ESD No. 2	Jefferson County ESD No. 4	Travis County ESD No. 10
Ellis County ESD No. 3	Jim Wells County ESD No. 1	Travis County ESD No. 11
Ellis County ESD No. 9	Johnson County ESD No. 1	Tyler County ESD No. 1
Fort Bend County ESD No. 5	Kenedy County ESD No. 1	Waller-Harris ESD No. 200
Frio County ESD No. 1	Liberty County ESD No. 7	Williamson County ESD No. 2
Galveston County ESD No. 2	Limestone County ESD No. 1	Williamson County ESD No. 4
Hardin County ESD No. 2	Limestone County ESD No. 2	Williamson County ESD No. 5
Hardin County ESD No. 5	Medina County ESD No. 1	Williamson County ESD No. 6
Harris County ESD No. 1	Medina County ESD No. 5	Williamson County ESD No. 7
Harris County ESD No. 2	Montgomery County ESD No. 2	Williamson County ESD No. 10
Harris County ESD No. 5	Montgomery County ESD No. 3	Wilson County ESD No. 1
Harris County ESD No. 7	Montgomery County ESD No. 4	Wilson County ESD No. 2
Harris County ESD No. 9	Montgomery County ESD No. 7	Wilson County ESD No. 3
Harris County ESD No. 10	Montgomery County ESD No. 12	Wise County ESD No. 1



Trust isn't given to just anyone. Trust is earned.



Partial Listing of Texas Appraisal Districts

Angelina County Appraisal District	Kleberg County Appraisal District
Aransas County Appraisal District	La Salle County Appraisal District
Bandera Central Appraisal District	Limestone County Appraisal District
Brazoria County Appraisal District	Maverick County Appraisal District
Brewster County Appraisal District	McLennan County Appraisal District
Burleson County Appraisal District	Nueces County Appraisal District
Burnet County Appraisal District	Ochiltree Appraisal District
Callahan County Appraisal District	Oldham County Appraisal District
Collin Central Appraisal District	Presidio County Appraisal District
Comal Appraisal District	Real County Appraisal District
Cooke County Appraisal District	San Saba County Appraisal District
Coryell County Appraisal District	Shelby County Appraisal District
Dallas Central Appraisal District	Smith County Appraisal District
Denton County Appraisal District	Taylor County Property Appraisal District
Dimmit Central Appraisal District	Travis County Appraisal District
Fannin County Appraisal District	Tyler County Appraisal District
Hamilton County Appraisal District	Upton County Appraisal District
Haskell County Appraisal District	Val Verde County Appraisal District
Hill County Appraisal District	Victoria County Appraisal District
Hunt County Appraisal District	Wharton County Appraisal District
Kerr Central Appraisal District	Zavala County Appraisal District



Partial Listing of Completed Transactions for Texas Counties

Austin County	Kenedy County
Bee County	Kleberg County
Bosque County	La Salle County
Brewster County	Lamar County
Brooks County	Lampasas County
Burleson County	Limestone County
Callahan County	Live Oak County
Cameron County	Llano County
Colorado County	Matagorda County
Comanche County	Mills County
Crane County	Montague County
Crockett County	Montgomery County
Culberson County	Moore County
Dallam County	Navarro County
Delta County	Newton County
Denton County	Nueces County
Eastland County	Parker County
Edwards County	Parmer County
Ellis County	Polk County
Fannin County	Presidio County
Franklin County	Rains County
Frio County	Reagan County
Gillespie County	Red River County
Gray County	Reeves County
Grimes County	Refugio County
Hamilton County	Roberts County
Hansford County	Sabine County
Hartley County	San Augustine County
Haskell County	Sherman County
Hemphill County	Somervell County
Henderson County	Terrell County
Hill County	Val Verde County
Hudspeth County	Van Zandt County
Jackson County	Waller County
Jefferson County	Webb County
Jim Hogg County	Willacy County
Jim Wells County	Wood County
Jones County	Zapata County
Kendall County	Zavala County



**City Council Agenda
November 15, 2021**

Agenda Item:	Resolution	(Action Item)
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Agenda Description:

Discuss, consider, and act to appoint a New Fairview resident for the Place 4 vacancy on the New Fairview City Council.

Background Information:

The Place 4 City Council member has resigned from the Council, leaving a single vacancy. As a Type A General Law city, the Council is authorized to fill this vacancy through the appointment of a qualified citizen.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Discuss and consider the appointment for the Place 4 Council seat

Attachments:

Resolution



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPOINTING A QUALIFIED RESIDENT TO FILL THE PLACE 4 CITY COUNCIL VACANCY.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, the City desires to have all City Council seats filled to ensure the Council has a quorum to conduct ongoing city business; and

WHEREAS, there are volunteers that meet the requirements to serve on the City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
NEW FAIRVIEW:**

1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
2. That the City Council does hereby appoint _____ to serve as the Place 4 Council person until the next regularly scheduled election.
3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the _____ invalid _____ provision.
4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this **15th day of November**, at a meeting of the New Fairview City Council.

APPROVED:

Nolan Schoonmaker
Mayor

ATTESTED:

Brooke Boller
Interim Deputy City Secretary



**City Council Agenda
November 15, 2021**

Agenda Item: **Minute Order** **(Action Item)**

Agenda Description:

Discuss, consider, and act to remove Don Duval and Alisa Scheps from the Planning and Zoning Commission and appoint qualified residents to serve as an alternate or Commissioner on the New Fairview Planning and Zoning Commission.

Background Information:

Alisa Scheps resigned her seat and Don Duval has not attended the last three meetings.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Discuss and consider the appointment for the Planning and Zoning Commissioner

Attachments:

Resolution

Applications: delivered under separate cover



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX REMOVING COMMISSIONER ALISA SCHEPS AND COMMISSIONER DON DUVAL; AND APPOINTING QUALIFIED RESIDENTS TO FILL VACANCIES ON THE PLANNING AND ZONING COMMISSION.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, the City desires to have all Planning and Zoning Commissioner positions and alternates filled to ensure the Planning and Zoning Commission has a quorum to conduct ongoing city business; and

WHEREAS, there are volunteers that meet the requirements to serve on the City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
NEW FAIRVIEW:**

1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
2. That the City Council does hereby appoint _____ to serve Planning and Zoning Commissioner until resignation or removal by the City Council.
3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the _____ invalid _____ provision.
4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this **15th day of November**, at a meeting of the New Fairview City Council.

APPROVED:

Nolan Schoonmaker
Mayor

ATTESTED:

Brooke Boller
Interim Deputy City Secretary