



CITY COUNCIL
October 18, 2021

WORK SESSION: 7:00 PM

1. Call to Order and roll call.
2. Discussion of all items on the agenda.
3. Work Session discussion items:
 - A. Presentation and discussion with the auditor regarding the deep dive audit.
 - B. Discuss with staff the Grand Jury Subpoena for City Financial records “pursuant to an official criminal investigation, of a suspected felony, being conducted by the District Attorney of Wise County.”
 - C. Discussion of the Texas Municipal League Conference (TML) that was recently attended by several members of the Council and staff.
 - D. Discuss with staff the status of the new website and obtain feedback from the council regarding the proposed branding guidelines.
 - E. 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.
4. Adjournment.

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

5. Call to Order and roll call.
6. 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.
7. **EXECUTIVE SESSION:** 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.

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. **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.

10. **NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.
 - A. Discuss, consider, and act on a resolution authorizing the City Administrator to execute an agreement with the City’s auditor regarding the Fiscal Year 2020-2021.
 - B. Discuss, consider, and act on a resolution authorizing the City Administrator to approve an expenditure not to exceed \$100,000 from the contingency fund for the reconstruction of drainage infrastructure not previously anticipated in the streets improvement program.

11. **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 15th day of October, 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 October 18, 2021

Agenda Item:

(Work Session Item)

Agenda Description:

Presentation and discussion with the auditor regarding 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.

The auditor is going to be out of town starting this weekend and has agreed to make a presentation and deliver the full report to the Council on October 18, 2021. The auditor will also begin the end of year audit in November or December 2021.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:

Design Guide



City Council Agenda October 18, 2021

Agenda Item:

(Work Session Item)

Agenda Description:

Discuss with staff the Grand Jury Subpoena for City Financial records “pursuant to an official criminal investigation, of a suspected felony, being conducted by the District Attorney of Wise County.”

Background Information:

On August 23, 2021, the City of New Fairview, Attention: Custodian of Records received a Grand Jury Subpoena for any and all documents, including but not limited to financial records for the City of New Fairview, including but not limited to all City owned bank / financial account numbers, authorized users, balances, statements, transactions, cleared and canceled checks, independent and in house audits, tax statements, loans, withdrawals, and payroll records for the past five years from January 1, 2016 to present.

These records were requested pursuant to an official criminal investigation, of a suspected felony, being conducted by the District Attorney of Wise County.

On October 7, 2021, the City Administrator received notice from the Texas Ranger, investigating the suspected felony, stating: “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.”

Financial Information:

Unknown - Thousands of dollars in staff time and lost productivity

City Contact and Recommendation:

Ben Nibarger, City Administrator

N/A

Attachments:



City Council Agenda October 18, 2021

Agenda Item:

(Work Session Item)

Agenda Description:

Discussion of the Texas Municipal League Conference (TML) that was recently attended by several members of the Council and staff.

Background Information:

The Mayor and Councilman Scott Johnson will provide an overview of the conference.

Financial Information:

N/A

City Contact and Recommendation:

N/A

Attachments:



**City Council Agenda
October 18, 2021**

Agenda Item: (Work Session Item)

Agenda Description:

Discuss with staff the status of the new website and obtain feedback from the council regarding the proposed branding guidelines.

Background Information:

The City Council approved the development of a new city website that provided the following solutions:

Vendor (Annual Cost)	CMS	Migration	Council Discussion Forum	Agenda Management Software	GIS Integration	Total Set Up Cost
CivicPlus (\$7,047)	✓	✓	✗	✓	wrapper	\$28,954
MuniCode (\$6,000+)	✓	✓	✗	✓	wrapper	\$12,800
Accoona (\$4,800)	✓	✓	✓	✓	✓ (\$1,950)	\$11,850
EvoGov (\$1,800)	✓	✓	✗	coming soon	wrapper	\$4,800
Granicus (no quote)	✓	✓	✗	✓	wrapper	no quote provided

Staff requested proposals from the vendors listed above and provided them to the Council for review and approval. The Council approved the agreement with Accona for a custom developed website, as they were the only vendor that was capable/willing to meet all required solutions.

Staff has been working with Accoona to develop the site and custom solutions. Over the last eight to ten weeks, staff involvement in the development of the website has been very minimal due to other issues taking precedence and consuming significant staff time.

Staff is presenting these site and design guide for Council input.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:

Design Guide

New Fairview, Texas

Visual Identity Manual



ANDREA SALAS | 2021

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Introduction

What are brand guidelines?

Brand guidelines provide the established official policies and standards for the city's visual identity. It is applied to all materials, whether print or digital. It includes guidelines on the proper use of the city's logo, colors, fonts, and official messaging.

Brand guidelines ensure that all marketing and communications for the city are accurate and stays on-brand.





Brand Overview

New Fairview City Brand Manual

Brand Overview

Mission Statement

The City of New Fairview is actively engaged in building and developing our team to advance our rural community values into the future by providing incentives and quality services that motivate stakeholders to create built environments that organically blend open natural elements into intentional, focused areas of development that attract both families and businesses that desire to live, work and play in a community that's going to keep it country.

Vision Statement

New Fairview is a safe, welcoming community focused on economic vitality with open natural elements where the stars are shining bright.

The city is:

- Safe
- Welcoming
- Dedicated
- Resourceful
- Innovative

Logo and description

Logo & Description

The logo is the most important element of our visual identity. It is the element that will be viewed the most by our audience and it will be the element over which we have the least control. That is why we must make every effort to deliver the logo in a consistent manner every time it is displayed.

A logo is the visual representation of the City. It is an icon that symbolizes the city's values. It can be used on all print media, all advertising platforms, websites, and other external communications.

Logo placement guidelines:

- The logo should be prominent and visible in all visual communications.
- It should not be placed with another graphic or edited to create a new image.
- For legibility, keep the area around the logo clear.
- The logo colors can not be changed or modified. Use only the provided official images.



Logo Construction Grid

Primary logo



Square logo with city name

Secondary logo



Banner logo with city name

Respect the clear space of the logo. This will be indicated on pages 12 and 14

Logo anatomy

Logo main elements



I chose to create a fluid, minimalistic and modern design of the isotype. The mark is meant to represent the essence of the City, and what it stands for.



The main name with a clean and round typography to keep the harmony with the fluid and minimalistic vibe from the isotype.



City slogan

Primary black & white logo

The black logo should be used primarily when color reproduction is limited, such applications may include newsprint or greyscale materials. However both black and knockout (white) versions may be used, but both must be displayed on backgrounds that provide a distinct contrast.



Protected Space

The vertical CNF logo has an exclusion zone from which any other graphic materials or elements should refrain from entering. The zone is the proportional height of two Ws, as shown on the right. Please use this as a guide to ensure that the logo always has enough white space surrounding it so that it remains a clear and important part of any communication



Minimum Display Size

The vertical CNF logo should never be too small to read. It may be reproduced at an absolute minimum size of 0.75" wide so that it remains a clear and important part of communication materials.



Secondary black & white logo

The black logo should be used primarily when colour reproduction is limited, such applications may include newsprint or greyscale materials. However, both black and knockout versions may be used, but both must be displayed on backgrounds that provide a distinct contrast. This secondary version, the horizontal logo, is only to be used when the design or application does not accommodate the primary vertical version



Protected Space

The horizontal CNF logo has an exclusion zone from which any other graphic materials or elements should refrain from entering. The zone is the proportional height of two Ws, as shown on the right. Please use this as a guide to ensure that the logo always has enough white space surrounding it so that it remains a clear and important part of any communication



Minimum Display Size

The horizontal CNF logo should never be too small to read. It may be reproduced at an absolute minimum size of 0.75" wide so that it remains a clear and important part of communication materials.



Proper Logo use

Acceptable logo use

As with any brand guidelines, there will be elements that are open to interpretation. A basic rule of thumb is to not use the CNF logo in any way that compromises its basic integrity. If at any time the user feels the application does not look right, they are probably correct. To help regulate the usage we have highlighted a few treatments which are to be used and avoided.



Unacceptable logo use

As stated previously, please do not compromise the basic integrity of the CNF logo(s). Shown on this page are just a few examples of what not to do.



Do not rotate, tilt, or stretch the logo.



Do not use white logo on yellow bkgd.



Do not use white logo on yellow bkgd.



Do not compromise visibility.



Do not use color outside of palette.



Do not apply a drop shadow.



Do not alter typeface.



Do not use colour logo on coloured bkgd.

Color Palette

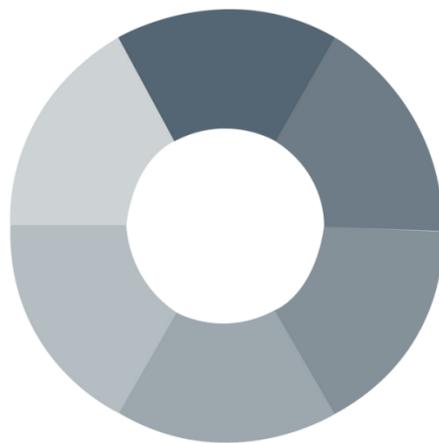
New Fairview City Brand Manual

Color Palette

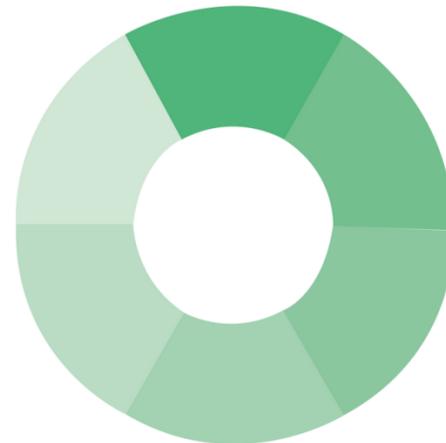
The color palette sets a visual tone for the City's brand. Colors can also create a strong brand recall when it is associated with your brand.

Colour variations are unavoidable depending on the printing process used, however, the values listed reflect the closest possible matches. Included are Hex values, CMYK values for four-color process printing, RGB for screen display*, and HSV as indicators.

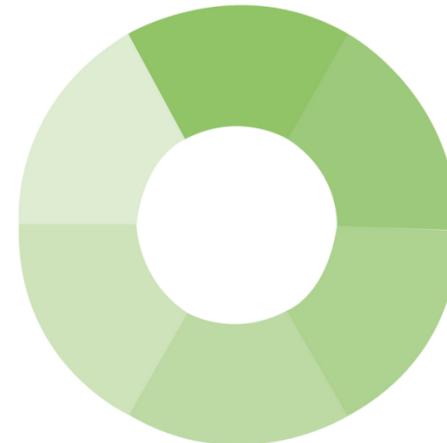
Primary Palette



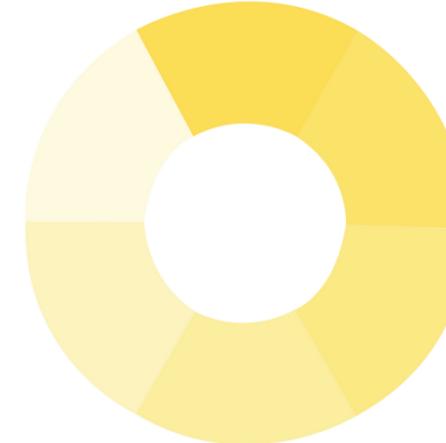
-
- HEX: #566674
 - TONE: grayish blue
 - RGB: 86 102 116
 - HSV: 207° 25% 45%
 - CMYK: 25% 12% 0% 54%



-
- HEX: #61B772
 - TONE: light green
 - RGB: 97 183 114
 - HSV: 131° 46% 71%
 - CMYK: 46% 0% 37% 28%

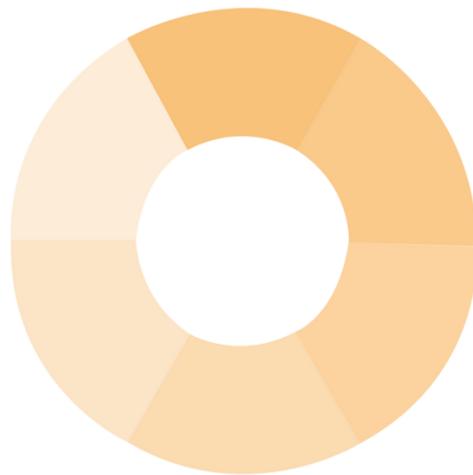


-
- HEX: #92C555
 - TONE: soft yellow-green
 - RGB: 146 197 85
 - HSV: 87° 56% 77%
 - CMYK: 25% 0% 56% 22%

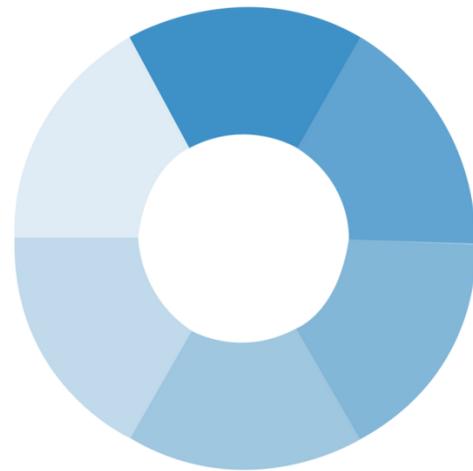


-
- HEX: #FEDD56
 - TONE: light orange
 - RGB: 254 221 86
 - HSV: 48° 66% 99%
 - CMYK: 0% 12% 66% 0%

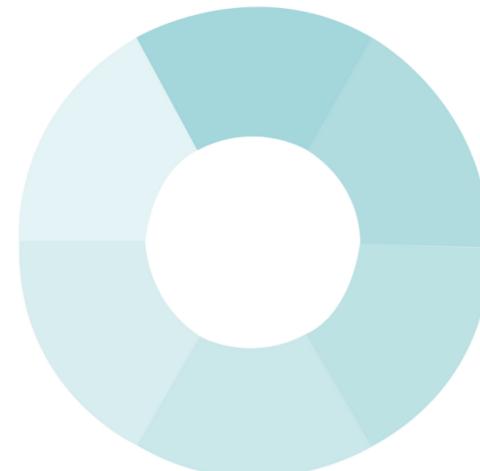
Secondary Palette



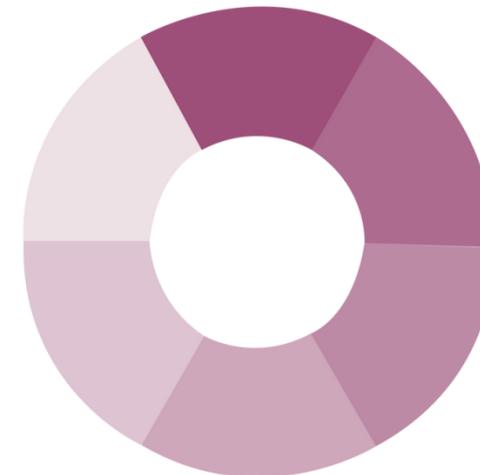
-
- HEX: #F7C36D
 - TONE: light orange
 - RGB: 247 195 109
 - HSV: 37° 55% 96%
 - CMYK: 0% 21% 55% 3%



-
- HEX: #4590CB
 - TONE: light blue
 - RGB: 69 144 203
 - HSV: 206° 66% 79%
 - CMYK: 66% 29% 0% 20%



-
- HEX: #A6DBE0
 - TONE: pale cyan
 - RGB: 166 219 224
 - HSV: 185° 25% 87%
 - CMYK: 25% 2% 0% 12%



-
- HEX: #994E7B
 - TONE: bright pink
 - RGB: 153 78 123
 - HSV: 323° 49% 60%
 - CMYK: 0% 49% 19% 39%

Color Scheme

For CNF brand materials, the main colors are to be incorporated into all corporate and promotional materials. These two colors are seen as the foundation to build from. This will create consistency across all materials and allows for easy integration of selected secondary and tertiary colors. The other 2 primary colors are important but not indispensable, depending on the use.

In addition, secondary colors can be used to differentiate specific communication to help audiences identify important messaging.

This allows the CNF brand to be versatile as it evolves. The color system will also aid in the organization of all promotional materials such as brochures, signage and advertising.

Primary colors

Grayish blue



Light green



Soft yellow green



Light orange



Secondary colors

Light orange 2



Pale cyan



Light blue



Bright pink



Main colors

#566674	#61B772	#92C555	#FFDB05
#6E7B87	#77C186	#A1CD6D	#FFE028
#86919B	#8ECB9A	#B1D585	#FFE54C
#9EA7AF	#A4D5AE	#C0DD9D	#FFEA70
#B6BDC3	#BBE0C2	#D0E6B6	#FFEF93
#CED3D7	#D1EAD6	#DFEECE	#FFF4B7

Shades and tones

#F7C36D	#A6DBE0	#267EC3	#883166
#F8CB81	#B2E0E4	#4590CB	#994E7B
#F9D496	#BFE5E8	#64A2D4	#AA6B91
#FADCAB	#CCEAED	#83B5DC	#BB89A7
#FBE5C0	#D8EFF1	#A2C7E5	#CCA6BD
#FCEDD5	#E5F4F6	#C1DAED	#DDC4D3

Shades and tones

Typography guidelines

Typography

Having a signature font contributes to a strong brand. It is considered a visual component and should be consistent throughout.

Type attracts attention, sets the style and tone of a document, colors how readers interpret the words and defines the feeling of the page—usually without the reader recognizing a particular typeface. Type is your brand personality in its most concise form.

Change your typeface and you go from casual to formal, silly to serious, staid too stylish, or old fashioned to modern. Typography helps to provide a cohesive brand experience across all media. The choice of typography is a reflection of the brand personality and helps to reinforce brand characteristics in a consistent manner.

Primary typography

The Source **Montserrat*** and its extended family have been selected for the CNF brand. To ensure brand consistency, the Source Montserrat should be utilized on all CNF corporate and promotional communication materials and should not be substituted under any circumstances. For a small print copy, legal texts, and terms and conditions, please use 90% horizontal width and increase tracking slightly to gain line length while keeping legibility in mind.

Montserrat Bold - 30PT.

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890.,!@#\$\$%&*+

Montserrat Classic - 30PT.

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890.,!@#\$\$%&*+

Montserrat Light - 30PT.

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890.,!@#\$\$%&*+

MONTSERRAT

Montserrat Extra Light - 30PT.

MONTSERRAT

Montserrat Extra Light Italic - 30PT.

Montserrat

Montserrat Extra Light - 30PT.

Montserrat

Montserrat Extra Light Italic - 30PT.

MONTSERRAT

Montserrat Light - 30PT.

MONTSERRAT

Montserrat Light Italic - 30PT.

Montserrat

Montserrat Light - 30PT.

Montserrat

Montserrat Light Italic - 30PT.

MONTSERRAT

Montserrat Regular - 30PT.

MONTSERRAT

Montserrat Regular Italic - 30PT.

Montserrat

Montserrat Regular - 30PT.

Montserrat

Montserrat Regular Italic - 30PT.

MONTSERRAT

Montserrat Semi Bold - 30PT.

MONTSERRAT

Montserrat Semi Bold Italic - 30PT.

Montserrat

Montserrat Semi Bold - 30PT.

Montserrat

Montserrat Semi Bold Italic - 30PT.

MONTSERRAT

Montserrat Bold - 30PT.

MONTSERRAT

Montserrat Bold Italic - 30PT.

Montserrat

Montserrat Bold - 30PT.

Montserrat

Montserrat Bold Italic - 30PT.

Secondary typography

DM Serif Text has been selected as the secondary CNF brand typeface. To ensure brand consistency, the DM Serif Text type should be utilized throughout CNF corporate and promotional communication as a display type only.

DM Serif Text Regular - 30PT.

ABCDEFGHIJKLMNOPQRSTUVWXYZ

abcdefghijklmnopqrstuvwxyz

1234567890.,!@#\$%&*+

DM Serif Text Regular Italic - 30PT.

ABCDEFGHIJKLMNOPQRSTUVWXYZ

abcdefghijklmnopqrstuvwxyz

1234567890.,!@#\$%&*+

Image Direction



Photography

Photographs are a great way to show life in the City of New Fairview. This can be photos of families, workers, and visitors, as well as activities or events. To provide consistency, all photos must be provided by the City.

Photography Style

Images selected for the City of New Fairviews brand materials should evoke a sense of authenticity, diversity, progress, warmth, or energy. When selecting CNF photography please be sensitive to the overall composition, lighting, and perspective. Photos that incorporate natural lighting, balanced use of space, or an interesting perspective are ideal.

Please avoid photos that are too posed, contrived, or static.



The photos should try to include scenery, people, and town activities. On the other hand, the coloration should be always warm, natural and clean.



Social media icons

The City of Fairviews brand Social Media Iconography may be used throughout all corporate and promotional materials as well as the website. The iconography style is simple and clear with the brand colors so that it can be adapted to different designs in the future. Similar elements can be sourced from free open-source libraries around the web, two examples are: Streamline Icons 3.0; and Linea Free Icons.







Applications

New Fairview City Brand Manual

Basic **stationary** guidelines

The letterhead, envelopes, and business cards work together to project a consistent and recognizable image within daily correspondence. Stationery items should be clean, easy to read, and contain only the essential information required for each application. All stationery should be printed in four-color process (CMYK). When CMYK printing is not available, please use black only (one-color). No other images or logos should be added on any stationery application.





The standard Lorem Ipsum passage,

Lorem Ipsum is simply dummy text of the printing and typesetting industry. Lorem Ipsum has been the industry's standard dummy text ever since the 1500s, when an unknown printer took a galley of type and scrambled it to make a type specimen book.

It is a long established fact that a reader will be distracted by the readable content of a page when looking at its layout. The point of using Lorem Ipsum is that it has a more-or-less normal distribution of letters, as opposed to using 'Content here, content here', making it look like readable English. Many desktop publishing packages and web page editors now use Lorem Ipsum as their default model text, and a search for 'lorem ipsum' will uncover many web sites still in their infancy. Various versions have evolved over the years, sometimes by accident, sometimes on purpose (injected humour and the like).

Cordially,

Name Surname

Title of the person if needed

UP@UNIVERSIDADPROVINCIAL.CO
M.AR
(11) 1234 3453

AV. CONGRESO 4001, CIUDAD
AUTÓNOMA DE BUENOS AIRES,
UNIVERSIDADPROVINCIAL.COM
.AR



The standard Lorem Ipsum passage,

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Cordially,

Name Surname

Title of the person if needed

UP@UNIVERSIDADPROVINCIAL.CO
M.AR
(11) 1234 3453

AV. CONGRESO 4001, CIUDAD
AUTÓNOMA DE BUENOS AIRES,
UNIVERSIDADPROVINCIAL.COM
.AR



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Generic Applications



Flyer



POSTER



INVITATION

Web content accessibility guidelines

WCAG Color Contrast Requirements – Level AA

Level AA requires a contrast ratio of at least 4.5:1 for normal text and 3:1 for large text.

When creating colour combinations that will have a place on the web, be mindful of text and background colors. Secondary colors should be used as highlights and rarely for text.

The diagram illustrates 15 color contrast examples arranged in three rows and three columns. Each example consists of a colored box with text inside or a white box with a colored border and text inside. The results are as follows:

Row	Column 1	Column 2	Column 3
Row 1	Pass (solid blue)	Pass (solid purple)	Pass (solid green)
Row 2	Pass (white with blue border)	Pass (white with purple border)	Pass (white with green border)
Row 3	Fail (solid yellow)	Fail (solid light blue)	Fail (solid orange)
Row 4	Fail (white with yellow border)	Fail (white with light blue border)	Fail (white with orange border)
Row 5	Pass (solid yellow)	Pass (solid light blue)	Pass (solid orange)

Additional text for the rightmost column (green and orange):

- Row 1, Column 3: Normal text fail, larger text pass
- Row 2, Column 3: Normal text fail, larger text pass

Glossary

Glossary of Terms

The following is a list of terms encountered within the pages of this manual and other industry-specific standards, followed by the definition of those terms. If further clarification is needed, please contact the Creator of this brand manual.

Clear space / exclusion zone

Also referred as “protected space” and “non-interference zone,” this is the amount of space around a logo within which no other graphic elements are allowed. This ensures legibility and protects the integrity of the logo.

CMYK

Often referred to as four-color processing (4cp), this is a printing process that uses cyan (C), magenta (M), yellow (Y), and black (K). CMYK is the preferred method for all print materials.

RGB

It is the color space used for on-screen applications and virtually anything digital. RGB combines red, green, and blue to produce an array of colors and is usually more vibrant than CMYK.

HSV INDICATORS

Hue, Saturation, and Value (HSV) is a color model that is often used in place of the RGB color model in graphics and paint programs. In using this color model, a color is specified then white or black is added to easily make color adjustments. HSV may also be called HSB (short for hue, saturation and brightness).

WCAG Color

Is a measure of the difference in perceived "luminance" or brightness between two colors



City Council Agenda October 18, 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 has requested that the Council and staff work with a facilitator to walk through the recent issues and work towards a more productive and professional City Hall.

Financial Information:

N/A

City Contact and Recommendation:

N/A

Attachments:



City of New Fairview, Texas
Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPROVING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WILLIAM C SPORE, PC AND MWH GROUP, PC, TO CONDUCT THE ANNUAL AUDIT FOR THE FISCAL YEAR ENDING ON SEPTEMBER 30, 2021.

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, Section 103.001 of the Local Government Code requires a municipality to have its records and accounts audited annually and prepare an annual financial statement based upon the audit; and

WHEREAS, Section 10.002 of the Local Government Code requires that a municipality shall employ at its own expense a certified public accountant who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy to conduct an annual audit and prepare the financial statements; and

WHEREAS, the City of New Fairview desires to enter into an agreement with William C Spore PC to act as the bookkeeper and prepare the annual financial statements; and MWH Group to audit and based upon the audit findings; and

WHEREAS, the City of New Fairview desires to enter into an agreement with MWH Group to audit the City of New Fairview's financials and prepare an annual audit report.

**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 accept the agreement and authorize the City Administrator to sign the professional services agreement with William C Spore PC for the fiscal year ending September 30, 2021.
3. That the City Council does hereby accept the agreement and authorize the City Administrator to sign the professional services agreement with MWH Group, PC, for the fiscal year ending September 30, 2021.
4. 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.
5. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this **18th day of October, 2021**, at a meeting of the New Fairview City Council.

APPROVED:

Nolan Schoonmaker
Mayor

ATTESTED:

Brooke Boller
Interim Deputy City Secretary



MWH GROUP
CERTIFIED PUBLIC ACCOUNTANTS
CONSULTANTS

October 13, 2021

Ben Nibarger, City Administrator
City of New Fairview
999 Illinois Lane
New Fairview, TX 76078

We are pleased to confirm our understanding of the services we are to provide City of New Fairview, Texas for the year ended September 30, 2021. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of New Fairview, Texas as of and for the year ended September 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of New Fairview's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of New Fairview's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison Schedule
- 3) Schedule of Changes in Pension Liability and Related Ratios
- 4) Schedule of Pension Contributions
- 5) Schedule of Changes in Total OPEB Liability and Related Ratios

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of City of New Fairview, Texas and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of City of New Fairview, Texas' financial statements. Our report will be addressed to the Town Council of City of New Fairview, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with

which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of New Fairview, Texas is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to

management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of New Fairview's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of City of New Fairview's in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including identification of all related parties and all related-party relationships and transactions, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary

information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Town; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of MWH Group, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a cognizant agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of MWH Group, P.C.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agencies. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Valerie Halverson, CPA, is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$2,500. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be

suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and third-party consultant and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to City of New Fairview, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



MWH Group, P.C.

RESPONSE:

This letter correctly sets forth the understanding of City of New Fairview, Texas:

Signature: _____

Title: _____

Date: _____

WILLIAM C SPORE
200 N Rufe Snow Drive, STE 116
Keller, TX 76248
817-371-9003

To the Mayor and City Council
City of New Fairview, TX

As part of the City's annual audit for the fiscal year ending September 30, 2021, I will prepare the balance sheet schedules as of September 30, 2021, which you will then provide to the City's auditors for them to audit. In prior years, the city auditor was allowed to prepare and then audit the balance sheet schedules but recent changes to the governmental auditing standards require that if the auditor prepares the schedules and then audits them himself the auditor is required to submit his work papers to a third-party review prior to issuance of the audit report. For single member firms, such as William C. Spore PC, this meant incurring a cost for the third-party review. Splitting out the bookkeeping part of the year end process alleviates the requirement for a third-party review. I have worked out an arrangement with MWHPC, Certified Public Accountants, whereby I will provide the bookkeeping piece of the year end process and they will provide the audit services.

For the year ending September 30, 2021, the City's total cost of the bookkeeping and audit will not exceed \$3,000. MWHPC will provide you a separate engagement letter for the audit piece of the year end process.

My fee for the bookkeeping part of the year end process will not exceed \$500.

If the City is in agreement with this bookkeeping engagement, please sign below and return a copy of this letter to my office.

Please let me know if you have any questions.

Sincerely,

William C. Spore

October 13, 2021

We are in agreement with the above proposal:

Name	Title	Date
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City Council Agenda October 18, 2021

Agenda Item: **Minute Order** **(Action Item)**

Agenda Description:

Discuss with staff the status of the new website and obtain feedback from the council regarding the proposed branding guidelines.

Background Information:

The City's contractor for the streets improvement project started the drainage work and construction at the end of August 2021. At this time, all but one of the drainage structures have been installed on Hilltop Trails and connecting streets. The first and second payments of \$271,902.35 respectively and have been paid.

This does not include Wilson Court or Creasser Lane, which were excluded from the contract award due to potential \$350,000 in funding from the Community Development Block Grant (CDBG) application that staff completed and submitted. At this time, the state has graded the CDBG grant applications and allocated funding for the top 20 applications. New Fairview's CDBG grant application was scored as number 16, placing it within the funding allocation for the CDBG program. Once the City receives confirmation of the award, we will begin the procurement process to go out for bid and award the contract for Wilson and Creasser.

Thus far, the weather has been cooperative and we are making good progress on the drainage work. Currently, drainage work is completed on Hilltop Trail, etc., Branding Iron Road and almost finished with Chisholm Hills Drive. They are preparing to move the drainage work to Montana Court.

The issue regarding nine large culverts (six to seven feet) that move stormwater under Hilltop are that the Council and staff discussed during the last meeting has been reviewed and the options include:

- The cost estimate to replace these large culverts is \$350,000 and would essentially use all of the project's contingency, which staff is hoping to use towards gapping the current funding shortfall.
- Sleeving all nine, \$150,000
- Sleeving six, \$100,000
- Sleeving three, \$50,000
- Mortar all nine, \$75,000

Financial Information:

\$100,000 of the previously approved contingency.

City Contact and Recommendation:

Ben Nibarger, City Administrator

Authorize the City Administrator to negotiate a solution not to exceed \$100,000

Attachments: