



**City of New Fairview  
City Council  
Regular Meeting  
999 Illinois Lane  
Monday, November 21, 2022, at 7:00 pm**

**REGULAR SESSION**

1. **Call to Order and Determination of Quorum**
2. **Pledge to the Flags.**
  - A. **United States of America**
  - B. **Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**
3. **Public Comment:** 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.
4. **Consent Agenda:** All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. 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.
  - A. **Approval of the October 2022 Financial Report.**
  - B. **Approve the City Council Meeting minutes for November 7, 2022.**
5. **New Business:** All matters listed in New Business will be discussed and considered separately.
  - A. **Receive, consider, and act upon the resignation of office by a Council Member.**
  - B. **Receive, consider, and act on filling the vacancy for City Council Place Five (5).**
  - C. **Receive, consider and act on a Resolution canvassing and declaring the results of the Special Election held on November 8, 2022, for the purpose of determining if the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates from the City.**
  - D. **Proclamation for outgoing Council members.**

**E. Receive, consider, and act on a Resolution amending Resolution 2020-17-107 and the City Council Procedures and Decorum Policy.**

6. **Executive Session:** Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; discuss IT network or critical infrastructure security pursuant to §551.089, Texas Government Code; and to consult with the City Attorney pursuant to §551.071, Texas Government Code. The Council may go into closed session at any time when permitted by Chapter 551, Texas Government Code or Chapter 418, Texas Tax Code. Before going into closed session, a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code authorizing the closed session.
7. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

**8. Adjournment**

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 on its website, said notice being posted this 18th day of November, 2022 at 5:00 PM at least 72 hours proceeding the meeting time.



Brooke Boller, 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 City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at [citysecretary@newfairview.org](mailto:citysecretary@newfairview.org) for further information.

**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Revenue &amp; Expenditures</b>						
<b>Revenue</b>						
<b>Revenues</b>						
<b>Fines &amp; Fees</b>						
4501	Court Fines	20,000.00	433.43	433.43	(19,566.57)	2.17%
<b>Total Fines &amp; Fees</b>		<b>\$20,000.00</b>	<b>\$433.43</b>	<b>\$433.43</b>	<b>(\$19,566.57)</b>	
<b>Franchise Fees</b>						
4301	Franchise Fees	50,000.00	1,431.54	1,431.54	(48,568.46)	2.86%
<b>Total Franchise Fees</b>		<b>\$50,000.00</b>	<b>\$1,431.54</b>	<b>\$1,431.54</b>	<b>(\$48,568.46)</b>	
<b>Other Revenue</b>						
4901	Other Revenue	154,000.00	0.00	0.00	(154,000.00)	0.00%
4906	Sponsorship	5,000.00	1,031.10	1,031.10	(3,968.90)	20.62%
<b>Total Other Revenue</b>		<b>\$159,000.00</b>	<b>\$1,031.10</b>	<b>\$1,031.10</b>	<b>(\$157,968.90)</b>	
<b>Permits</b>						
4401	Construction Permits	500,000.00	32,944.24	32,944.24	(467,055.76)	6.59%
4403	Contractor Registration	3,600.00	721.00	721.00	(2,879.00)	20.03%
4402	Septic Permits	14,000.00	2,496.90	2,496.90	(11,503.10)	17.84%
<b>Total Permits</b>		<b>\$517,600.00</b>	<b>\$36,162.14</b>	<b>\$36,162.14</b>	<b>(\$481,437.86)</b>	
<b>Property Tax</b>						
4101	Current Property Tax	656,790.05	17,472.90	17,472.90	(639,317.15)	2.66%
<b>Total Property Tax</b>		<b>\$656,790.05</b>	<b>\$17,472.90</b>	<b>\$17,472.90</b>	<b>(\$639,317.15)</b>	
<b>Sales Tax</b>						
4201	Sales/ Beverage Tax	378,000.00	43,283.98	43,283.98	(334,716.02)	11.45%
<b>Total Sales Tax</b>		<b>\$378,000.00</b>	<b>\$43,283.98</b>	<b>\$43,283.98</b>	<b>(\$334,716.02)</b>	
<b>Revenues Totals</b>		<b>\$1,781,390.05</b>	<b>\$99,815.09</b>	<b>\$99,815.09</b>	<b>(\$1,681,574.96)</b>	
<b>Total Revenue</b>		<b>\$1,781,390.05</b>	<b>\$99,815.09</b>	<b>\$99,815.09</b>	<b>(\$1,681,574.96)</b>	
<b>Total Gross Profit</b>		<b>\$1,781,390.05</b>	<b>\$99,815.09</b>	<b>\$99,815.09</b>		
<b>Expenses</b>						
<b>City Administration</b>						
<b>Contract Labor</b>						
5101	Contract Labor	6,240.00	560.00	560.00	5,680.00	8.97%
5111	Information Technology	8,000.00	0.00	0.00	8,000.00	0.00%
5108	Legal Expenses	50,000.00	0.00	0.00	50,000.00	0.00%
5113	Website	10,000.00	0.00	0.00	10,000.00	0.00%
<b>Total Contract Labor</b>		<b>\$74,240.00</b>	<b>\$560.00</b>	<b>\$560.00</b>	<b>\$73,680.00</b>	

**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Salaries &amp; Payroll</b>						
5011	Deferred Compensation	6,000.00	0.00	0.00	6,000.00	0.00%
5007	FICA - Payroll Taxes	9,157.05	0.00	0.00	9,157.05	0.00%
5006	Health Insurance	10,740.96	1,711.24	1,711.24	9,029.72	15.93%
5004	Longevity Pay	100.00	0.00	0.00	100.00	0.00%
5012	LTD, STD and Life	456.00	0.00	0.00	456.00	0.00%
5001	Salaries	119,700.00	21,503.34	21,503.34	98,196.66	17.96%
5005	TMRS	7,636.86	2,419.01	2,419.01	5,217.85	31.68%
5010	Unemployment	3,591.00	0.00	0.00	3,591.00	0.00%
5008	Worker's Comp	400.00	3.89	3.89	396.11	0.97%
	<b>Total Salaries &amp; Payroll</b>	<b>\$157,781.87</b>	<b>\$25,637.48</b>	<b>\$25,637.48</b>	<b>\$132,144.39</b>	
<b>Services</b>						
5340	Auditor	7,000.00	0.00	0.00	7,000.00	0.00%
5375	Chapter 380	84,000.00	0.00	0.00	84,000.00	0.00%
5361	Credit Card Fees	20,000.00	179.02	179.02	19,820.98	0.90%
5315	Electric / Trash	2,000.00	127.41	127.41	1,872.59	6.37%
5320	Equipment Rental	500.00	0.00	0.00	500.00	0.00%
5335	Internet/Telephone	1,500.00	714.40	714.40	785.60	47.63%
5355	Miscellaneous Expense	33,618.00	0.00	0.00	33,618.00	0.00%
5365	Penalties Expense	1,200.00	0.00	0.00	1,200.00	0.00%
5350	Professional Services	5,000.00	50.00	50.00	4,950.00	1.00%
5360	Prop Tax Collection Fees	14,200.00	0.00	0.00	14,200.00	0.00%
5310	Software	15,500.00	2,140.43	2,140.43	13,359.57	13.81%
5380	TML Insurance	8,430.20	2,728.20	2,728.20	5,702.00	32.36%
5322	Training/ Dues/ Memberships	4,600.00	1,343.66	1,343.66	3,256.34	29.21%
	<b>Total Services</b>	<b>\$197,548.20</b>	<b>\$7,283.12</b>	<b>\$7,283.12</b>	<b>\$190,265.08</b>	
<b>Supplies</b>						
5202	Equipment	500.00	0.00	0.00	500.00	0.00%
5299	Miscellaneous Supplies	500.00	159.57	159.57	340.43	31.91%
5201	Office Supplies	2,500.00	1,001.92	1,001.92	1,498.08	40.08%
	<b>Total Supplies</b>	<b>\$3,500.00</b>	<b>\$1,161.49</b>	<b>\$1,161.49</b>	<b>\$2,338.51</b>	
	<b>City Administration Totals</b>	<b>\$433,070.07</b>	<b>\$34,642.09</b>	<b>\$34,642.09</b>	<b>\$398,427.98</b>	
<b>City Council</b>						
<b>Contract Labor</b>						
5108	Legal Expenses	15,000.00	0.00	0.00	15,000.00	0.00%
	<b>Total Contract Labor</b>	<b>\$15,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$15,000.00</b>	

**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Services</b>						
5370	Election Expense	5,000.00	0.00	0.00	5,000.00	0.00%
5310	Software	120.00	0.00	0.00	120.00	0.00%
5322	Training/ Dues/ Memberships	15,000.00	1,700.47	1,700.47	13,299.53	11.34%
	<b>Total Services</b>	<b>\$20,120.00</b>	<b>\$1,700.47</b>	<b>\$1,700.47</b>	<b>\$18,419.53</b>	
<b>Supplies</b>						
5299	Miscellaneous Supplies	300.00	0.00	0.00	300.00	0.00%
5201	Office Supplies	2,000.00	100.00	100.00	1,900.00	5.00%
	<b>Total Supplies</b>	<b>\$2,300.00</b>	<b>\$100.00</b>	<b>\$100.00</b>	<b>\$2,200.00</b>	
	<b>City Council Totals</b>	<b>\$37,420.00</b>	<b>\$1,800.47</b>	<b>\$1,800.47</b>	<b>\$35,619.53</b>	
<b>City Secretary</b>						
<b>Contract Labor</b>						
5108	Legal Expenses	10,000.00	0.00	0.00	10,000.00	0.00%
	<b>Total Contract Labor</b>	<b>\$10,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	
<b>Salaries &amp; Payroll</b>						
5007	FICA - Payroll Taxes	4,417.88	330.92	330.92	4,086.96	7.49%
5006	Health Insurance	10,740.96	1,711.24	1,711.24	9,029.72	15.93%
5004	Longevity Pay	64.00	0.00	0.00	64.00	0.00%
5012	LTD, STD and Life	945.34	0.00	0.00	945.34	0.00%
5001	Salaries	57,750.00	4,389.43	4,389.43	53,360.57	7.60%
5005	TMRS	3,684.45	531.56	531.56	3,152.89	14.43%
5008	Worker's Comp	320.00	3.88	3.88	316.12	1.21%
	<b>Total Salaries &amp; Payroll</b>	<b>\$77,922.63</b>	<b>\$6,967.03</b>	<b>\$6,967.03</b>	<b>\$70,955.60</b>	
<b>Services</b>						
5315	Electric / Trash	2,000.00	127.39	127.39	1,872.61	6.37%
5320	Equipment Rental	1,000.00	0.00	0.00	1,000.00	0.00%
5335	Internet/Telephone	1,000.00	67.17	67.17	932.83	6.72%
5305	Legal Notices	2,000.00	0.00	0.00	2,000.00	0.00%
5355	Miscellaneous Expense	0.00	66.21	66.21	(66.21)	0.00%
5310	Software	7,695.00	16.23	16.23	7,678.77	0.21%
5322	Training/ Dues/ Memberships	7,500.00	1,418.20	1,418.20	6,081.80	18.91%
	<b>Total Services</b>	<b>\$21,195.00</b>	<b>\$1,695.20</b>	<b>\$1,695.20</b>	<b>\$19,499.80</b>	
<b>Supplies</b>						
5202	Equipment	500.00	0.00	0.00	500.00	0.00%
5299	Miscellaneous Supplies	1,000.00	0.00	0.00	1,000.00	0.00%
5201	Office Supplies	2,000.00	35.91	35.91	1,964.09	1.80%

GENERAL FUND

Statement of Revenue and Expenditures

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
5207	Postage	400.00	0.00	0.00	400.00	0.00%
	<b>Total Supplies</b>	<b>\$3,900.00</b>	<b>\$35.91</b>	<b>\$35.91</b>	<b>\$3,864.09</b>	
	<b>City Secretary Totals</b>	<b>\$113,017.63</b>	<b>\$8,698.14</b>	<b>\$8,698.14</b>	<b>\$104,319.49</b>	
<b>Court</b>						
<b>Contract Labor</b>						
5108	Legal Expenses	5,000.00	100.20	100.20	4,899.80	2.00%
5106	Municipal Judge	2,400.00	300.00	300.00	2,100.00	12.50%
	<b>Total Contract Labor</b>	<b>\$7,400.00</b>	<b>\$400.20</b>	<b>\$400.20</b>	<b>\$6,999.80</b>	
<b>Salaries &amp; Payroll</b>						
5007	FICA - Payroll Taxes	3,842.75	0.00	0.00	3,842.75	0.00%
5006	Health Insurance	10,740.96	0.00	0.00	10,740.96	0.00%
5004	Longevity Pay	64.00	0.00	0.00	64.00	0.00%
5012	LTD, STD and Life	561.70	0.00	0.00	561.70	0.00%
5003	Overtime	5,000.00	24.64	24.64	4,975.36	0.49%
5001	Salaries	50,232.00	4,127.15	4,127.15	46,104.85	8.22%
5005	TMRS	3,204.80	467.06	467.06	2,737.74	14.57%
5008	Worker's Comp	320.00	3.88	3.88	316.12	1.21%
	<b>Total Salaries &amp; Payroll</b>	<b>\$73,966.21</b>	<b>\$4,622.73</b>	<b>\$4,622.73</b>	<b>\$69,343.48</b>	
<b>Services</b>						
5315	Electric / Trash	2,000.00	127.39	127.39	1,872.61	6.37%
5320	Equipment Rental	2,000.00	0.00	0.00	2,000.00	0.00%
5335	Internet/Telephone	1,000.00	67.16	67.16	932.84	6.72%
5355	Miscellaneous Expense	10,000.00	0.00	0.00	10,000.00	0.00%
5325	Municipal Judge Training	350.00	0.00	0.00	350.00	0.00%
5350	Professional Services	1,000.00	0.00	0.00	1,000.00	0.00%
5322	Training/ Dues/ Memberships	2,450.00	1,865.50	1,865.50	584.50	76.14%
	<b>Total Services</b>	<b>\$18,800.00</b>	<b>\$2,060.05</b>	<b>\$2,060.05</b>	<b>\$16,739.95</b>	
<b>Supplies</b>						
5202	Equipment	500.00	0.00	0.00	500.00	0.00%
5299	Miscellaneous Supplies	500.00	0.00	0.00	500.00	0.00%
5201	Office Supplies	1,500.00	224.99	224.99	1,275.01	15.00%
5207	Postage	500.00	0.00	0.00	500.00	0.00%
5222	Signs	500.00	0.00	0.00	500.00	0.00%
	<b>Total Supplies</b>	<b>\$3,500.00</b>	<b>\$224.99</b>	<b>\$224.99</b>	<b>\$3,275.01</b>	
	<b>Court Totals</b>	<b>\$103,666.21</b>	<b>\$7,307.97</b>	<b>\$7,307.97</b>	<b>\$96,358.24</b>	

**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Health/Code Enforcement</b>						
<b>Contract Labor</b>						
5112	Abatement	15,000.00	0.00	0.00	15,000.00	0.00%
5104	Animal Control	2,000.00	50.00	50.00	1,950.00	2.50%
5108	Legal Expenses	3,000.00	0.00	0.00	3,000.00	0.00%
5103	Septic Inspector	5,500.00	0.00	0.00	5,500.00	0.00%
<b>Total Contract Labor</b>		<b>\$25,500.00</b>	<b>\$50.00</b>	<b>\$50.00</b>	<b>\$25,450.00</b>	
<b>Services</b>						
5390	Cleanup Days	2,475.00	138.00	138.00	2,337.00	5.58%
5320	Equipment Rental	1,000.00	0.00	0.00	1,000.00	0.00%
5310	Software	1,400.00	0.00	0.00	1,400.00	0.00%
5322	Training/ Dues/ Memberships	1,760.00	0.00	0.00	1,760.00	0.00%
<b>Total Services</b>		<b>\$6,635.00</b>	<b>\$138.00</b>	<b>\$138.00</b>	<b>\$6,497.00</b>	
<b>Supplies</b>						
5222	Signs	0.00	121.98	121.98	(121.98)	0.00%
<b>Total Supplies</b>		<b>\$0.00</b>	<b>\$121.98</b>	<b>\$121.98</b>	<b>(\$121.98)</b>	
<b>Health/Code Enforcement Totals</b>		<b>\$32,135.00</b>	<b>\$309.98</b>	<b>\$309.98</b>	<b>\$31,825.02</b>	
<b>Parks &amp; Recreation</b>						
<b>Services</b>						
5385	Building Repairs	500.00	0.00	0.00	500.00	0.00%
5320	Equipment Rental	4,000.00	0.00	0.00	4,000.00	0.00%
5355	Miscellaneous Expense	4,000.00	0.00	0.00	4,000.00	0.00%
5304	Special Events	10,500.00	1,233.41	1,233.41	9,266.59	11.75%
<b>Total Services</b>		<b>\$19,000.00</b>	<b>\$1,233.41</b>	<b>\$1,233.41</b>	<b>\$17,766.59</b>	
<b>Supplies</b>						
5202	Equipment	1,000.00	0.00	0.00	1,000.00	0.00%
5299	Miscellaneous Supplies	500.00	0.00	0.00	500.00	0.00%
5201	Office Supplies	500.00	0.00	0.00	500.00	0.00%
<b>Total Supplies</b>		<b>\$2,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,000.00</b>	
<b>Parks &amp; Recreation Totals</b>		<b>\$21,000.00</b>	<b>\$1,233.41</b>	<b>\$1,233.41</b>	<b>\$19,766.59</b>	
<b>Planning &amp; Development</b>						
<b>Contract Labor</b>						
5105	Building Inspector	60,000.00	3,825.00	3,825.00	56,175.00	6.38%
5109	City Engineer	25,000.00	2,457.22	2,457.22	22,542.78	9.83%
5110	City Planner	40,000.00	0.00	0.00	40,000.00	0.00%
5108	Legal Expenses	5,000.00	0.00	0.00	5,000.00	0.00%
<b>Total Contract Labor</b>		<b>\$130,000.00</b>	<b>\$6,282.22</b>	<b>\$6,282.22</b>	<b>\$123,717.78</b>	

**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Services</b>						
5350	Professional Services	15,700.00	0.00	0.00	15,700.00	0.00%
5310	Software	700.00	0.00	0.00	700.00	0.00%
<b>Total Services</b>		<b>\$16,400.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$16,400.00</b>	
<b>Supplies</b>						
5201	Office Supplies	1,500.00	466.84	466.84	1,033.16	31.12%
<b>Total Supplies</b>		<b>\$1,500.00</b>	<b>\$466.84</b>	<b>\$466.84</b>	<b>\$1,033.16</b>	
<b>Planning &amp; Development Totals</b>		<b>\$147,900.00</b>	<b>\$6,749.06</b>	<b>\$6,749.06</b>	<b>\$141,150.94</b>	
<b>Public Safety</b>						
<b>Capital Outlay</b>						
6030	Buildings - Capital	17,270.00	3,745.00	3,745.00	13,525.00	21.69%
6060	Buildings - Extractor	10,450.00	0.00	0.00	10,450.00	0.00%
<b>Total Capital Outlay</b>		<b>\$27,720.00</b>	<b>\$3,745.00</b>	<b>\$3,745.00</b>	<b>\$23,975.00</b>	
<b>Contract Labor</b>						
5107	Contract Deputies	44,000.00	376.76	376.76	43,623.24	0.86%
5101	Contract Labor	37,400.00	3,200.00	3,200.00	34,200.00	8.56%
<b>Total Contract Labor</b>		<b>\$81,400.00</b>	<b>\$3,576.76</b>	<b>\$3,576.76</b>	<b>\$77,823.24</b>	
<b>Services</b>						
5385	Building Repairs	0.00	959.97	959.97	(959.97)	0.00%
5322	Training/ Dues/ Memberships	2,200.00	178.00	178.00	2,022.00	8.09%
<b>Total Services</b>		<b>\$2,200.00</b>	<b>\$1,137.97</b>	<b>\$1,137.97</b>	<b>\$1,062.03</b>	
<b>Supplies</b>						
5202	Equipment	0.00	200.95	200.95	(200.95)	0.00%
<b>Total Supplies</b>		<b>\$0.00</b>	<b>\$200.95</b>	<b>\$200.95</b>	<b>(\$200.95)</b>	
<b>Public Safety Totals</b>		<b>\$111,320.00</b>	<b>\$8,660.68</b>	<b>\$8,660.68</b>	<b>\$102,659.32</b>	
<b>Public Works</b>						
<b>Capital Outlay</b>						
6030	Buildings - Capital	35,000.00	0.00	0.00	35,000.00	0.00%
6020	Equipment - Capital	92,000.00	0.00	0.00	92,000.00	0.00%
6010	Vehicles - Capital	65,000.00	0.00	0.00	65,000.00	0.00%
<b>Total Capital Outlay</b>		<b>\$192,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$192,000.00</b>	
<b>City Projects</b>						
5655	CDBG	0.00	1,508.38	1,508.38	(1,508.38)	0.00%
5630	TDLR	10,300.00	2,858.81	2,858.81	7,441.19	27.76%
<b>Total City Projects</b>		<b>\$10,300.00</b>	<b>\$4,367.19</b>	<b>\$4,367.19</b>	<b>\$5,932.81</b>	
<b>Contract Labor</b>						
5105	Building Inspector	750.00	0.00	0.00	750.00	0.00%



**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Actual	Year-To-Date Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
5101	Contract Labor	15,000.00	0.00	0.00	15,000.00	0.00%
5102	Public Infrastructure	5,000.00	0.00	0.00	5,000.00	0.00%
	<b>Total Contract Labor</b>	<b>\$20,750.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$20,750.00</b>	
<b>Salaries &amp; Payroll</b>						
5007	FICA - Payroll Taxes	8,103.19	0.00	0.00	8,103.19	0.00%
5006	Health Insurance	21,481.92	1,711.24	1,711.24	19,770.68	7.97%
5004	Longevity Pay	64.00	0.00	0.00	64.00	0.00%
5012	LTD, STD and Life	1,890.67	0.00	0.00	1,890.67	0.00%
5003	Overtime	5,000.00	801.63	801.63	4,198.37	16.03%
5001	Salaries	105,924.00	8,244.72	8,244.72	97,679.28	7.78%
5005	TMRS	6,757.95	730.37	730.37	6,027.58	10.81%
5010	Unemployment	3,177.72	0.00	0.00	3,177.72	0.00%
5008	Worker's Comp	640.00	3.89	3.89	636.11	0.61%
	<b>Total Salaries &amp; Payroll</b>	<b>\$153,039.45</b>	<b>\$11,491.85</b>	<b>\$11,491.85</b>	<b>\$141,547.60</b>	
<b>Services</b>						
5385	Building Repairs	15,000.00	0.00	0.00	15,000.00	0.00%
5315	Electric / Trash	12,000.00	913.15	913.15	11,086.85	7.61%
5320	Equipment Rental	5,000.00	1,497.28	1,497.28	3,502.72	29.95%
5301	Fuel	8,000.00	801.75	801.75	7,198.25	10.02%
5335	Internet/Telephone	1,030.00	0.00	0.00	1,030.00	0.00%
5355	Miscellaneous Expense	1,500.00	0.00	0.00	1,500.00	0.00%
5395	Road Maintenance	50,000.00	2,563.94	2,563.94	47,436.06	5.13%
5345	Street Lights	11,940.00	491.28	491.28	11,448.72	4.11%
5303	Tolls	50.00	0.00	0.00	50.00	0.00%
5302	Tractor/ Truck Repairs	8,000.00	562.93	562.93	7,437.07	7.04%
5322	Training/ Dues/ Memberships	4,410.00	190.00	190.00	4,220.00	4.31%
	<b>Total Services</b>	<b>\$116,930.00</b>	<b>\$7,020.33</b>	<b>\$7,020.33</b>	<b>\$109,909.67</b>	
<b>Supplies</b>						
5202	Equipment	7,500.00	1,661.64	1,661.64	5,838.36	22.16%
5299	Miscellaneous Supplies	2,000.00	42.24	42.24	1,957.76	2.11%
5201	Office Supplies	3,000.00	40.00	40.00	2,960.00	1.33%
5207	Postage	500.00	0.00	0.00	500.00	0.00%
5222	Signs	8,000.00	0.00	0.00	8,000.00	0.00%
5203	Uniforms	3,500.00	0.00	0.00	3,500.00	0.00%
	<b>Total Supplies</b>	<b>\$24,500.00</b>	<b>\$1,743.88</b>	<b>\$1,743.88</b>	<b>\$22,756.12</b>	
	<b>Public Works Totals</b>	<b>\$517,519.45</b>	<b>\$24,623.25</b>	<b>\$24,623.25</b>	<b>\$492,896.20</b>	
	<b>Total Expenses</b>	<b>\$1,517,048.36</b>	<b>\$94,025.05</b>	<b>\$94,025.05</b>	<b>\$1,423,023.31</b>	

**GENERAL FUND**  
**Statement of Revenue and Expenditures**

		Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Total Revenue Less Expenditures</b>		<b>\$264,341.69</b>	<b>\$5,790.04</b>	<b>\$5,790.04</b>		
<b>Transfers Out</b>						
<b>Parks &amp; Recreation</b>						
<b>Transfer Expense</b>						
9100	Transfers Out	142,973.00	0.00	0.00	142,973.00	0.00%
<b>Total Transfer Expense</b>		<b>\$142,973.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$142,973.00</b>	
<b>Parks &amp; Recreation Totals</b>		<b>\$142,973.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$142,973.00</b>	
<b>Public Works</b>						
<b>Transfer Expense</b>						
9100	Transfers Out	85,000.00	0.00	0.00	85,000.00	0.00%
<b>Total Transfer Expense</b>		<b>\$85,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$85,000.00</b>	
<b>Public Works Totals</b>		<b>\$85,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$85,000.00</b>	
<b>Total Transfers Out</b>		<b>\$227,973.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$227,973.00</b>	
<b>Total</b>	<b>Net Change in Fund Balance</b>	<b>\$36,368.69</b>	<b>\$5,790.04</b>	<b>\$5,790.04</b>		

**Fund Balances**

Beginning Fund Balance	0.00	1,794,390.57	1,794,390.57	0.00%
Net Change in Fund Balance	36,368.69	5,790.04	5,790.04	0.00%
Ending Fund Balance	0.00	1,800,180.61	1,800,180.61	0.00%

**Building Security Fund**  
**Statement of Revenue and Expenditures**

	Annual Budget Oct 2022 Sep 2023	Current Period Oct 2022 Oct 2022 Actual	Year-To-Date Oct 2022 Oct 2022 Actual	Annual Budget Oct 2022 Sep 2023 Variance	Oct 2022 Sep 2023 Percent of Budget
<b>Revenue &amp; Expenditures</b>					
<b>Expenses</b>					
<b>Court Building Security</b>					
<b>Supplies</b>					
5202 Equipment	0.00	2,114.91	2,114.91	(2,114.91)	0.00%
<b>Total Supplies</b>	<b>\$0.00</b>	<b>\$2,114.91</b>	<b>\$2,114.91</b>	<b>(\$2,114.91)</b>	
<b>Court Building Security Totals</b>	<b>\$0.00</b>	<b>\$2,114.91</b>	<b>\$2,114.91</b>	<b>(\$2,114.91)</b>	
<b>Total Expenses</b>	<b>\$0.00</b>	<b>\$2,114.91</b>	<b>\$2,114.91</b>	<b>(\$2,114.91)</b>	
<b>Total Revenue Less Expenditures</b>	<b>\$0.00</b>	<b>(\$2,114.91)</b>	<b>(\$2,114.91)</b>		
<b>Total Net Change in Fund Balance</b>	<b>\$0.00</b>	<b>(\$2,114.91)</b>	<b>(\$2,114.91)</b>		
<b>Fund Balances</b>					
Beginning Fund Balance	0.00	0.00	0.00		0.00%
Net Change in Fund Balance	0.00	(2,114.91)	(2,114.91)		0.00%
Ending Fund Balance	0.00	(2,114.91)	(2,114.91)		0.00%



**City of New Fairview  
City Council  
Regular Meeting  
999 Illinois Lane  
Monday, November 7, 2022, at 7:00 pm**

**THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 7TH DAY OF NOVEMBER IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING MEMBERS PRESENT:**

**CITY COUNCIL**

**Mayor John Taylor  
Mayor Pro Tem Steven King  
Place 1 Councilwoman Harvey Lynn Burger  
Place 2 Councilman John Fissette  
Place 3 Councilman Walter Clements**

**City Staff**

**John Cabrales Jr, City Administrator  
Brooke Boller, City Secretary  
Robert (Robin) Cross, City Attorney (Virtual)**

**Absent**

**Place 5 Councilman Jimmy Royston**

**REGULAR SESSION**

- 1. Call to Order and Determination of Quorum (Regular Session called to order by Mayor John Taylor at 8:27pm; Roll Call with the above-mentioned names.)**
- 2. Pledge to the Flags.**
  - A. United States of America
  - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
- 3. Public Comment:** 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.

4. **Consent Agenda:** All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. 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.
  - A. Approval of the October 2022 Financial Report.
  - B. Approve the City Council Meeting minutes for October 17, 2022.  
**Motion: Councilman Walter Clements**  
**Second: Councilman John Fissette**  
**Vote: All in Favor**  
**Results: The October 2022 financial report was removed from consent. The City Council Meeting Minutes from October 17, 2022 were approved.**
  
5. **New Business:** All matters listed in New Business will be discussed and considered separately.
  - A. Receive, consider, and act on a Resolution authorizing the City Administrator to execute a Professional Services Agreement with MHW Group, PC to conduct the annual audit for the fiscal year ending on September 30, 2022.  
**Motion: Councilman John Fissette**  
**Second: Councilman Walter Clements**  
**Vote: All in Favor**
  - B. **Result: A Resolution authorizing the City Administrator to execute a Professional Services Agreement with MHW Group, PC to conduct the annual audit for the fiscal year ending on September 30, 2022 was approved.**
  - C. Receive, consider, and act on authorizing the purchase of a Crack Seal Trailer through Sourcewell.  
**Motion: Councilman John Fissette**  
**Second: Councilman Walter Clements**  
**Vote: All in Favor**  
**Result: Council approved the purchase of a Crack Seal Trailer through Sourcewell.**
  - D. Receive, consider, and act on authorizing the purchase of a KM8000T Hotbox Trailer through Sourcewell.  
**Motion: Councilman John Fissette**  
**Second: Councilman Walter Clements**  
**Vote: All in Favor**  
**Result: Council approved the purchase of a KM8000T Hotbox Trailer through Sourcewell.**
  - E. Receive, consider and act on appointing members to the Planning and Zoning Commission.  
**Motion: Councilman John Fissette**  
**Second: Councilman Walter Clements**  
**Vote: All in Favor**  
**Result: Lisa Cabrera was appointed to Place 2 on the Planning and Zoning Board.**

6. **Executive Session:** In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:
- A. § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Employment Agreement for John Cabrales, Jr.
  - B. §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Employment Agreement for John Cabrales, Jr.
- Council left for executive session at 9:08pm.**

7. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.
- Council returned to Open Session at 9:46pm**

8. Adjournment
- Motion: Councilman Walter Clements**  
**Second: Councilman Harvey Lynn Burger**  
**Vote: All in Favor**  
**Result: Meeting was adjourned at 9:50pm**

**MINUTES APPROVED ON THIS, THE 21ST DAY OF NOVEMBER 2022:**

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**John Taylor, Mayor**

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**Brooke Boller, City Secretary**



## CITY COUNCIL AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

November 21, 2022

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### Resignation of Office by a Council Member

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#### **DESCRIPTION:**

Receive, consider, and act upon the resignation of office by a Council Member.

#### **BACKGROUND INFORMATION:**

On November 7, Jimmy D. Royston submitted a signed letter of resignation from the City Council Place Five (5) position (attached). He was elected to this position on May 7, 2022.

Per the TEXAS LOCAL GOVERNMENT CODE Section 22.012:

RESIGNATION OF ELECTED OR APPOINTED MUNICIPAL OFFICER. A municipal officer elected or appointed under this chapter *may resign by submitting the resignation in writing to the governing body of the municipality. The resignation is subject to the approval and acceptance of the governing body.* However, a person who is appointed by the mayor may submit the written resignation to the mayor for the mayor's action.

Additionally, the TEXAS ELECTION CODE Section 201.023 requires:

RESIGNATION. If an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs *on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier.*

And the TEXAS ELECTION CODE SEC. 201.002. states:

AUTHORITY TO ACT ON RESIGNATION OR DECLINATION. *Unless otherwise provided by law, the authority to act on a public officer's resignation or an officer-elect's declination is the officer or body authorized to make an appointment or order a special election to fill a vacancy in the office.*

So, for the resignation to be effective, it must be written; signed; submitted to the City's governing body; and the earlier of its acceptance by Council or eight (8) days following the date of its receipt by the City. Eight days following the receipt was November 15, 2022.

**FINANCIAL CONSIDERATION:**

None

**RECOMMENDED MOTIONS:**

I move to **Take No Action On** the resignation of office by Jimmy D Royston for the City Council Place Five (5) position.

**ATTACHMENT(S):**

1. Resignation Letter



November 7, 2022

Mayor John Taylor  
City of New Fairview  
999 Illinois Lane  
New Fairview, TX 76078

Dear Mayor Taylor,

I am writing to inform you that effective today, November 7, 2022, I am resigning my position as Place 5 on the New Fairview City Council. I will be relocating out of the city limits later this month and I wanted to provide timely notice of the vacancy of my seat on the council. It has been a pleasure working with you, the city administrator, city staff, and the other members of the city council to help improve the local government and move the city forward in a positive direction. I would also like to thank the citizens of New Fairview for their support in my tenure as one of their representatives. I wish you and the rest of the council the best of luck in your future endeavors with the city.

Respectfully,

A handwritten signature in blue ink that reads "Jimmy D. Royston". The signature is written in a cursive, flowing style.

Jimmy D. Royston  
14920 Lost Wagon St.  
New Fairview, Texas 76247



## CITY COUNCIL AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

November 21, 2022

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### Appointment of City Council Place 5

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#### **DESCRIPTION:**

Receive, consider, and act on filling the vacancy for City Council Place 5.

#### **BACKGROUND INFORMATION:**

On November 7, Jimmy D. Royston submitted a signed letter of resignation from the City Council Place Five (5) position. Eight days have lapsed since the receipt of his resignation, triggering a vacancy in the position under the Texas Election Code. Consistent with the Texas Local Government Code, rather than incur the expense of ordering a special election to fill the vacancy, Mayor Taylor instructed staff to collect applications from residents interested in being considered for appointment to this vacant council position, for the Council's consideration at this meeting. The appointment will be to fill the remainder of the term, until the next general municipal election in May 2023.

The City received applications from the following residents, and the City Secretary has confirmed that they are residents of the city:

1. Scott G Johnson
2. Richard Greene

#### **FINANCIAL CONSIDERATION:**

None

#### **RECOMMENDED MOTIONS:**

I move to **appoint** \_\_\_\_\_ to the vacant City Council Place 5 position.

#### **ATTACHMENT(S):**

1. Applications



**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: John Cabrales Jr, City Administrator

November 21, 2022

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**Canvass the Results of the Nov. 8 Special Election**

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**DESCRIPTION:**

Receive, consider, and act on a Resolution canvassing and declaring the results of the Special Election held on November 8, 2022, for the purpose of determining if the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates from the city.

**BACKGROUND INFORMATION:**

The Denton County and Wise County Elections Administrators have provided the official results of the Special Election for the City's Proposition "A," determining whether the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates.

The following is a resolution canvassing the certified November 8, 2022 Special Election results for the election held by Wise and Denton Counties, for the City of New Fairview. Canvassing of the election results is a formality, required by Chapter 62, Texas Election Code. The results are presented as official by both Wise and Denton County Election Administrators to the City of New Fairview City Secretary; therefore, the resolution effectively outlines those results for approval. Adoption of this Resolution will formally canvass the official election returns of the Special Election held on November 8, 2022, for the purpose of determining whether the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates from the city.

The certified results for Wise County and Denton County are attached to the Resolution. These results show that the disannexation of Falcon Ridge Estates from the City of New Fairview's boundaries was approved by a majority of the voters.

The results become final once adopted by the City Council.

**FINANCIAL CONSIDERATION:**

None

**RECOMMENDED MOTION:**

I move to **Approve** a Resolution canvassing and declaring the certified results of the Special Election held on November 8, 2022, for the purpose of determining if the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates from the City.

**ATTACHMENT(S):**

1. Wise County Results
2. Denton County Results
3. Resolution 202211-02-103

City of New Fairview Precinct

Denton County

Unofficial Results

Registered Voters

190 of 250 = 76.00%

Precincts Reporting

2 of 2 = 100.00%

General & Special Elections

11/8/2022

Page 1

Run Time 12:53 PM

Run Date 11/15/2022

4194

190 of 250 registered voters = 76.00%

City of New Fairview Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		3	100.00%	130	92.20%	34	73.91%	167	87.89%
Against		0	0.00%	11	7.80%	12	26.09%	23	12.11%
Cast Votes:		3	100.00%	141	100.00%	46	100.00%	190	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

City of New Fairview Precinct

Denton County

Unofficial Results

Registered Voters

190 of 250 = 76.00%

Precincts Reporting

2 of 2 = 100.00%

General & Special Elections

11/8/2022

Page 2

Run Time 12:53 PM

Run Date 11/15/2022

4220

0 of 0 registered voters = 0.00%

City of New Fairview Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

\*\*\* End of report \*\*\*

Cumulative Results Report

WISE COUNTY, TEXAS

Official Results

OFFICIAL

NOVEMBER 8, 2022 GENERAL AND SPECIAL ELECTION

Registered Voters

25893 of 50036 = 51.75%

Precincts Reporting

54 of 54 = 100.00%

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11/8/2022

Run Date 11/17/2022

Page 4

**JUSTICE, 2ND COURT OF APPEALS DISTRICT, PLACE 3 - Vote for None or One**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
ELIZABETH KERR	REP	590	67.66%	14,316	87.34%	7,181	87.96%	22,087	86.86%
DELONIA A. WATSON	DEM	282	32.34%	2,076	12.66%	983	12.04%	3,341	13.14%
Cast Votes:		872	100.00%	16,392	100.00%	8,164	100.00%	25,428	100.00%

**CITY OF PARADISE, PLACE 1 - Vote for None or One**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
CODY ANDERSON - UNOPPOSED		2	100.00%	107	100.00%	70	100.00%	179	100.00%
Cast Votes:		2	100.00%	107	100.00%	70	100.00%	179	100.00%

**CITY OF PARADISE, PLACE 2 - Vote for None or One**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
LELAND WHITSITT		4	100.00%	45	35.71%	28	38.36%	77	37.93%
ROY A. STEEL		0	0.00%	38	30.16%	24	32.88%	62	30.54%
JESSIE ROTH		0	0.00%	43	34.13%	21	28.77%	64	31.53%
Cast Votes:		4	100.00%	126	100.00%	73	100.00%	203	100.00%

**CITY OF PARADISE, PLACE 3 - Vote for None or One**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FRANCES PRINDLE		2	66.67%	42	34.43%	29	42.03%	73	37.63%
LANCE TUCKER		1	33.33%	80	65.57%	40	57.97%	121	62.37%
Cast Votes:		3	100.00%	122	100.00%	69	100.00%	194	100.00%

**CITY OF PARADISE, PROPOSITION A - Vote For or Against**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		2	33.33%	90	67.67%	57	67.86%	149	66.82%
AGAINST		4	66.67%	43	32.33%	27	32.14%	74	33.18%
Cast Votes:		6	100.00%	133	100.00%	84	100.00%	223	100.00%

**CITY OF NEW FAIRVIEW, PROPOSITION A - Vote For or Against**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		5	71.43%	71	43.29%	71	40.80%	147	42.61%
AGAINST		2	28.57%	93	56.71%	103	59.20%	198	57.39%
Cast Votes:		7	100.00%	164	100.00%	174	100.00%	345	100.00%



**RESOLUTION NO. 202211-02-103**

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE NOVEMBER 8, 2022, SPECIAL ELECTION OF THE CITY OF NEW FAIRVIEW, TEXAS FOR THE PURPOSE OF A PROPOSITION RELATING TO THE DISANNEXATION OF FALCON RIDGE ESTATES FROM THE CITY'S INCORPORATED BOUNDARIES; DECLARING OPEN MEETING COMPLIANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on July 18, 2022, Mayor John Taylor issued an Election Order for a Special Election for the disannexation of Falcon Ridge Estates from the City of New Fairview, resulting from the receipt of a certified petition by residents located in Falcon Ridge Estates; and

**WHEREAS**, the City Council has investigated all matters pertaining to the Special Election and has determined that notice of said Special Election was actually given as required by law, and said election was duly and legally held on November 8, 2022, in conformity with the election laws of the State of Texas, and the results of said Special Election have been certified and returned to the City Council by the proper judges and clerks thereof; and

**WHEREAS**, final confirmation of the election results from the Wise and Denton County Elections Administrators were provided to the City Secretary on November 17, 2022; and

**WHEREAS**, in accordance with Chapter 67, of the Texas Election Code, the City Council has today considered the returns of the Special Election held on November 8, 2022, for the proposition set forth below; and

**WHEREAS**, it further appears to the City Council, and the Council so finds, that the City Secretary has tabulated the results of said Special Election and certified such tabulation for the City Council, and that there were cast at said Special Election 533 votes, and that the tabulation of the result of the election is correct.

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

**SECTION 1.** The Special Election of Nov. 8, 2022, was duly called, notice of the election was given in accordance with law, and the election was held in accordance with law.

**SECTION 2.** The tabulation of votes cast in the Special Election held on Nov. 8, 2022, for the purposes stated above, a copy of which is attached to and made a part of this resolution,



is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the City of New Fairview as the official canvass of the election.

**SECTION 3.** The official canvass of the returns of the election reflects the following:

**PROPOSITION A**

“Shall the City of New Fairview Texas municipal boundaries be decreased by the Disannexation of Falcon Ridge Estates from the City of New Fairview, Texas?”

	<b>Wise</b>		<b>Denton</b>	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Early Votes	76	95	131	11
Election Day	<u>71</u>	<u>103</u>	<u>34</u>	<u>12</u>
<b>TOTAL</b>	<b>147</b>	<b>198</b>	<b>165</b>	<b>23</b>
<b>TOTAL FOR:</b>	<b>312</b>			
<b>TOTAL AGAINST:</b>		<b>221</b>		

**SECTION 4.** That Proposition A received a majority of the votes FOR decreasing the City’s municipal boundaries by the disannexation of Falcon Ridge Estates from the City of New Fairview, Texas.

**SECTION 5.** That if any part or parts of this Resolution are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this resolution is considered severable.

**SECTION 6.** It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, of the Texas Local Government Code.

**SECTION 7.** This Resolution shall become effective immediately upon passage.

**PRESENTED AND PASSED** on this 21<sup>st</sup> day of November 2022, at a Regular Meeting of the New Fairview City Council.

\_\_\_\_\_  
JOHN TAYLOR, Mayor

ATTEST:

\_\_\_\_\_  
BROOKE BOLLER, City Secretary

# Proclamation

by the

## City Council of the City of New Fairview, Texas

**WHEREAS**, John Fissette, City Council Member Place 2, has served on the New Fairview City Council since May 2022; and

**WHEREAS**, during his time on the council he was instrumental in the formulation and passage of the Fiscal Year 2022-23 Budget that focused on City Council priorities, while decreasing the tax rate; and

**WHEREAS**, John was a champion for the construction of the first City park, for the annexation and development agreement of Paloma Ranch Phases 3 and 4; and

**WHEREAS**, he was supportive of public safety and the new contracts for fire and emergency medical services, and was a major sponsor of the “Truck or Treat” event co-hosted between the City and East Wise Fire Rescue; and

**WHEREAS**, he has served the citizens of New Fairview fairly and justly, always weighing the issues and placing the welfare of the community as his highest priority; and

**WHEREAS**, his ability to work in harmony with other members of the City Council and community has been a valuable asset in managing the growth and development of New Fairview and has earned the admiration and respect of the citizens; and

**NOW, THEREFORE, BE IT PROCLAIMED that I, John Taylor, Mayor of the City of New Fairview, and on behalf of the City Council, do hereby recognize and extend our heartfelt appreciation to John Fissette for his outstanding service, dedication, and commitment to the citizens of New Fairview, Texas.**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of New Fairview, Texas to be affixed this the 21<sup>ST</sup> day of November, 2022.

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JOHN TAYLOR, MAYOR

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ATTEST:  
BROOKE BOLLER, CITY SECRETARY

# Proclamation

by the

## City Council of the City of New Fairview, Texas

**WHEREAS**, Jimmy Royston, City Council Member Place 5, has served on the New Fairview City Council since May 2022; and

**WHEREAS**, during his time on the council he was supportive of public safety and the new contracts for fire and emergency medical services; and

**WHEREAS**, Jimmy also supported infrastructure improvements like the reconstruction of County Road 4717, and the drainage improvement project for Wilson Court and Creasser Lane; and

**WHEREAS**, he has devoted his time and effort towards making the community of New Fairview a better place to live and work; and

**WHEREAS**, during his term he has been a champion for transparency, open government, and fiscal conservatism; and

**WHEREAS**, through his dedication to the betterment of the community he has earned the admiration and respect from the people whom he has come in contact and the citizens he has served.

**NOW, THEREFORE, BE IT PROCLAIMED that I, John Taylor, Mayor of the City of New Fairview, and on behalf of the City Council, do hereby recognize and extend our heartfelt appreciation to Jimmy Royston for his outstanding service, dedication, and commitment to the citizens of New Fairview, Texas.**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of New Fairview, Texas to be affixed this the 21<sup>st</sup> day of November, 2022.

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JOHN TAYLOR, MAYOR

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ATTEST:  
BROOKE BOLLER, CITY SECRETARY



## CITY COUNCIL AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

November 21, 2022

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### City Council Procedures and Decorum Policy

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#### **DESCRIPTION:**

Receive, consider, and act on a Resolution amending Resolution 2020-17-107 and the City Council Procedures and Decorum Policy.

#### **BACKGROUND INFORMATION:**

On June 1, 2020, the Council passed "The New Fairview City Council Procedures & Decorum Policy" (Resolution 2020-17-107) and updated it on May 17, 2021. The policy was designed to ensure effective and efficient governance, and addresses Mayor and Council relations, Council and Staff relations, and Council and media relations. The policy also addresses procedures for adding items onto meeting agendas, and structure and procedures of the meetings.

Staff was asked to review the policy's requirements for Council members City Council meeting attendance. While attendance is defined in the "Definitions" section of the Policy, absences or procedures for excusing absences is not addressed.

#### **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.

The City's Code of Ordinances does reference absences in Chapter 2 "Administration and Personnel", Section 2.04.005:

Sec. 2.04.005 Attendance at meetings

Attendance of all officers at meetings of their respective office shall be mandatory unless excused. In order for an absence to be considered excused, an officer shall be responsible for notifying the mayor or chairperson in the event of

an absence prior to any meeting. If the officer notifies the mayor, mayor pro-tem, deputy mayor pro-tem or chairperson in any other manner or after the absence, the validity of the excuse shall be decided by the membership of the council or board. A partial absence and a complete absence shall be considered the same. The officers may compel attendance of their members at all of their respective meetings. (Ordinance 2007-02-117, sec. 6, adopted 3/20/07)

The Texas Local Government Code Sec. 22.041 addresses absences of an alderman (city council member) and their legal removal from office for the absence of three consecutive meetings.

Sec. 22.041. VACANCY ON GOVERNING BODY IS CREATED.

(a) If an alderman moves from the ward from which the alderman is elected, the alderman's office is considered vacant.

(b) If a member of the governing body is absent for three regular consecutive meetings, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a regular meeting.

(c) In addition to an absence described by Subsection (b), a member of a governing body is also considered absent for the purposes of that subsection if the member is not present at the adjournment of a meeting at which a quorum is established, unless the member is first allowed to withdraw by the unanimous vote of the members present. This subsection applies only to a municipality that is located in a county with a population of 800,000 or more that is adjacent to an international border.

Excused absences are determined by state law. The Texas Local Government Code Section 22.038(d) provides that "A [Council member] shall be fined \$3 for each meeting that the alderman fails to attend unless the absence is caused by the alderman's illness or the illness of a family member."

However, the policy could include that the Council member notify the City Secretary prior to the meeting of their intended absence, as follows:

Compelling Attendance: It will be the duty of the Council member to notify the City Secretary in writing, prior to the meeting at which he or she is going to be absent. The City Secretary will record each Council member as being present or absent as a part of the minutes prepared for each council meeting. The City Secretary shall also retain any requests for excused absence and notify the Mayor when a Council member has missed two meetings without the absence being excused.

The Council held a work session discussion on this issue on July 18, 2022, and staff was directed to revise the Policy by add the state law language governing the rules on excused and unexcused absences. The amended City Council Procedures and Decorum Policy being considered has added this language.

On October 3, 2022, the Council passed a Resolution (202210-01-100) repealing Resolution 2019-R002-088 and amending Resolution 2020-17-107, regarding rules for meetings of the City Council. The passage of the resolution established two regular scheduled meetings during each calendar month. This allows the Council to establish a quorum with a majority of the members present at the meetings. Since “Regular” meetings are mentioned in Sec. 22.041(b) Tex. Loc. Gov’t. Code as well as Section 1-120 of the existing Policy, the amended version being considered contains this revision as well.

Staff has also made some Changes to Section 1-140 “Order of Business” to include an opportunity for Council to make announcements and give special recognitions. Also, a section has been added to allow the City Administrator to give a report on the status of current city projects, community events, city board actions or departmental operations. At the end of the meeting the Mayor and City Council Members will be allowed to make announcements or reports on items of community interest and can propose to place items on future agendas.

Staff recommends approval of the Resolution.

**FINANCIAL CONSIDERATION:**

None

**RECOMMENDED MOTIONS:**

I move to **Approve/Deny** a Resolution amending Resolution 2020-17-107 and the City Council Procedures and Decorum Policy.

**ATTACHMENT(S):**

1. City Council Procedures and Decorum Policy (Amended)
2. Resolution 202211-03-104



# 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 Epehebic 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 and third 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. 1-121 – Attendance and Excused Absences at Meetings

For the purposes of Regular, Work Session and Special Meetings of the City Council, if a member of the City Council is absent for three regular consecutive meetings, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a regular meeting (Texas Local Government Code Sec. 22.041). Excused absences are limited to an absence that is caused by the illness of the City Council Member, or the illness of a family member. It will be the duty of the City Council Member to notify the City Secretary in writing, prior to the regular meeting at which he or she is going to be absent. The City Secretary will record each City Council Member as being present or absent as a part of the minutes prepared for each council meeting. The City Secretary shall also retain any requests for excused absence

and notify the Mayor when a City Council Member has missed two meetings without the absence being excused. The City Secretary shall notify the Mayor Pro Tem when the Mayor has missed two meetings without the absence being excused.

## 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) Announcements & Special Recognitions - The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented by the City Council.
- (4) City Administrator’s Report - The City Administrator’s Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city’s boards and commissions, upcoming local community events, including but not limited to departmental operations and capital improvement project status. No action will be taken with respect to this report.
- (5) Public Comment – 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. Public comment shall be at the beginning of any Council agenda for any meeting at which the Council is going to take action.

- (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) 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 to speak.
  - (8) 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 to speak.
  - (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) Return to Open Session – Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.
  - (11) Mayor & Council Member Announcements – The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
  - (12) 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](mailto: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 OF NEW FAIRVIEW, TEXAS  
RESOLUTION 202211-03-104**

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, AMENDING RESOLUTION 2020-17-107, RULES FOR MEETINGS OF THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of New Fairview, Texas is a Type A general-law municipality located in Wise and Denton Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council adopted the “Procedures and Decorum Policy” on June 1, 2020 by Resolution 2020-17-107; and

**WHEREAS**, the City Council on October 3, 2022, amended Resolution 2020-17-107, establishing two regular scheduled meetings during each calendar month; and

**WHEREAS**, the City Council finds it appropriate to now amend Resolution 2020-17-107, changing the rules on excused and unexcused absences to be consistent with state law, and made some changes to the “Order of Business” for council meetings.

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

**SECTION 1.** That the City Council hereby amends Resolution 2020-17-107, the “Procedures and Decorum Policy”, so that the rules on excused and unexcused absences will be consistent with state law and change the “Order of Business” for council meetings.

**SECTION 2:** This Resolution shall take effect immediately upon its passage, as provided by law.

**PRESENTED AND PASSED** on this 21<sup>st</sup> day of November 2022, at a regular meeting of the New Fairview City Council.

\_\_\_\_\_  
JOHN TAYLOR, Mayor

ATTEST:

\_\_\_\_\_  
BROOKE BOLLER, City Secretary