

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Heber City Council Meeting**

**January 6, 2026**

**4:00 p.m. Work Meeting  
6:00 p.m. Regular Meeting**

**TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS**

**I. WORK MEETING - 4:00 P.M.**

1. Oath of Office and Reception for Elected Officials: Mayor Heidi Franco; Council Member Yvonne Barney; Council Member Morgan Murdock (Trina Cooke, City Recorder) - *30 min*
2. Committees Review of 2025 Reports: - *40 min*
  - Airport Advisory Board (AAB) - *20 min*
  - Historical Commission - *20 min*
3. Strength, Weakness, Opportunities and Threat (SWOT) Presentations: - *40 min*
  - Building Division SWOT - *5 min*
  - Planning Division SWOT - *5 min*
  - Finance SWOT - *5 min*
  - Airport SWOT - *5 min*
  - Public Works SWOT - *5 min*
  - Engineering SWOT - *5 min*
  - Police Department SWOT - *5 min*
  - Human Resources SWOT - *5 min*

**II. BREAK - 10 MIN**

**III. REGULAR MEETING - 6:00 P.M.**

1. Call to Order
2. Pledge of Allegiance (Aaron Cheatwood, Council Member)
3. Prayer/Thought by Invitation (Mike Johnston, Council Member)

**IV. AWARDS, RECOGNITION, and PROCLAMATIONS:**

1. Oath of Office for Benicio Alvarado, Lucas Hyer, Riley Ingram, Jeremy Nelson, and K-9 Bane

**V. CONFLICT OF INTEREST DISCLOSURE:**

**VI. CONSENT AGENDA:**

1. Approval of December 2, 2025, City Council Meeting Minutes and December 16, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Council Member Board Assignments (Heidi Franco, Mayor)

**VII. PUBLIC COMMENTS:** (3 min per person/20 min max)

**VIII. GENERAL BUSINESS ITEMS:**

1. Garbett Homes presentation on proposed Bluestone development located at approximately 830 East Center Street (continued discussion from December 16) (Tony Kohler, Community Development Director) - *30 min*

**IX. ACTION ITEMS:** (Council can discuss; table; continue; or approve items)

1. Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure (Ryan Bunnell) - *30 min*
2. Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor (Russ Funk, City Engineer) - *30 min*
3. Discussion and approval of extra questions for USU Wellbeing Survey (Heidi Franco, Mayor) - *10 min*
4. Resolution 2026-01 to Adopt an Artificial Intelligence (AI) Policy (Lainee Meyers) - *30 min*

**X. COMMUNICATION:**

**XI. ADJOURNMENT:**

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media. In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on December 31, 2025 in the Heber City Municipal Building located at 75 North Main, the Heber City Website at [www.heberut.gov](http://www.heberut.gov), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

# Heber City Historic Preservation Commission 2025 Report

Heber City Council, January 6, 2026

# Commission Members

- Kristi Bond
- Catherin Dalton
- McKay King
- Harvey Horner
- Michael Seiter
- Ron Carlile



# Monument Signs Unveiled July 28

Today marks the unveiling of the final four monument signs completing the Heber City Historic Walking Tour in Central Heber. Congratulations to the Heber Heritage Foundation for their dedicated efforts in creating these lasting memorials that highlight key chapters in our community's legacy:

- The original site of the first Wasatch High School
- The one-room Sleepy Hollow Schoolhouse that later became Central School
- The Historic Social Hall
- The Wasatch Stake Tabernacle, now serving as the Heber City Offices

Together, these monuments help tell the story of Heber's early development and honor the pioneering spirit of those who shaped our valley.



# Heber City 100 Years in Community Exhibition July – Sept



## Olympic Torch.

CHERRY HARDY CARRIED THE FLAME DOWN MAIN STREET AS HEBER CITY PROUDLY SUPPORTED THE 2002 WINTER GAMES AND HOSTED EVENTS AT SOLDIER HOLLOW.

## Gold Standard.

HEBER'S OWN CAIL SANDERSON BROUGHT HOME OLYMPIC GOLD IN FREESTYLE WRESTLING—CAPPING OFF A LEGENDARY 159-0 COLLEGE CAREER.



## Eastward Expansion.

THE EARLY 2000S SAW RAPID DEVELOPMENT EAST OF 500 EAST, GIVING RISE TO THE TOWN "OLD TOWN" AND REDEFINING THE CITY'S FOOTPRINT.



## A Place of Refuge.

CONSTRUCTION BEGAN ON THE CHURCH-OWNED HEBER VALLEY CAMP HIGH IN THE MOUNTAINS EAST OF HEBER CITY.



## Aviation Takes Flight.

FOUNDED IN 2009 BY WWII VETERANS, THE HEBER-BASED CAF UTAH WING MUSEUM PRESERVES VINTAGE AIRCRAFT AND HONORS AVIATION HISTORY AT THE LOCAL AIRPORT.

## Rec Center Rises.

AFTER BEAR CREEK'S 2005 PLANT CLOSURE, THE 135,000-SQ. FT. FACILITY FOUND NEW LIFE IN 2018 AS WASATCH COUNTY'S BUSTLING RECREATION HUB.



## Walmart Opens, Heber Shifts.

IN 2007, RESIDENTS DEBATED WALMART'S ARRIVAL. DESPITE GRASSROOTS RESISTANCE, THE VOTE PASSED—USHERING IN A NEW PHASE OF COMMERCIAL GROWTH.



## Art in the Heart.

FROM VIBRANT MURALS TO HANDCRAFTED SCULPTURES, AND LIVE MUSIC VENUES TO HISTORIC THEATRES, HEBER CITY'S ARTISTIC DOWNTOWN CELEBRATES CREATIVITY, COMMUNITY, AND THE POWER OF LOCAL EXPRESSION.

## A Thriving Main Street.

BOHEMIAN SHOPS AND LARGER CHAINS LINE HEBER'S MAIN STREET, AN EVOLVING COMMUNITY—BALANCING SMALL-TOWN CHARM WITH GROWING DEMAND.



## Heber Valley Temple.

ANNOUNCED DURING THE OCTOBER 2021 GENERAL CONFERENCE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS BY PRESIDENT RUSSELL M. NELSON.





# Crook Family Cabin



# Reconnaissance Level Survey November '25 - Summer '26

Kirk Huffaker Preservation Strategies selected to complete the

Kirk Huffaker Preservation Strategies (KHPS) is a professional historic preservation firm specializing in community revitalization through survey, documentation, designation, rehabilitation, preservation planning, and strategic planning. Our work focuses on historic narratives based on place as a nexus where architecture, planning, culture, and meaning intersect. KHPS has extensive experience in reconnaissance level surveys, having conducted 18 reconnaissance level surveys within the last five years in Utah.

To begin work November 2025 Deliverables summer/fall 2026



# Quarterly Meeting

**Date:** January 12, 2026

**Time:** 12:00-1:00 pm

**Location:** Heber City Council Chambers

**Summary:** City Council Members, the Mayors Office, and the general public are invited to attend a presentation on the reconnaissance survey, which will cover its scope, methodology, and key findings.

## BUILDING DEPARTMENT SWOT ANALYSIS

2025

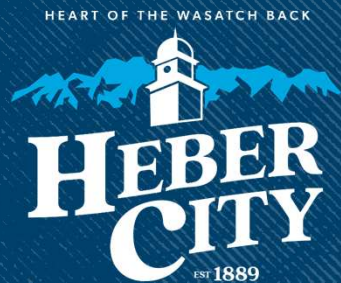
<p><b>STRENGTHS:</b></p> <ol style="list-style-type: none"> <li>1. Knowledgeable Staff with ongoing education in both Permit technician and Inspectors.</li> <li>2. Inspections completed digitally online with IPad improving efficiency and record keeping.</li> <li>3. Longer inspection hours to meet contractors needs 7:30 A.M – 4:30 PM</li> <li>4. Expanded plan review services, has saved city <b>\$140,000 between Jan-November in 2025</b></li> <li>5. Revised shear inspections to encompass all framing, focusing on framing and more comprehensive inspections.</li> </ol>	<p><b>OPPORTUNITIES:</b></p> <ol style="list-style-type: none"> <li>1. Hire New Permit tech using savings generated from plan review fees so they can learn system and relieve work load.</li> <li>2. Improved customer service through reduced turnaround times and better front-counter coverage.</li> <li>3. Chance to capture institutional knowledge from senior staff before they retire.</li> <li>4. Create a Building Inspector IV position to provide a defined career advancement pathway, improve employee retention, and remain competitive with neighboring jurisdictions that offer Inspector IV classifications.</li> </ol>
<p><b>WEAKNESSES:</b></p> <ol style="list-style-type: none"> <li>1. Aging workforce approaching retirement for permit tech, increasing risk of knowledge loss (permit tech need to train longer than 2 weeks for this position)</li> <li>2. No staffing redundancy—when the Permit Technician is sick or on vacation, permitting operations are delayed.</li> <li>3. Interdepartmental delays for permit issuance have put us at odds with state mandates of 3 days to reject or accept submitted plans. (have they submitted all the correct documents)</li> </ol>	<p><b>THREATS:</b></p> <ol style="list-style-type: none"> <li>1. Retirement of key employees could create immediate and major service issues.</li> <li>2. Loss of institutional knowledge if new staff are not hired early enough to train</li> <li>3. Experienced inspectors could leave to a jurisdiction with a Inspector IV position that we don't offer</li> <li>4. Continued growth in the Wasatch Back region, including planned housing and apartment projects, may overwhelm current staffing levels</li> </ol>

# BUILDING MAINTENANCE DEPARTMENT SWOT ANALYSIS

2025

<p><b>STRENGTHS:</b></p> <ol style="list-style-type: none"> <li>1. Highly skilled employee with extensive knowledge of city facilities and infrastructure.</li> <li>2. In-house capabilities that reduce reliance on outside contractors for many maintenance needs.</li> <li>3. Strong emphasis on preventative maintenance to avoid costly repairs and downtime.</li> <li>4. Consistently focus on safety and building code compliance.</li> <li>5. Adaptable and responsive, able to address unexpected issues and shift quickly to high-priority tasks.</li> </ol>	<p><b>OPPORTUNITIES:</b></p> <ol style="list-style-type: none"> <li>1. Hire a new employee to meet the work load demands and improve safety.</li> <li>2. Expand and strengthen the preventative maintenance program increased staffing.</li> <li>3. Provide additional training on building systems, including HVAC, Plumbing systems, ADA compliance, and more.</li> <li>4. Improve customer service and response times with new hire.</li> <li>5. Increase collaboration with other departments—such as IT—to ensure projects are completed correctly and efficiently.</li> </ol>
<p><b>WEAKNESSES:</b></p> <ol style="list-style-type: none"> <li>1. Single employee is responsible for all city buildings and maintenance tasks and supplies. (14 total not including pavilions at parks)</li> <li>2. Limited staffing results in delays for larger two-person jobs, currently sharing staff member with public works an arrangement that is proving ineffective for both departments</li> <li>3. High workload leads to ongoing reactive maintenance instead of fully proactive.</li> <li>4. No redundancy—when the sole employee is sick, on leave, or overloaded, essential maintenance work is put on hold.</li> </ol>	<p><b>THREATS:</b></p> <ol style="list-style-type: none"> <li>1. Operational risk if the sole employee becomes unavailable due to illness, or vacation.</li> <li>2. Safety concerns when major issues arise and no staff member is immediately available to respond.</li> <li>3. Elevated risk of injury when working alone, without back up or immediate assistance.</li> <li>4. Unexpected equipment failures can create unplanned financial strain on the budget.</li> <li>5. Increased liability if critical safety issues (such as a furnace leaking carbon monoxide) are not addressed promptly.</li> </ol>





# Planning SWOT

January 2025

Date: 1/6/25

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## SWOT ANALYSIS

### **STRENGTHS:**

- Knowledge/Skills/Education
- Customer Service Skills
- Collaborative
- Team Dynamic

### **OPPORTUNITIES:**

- Department Unification
- Public Engagement
- Olympics
- Pivot

### **WEAKNESSES:**

- Capacity
- Consistency
- Quality Assurance
- Level Of Service
- Loss of Institutional Knowledge
- Outsourcing
- Public Engagement

### **THREATS:**

- Government Mandates
- Misinformation
- Burnout
- Missed Opportunities

# SWOT ANALYSIS – FINANCE DEPARTMENT

## JANUARY 2026

<p><b>STRENGTHS:</b></p> <ul style="list-style-type: none"> <li>• <b><u>Professional Support:</u></b> Strong working relationships with ClearGov, K&amp;C, CPAs provide reliable external expertise, audit support and technical guidance.</li> <li>• <b><u>Expanded &amp; Cross-Trained Team:</u></b> Team has grown from four to five staff members, providing improved internal controls. Many key functions have trained back-up.</li> <li>• <b><u>Experienced, Creative and Problem-solving Team:</u></b> Staff continually review processes and policies for improvements. Significant improvements have been made in the AP process by digitizing invoices.</li> </ul>	<p><b>OPPORTUNITIES:</b></p> <ul style="list-style-type: none"> <li>• <b><u>Process Optimization:</u></b> Continued process improvement initiatives could improve efficiency and reduce the impact of limited bandwidth.</li> <li>• <b><u>Leveraging Technology:</u></b> Increased use of ClearGov, ERP enhancements, and AI can improve budgeting, reporting, and public transparency.</li> <li>• <b><u>Skill Development:</u></b> Access to high quality State and National training could enhance department's capabilities</li> </ul>
<p><b>WEAKNESSES:</b></p> <ul style="list-style-type: none"> <li>• <b><u>Developing Policies and Procedures:</u></b> Creating and modifying policies can be time-consuming and frustrating while Staff works out deficiencies.</li> <li>• <b><u>Limited Leadership Bandwidth:</u></b> While the team has expanded, oversight responsibilities for the Finance Director have increased, particularly with cemetery sales. Finance Director remains the only role without a trained backup, creating vulnerability during absences.</li> <li>• <b><u>Small Staff Size:</u></b> A team of five may struggle to respond effectively to surges in demand.</li> </ul>	<p><b>THREATS:</b></p> <ul style="list-style-type: none"> <li>• <b><u>Compliance Risk:</u></b> Constantly changing regulations and oversight requirements can increase risk of noncompliance or reporting errors.</li> <li>• <b><u>Workload Growth:</u></b> Increasing demands on staff without additional resources could lead to burnout or reduced service quality</li> <li>• <b><u>Internal Control Risks:</u></b> limited staff performing multiple roles increases the risk of errors or fraud.</li> </ul>

**Summary:** The Finance Department has made significant progress in strengthening internal controls, modernizing processes, and expanding staff capability. Many prior weaknesses: limited cross-training, and insufficient internal controls, have been substantially addressed. Remaining challenges mainly relate to bandwidth, evolving regulations, and implementing ERP upgrades. The department is positioned for meaningful efficiency gains as ClearGov enters its third year, AP digitization matures, and policy updates take full effect. Continued investment in technology, training, and strategic staffing will help maintain service quality and compliance in the face of growing workload demands.

# **Heber Valley Airport 2025 SWOT Analysis**

## **Strengths:**

We have a Clean beautiful Self-Sufficient Airport that does not rely on Taxpayer subsidies  
Well attended Community Events  
Strong Economic Driver (Hotels Rental Cars, Restaurants, Recreation, Employees and Secondary Homes with high tax rates)  
Great Clubs: Balloons, Gliders, Bush Planes, EAA, Museum.

## **Weaknesses:**

Our daily administrative duties sometimes fall through the cracks because we are constantly pulled in multiple directions.  
Keeping up with all of our projects, follow up communications, responses, opportunities, goals and ideas.  
Needed separation between jets, small planes, and various other aviation users  
A general lack of understanding regarding the value of the Airport, how and why it operates the way it does.

## **Opportunities:**

Increase in local jobs and Business Opportunities  
Airport beautification, landscaping, buildings, fencing, signage etc.  
More opportunities for your youth; career paths, High School/UVU classes, CAPs projects etc.  
Electric Aircraft, Taxi Drones, Flight Schools  
Involvement and Support for the upcoming Winter Olympics

## **Threats:**

Overall growth. The increased number and value of homes in the area is causing an increase in traffic and a significant demand for Hangar Development.  
Incorrect narratives about the Airport.

## **PUBLIC WORKS**

### **Strengths**

Strong institutional knowledge and technical expertise resulting from improved employee retention, providing continuity, effective problem-solving, and operational stability across Public Works divisions.

A strong operational culture grounded in collaboration and safety, driven by effective crew- and foreman-level coordination and reinforced by improved safety performance, expanded training, and Council-approved safety incentives that reward safe work practices.

Successful implementation and growing use of Cityworks and GIS tools to enhance work-order tracking, asset management, data accuracy, transparency, and cross-department coordination.

Consistent delivery of complex, high-impact capital projects, including the Old Town East Side infrastructure replacement, Main Street/Festival Street improvements, and new cemetery facilities, demonstrating strong project management and execution capacity.

### **Weaknesses**

Staffing capacity has not kept pace with rapid community growth, increasing reliance on contractors and limiting internal capacity, continuity, and the department's ability to maintain response times, preventative maintenance, and long-term planning.

Aging infrastructure and deferred maintenance across multiple systems (water, sewer, roads, and pressurized irrigation) continue to strain resources and elevate long-term operational risk and costs.

Operational demands and unplanned projects continue to drive a reactive maintenance environment, reducing the department's ability to prioritize proactive, preventative, and strategic system improvements.

Process, role clarity, and compensation complexities—particularly during the transition to the nine-step pay plan—have required significant administrative effort and, at times, created confusion regarding responsibilities, timing, and equity.

Administrative workloads have increased significantly without corresponding staffing or compensation adjustments, creating sustainability concerns and limiting the department's ability to support growing operational complexity.

### **Opportunities**

Continued modernization of technology systems, including enhancements to Cityworks, expanded GIS capabilities, and the responsible adoption of AI safeguards, to improve efficiency, data reliability, coordination, and decision-making.

Expansion of preventative maintenance programs to improve system reliability, extend asset life, reduce emergency response costs, and better manage long-term infrastructure needs.

Targeted equipment upgrades focused on efficiency and safety, reducing downtime, improving productivity, and supporting safer work practices across all divisions.

Managed community growth as a potential funding lever, using increased tax base and development activity—where feasible—to reinvest in staffing, infrastructure, and long-term system sustainability.

Expanded community engagement opportunities, including Public Works Week, to strengthen public understanding of services, improve interdepartmental relationships, and build trust with residents and stakeholders.

### **Threats**

Rising cost of living is increasingly affecting recruitment, retention, and emergency response capability, as employees are forced to live farther from the valley—creating response-time risks and competitive disadvantages compared to neighboring municipalities offering housing stipends or similar incentives.

Expanding regulatory requirements, including MS4 compliance and other environmental mandates, continue to increase workload, complexity, and long-term costs without proportional increases in staffing or funding.

Community growth continues to outpace available staffing, equipment, and infrastructure capacity, placing sustained pressure on service levels, maintenance schedules, and capital planning.

Developer-driven growth, combined with staffing limitations and procedural gaps, creates risk of inconsistent enforcement, increased reliance on external labor, and outcomes that may not fully align with the City's long-term interests.

Technology reliability, system integration, and cybersecurity risks—including inconsistent software adoption (Cityworks, 365, etc.) across departments—limit information sharing, coordination, and operational resilience.

# SWOT ANALYSIS – ENGINEERING

December 2025

<b>STRENGTHS:</b>  <b>Team</b> <ul style="list-style-type: none"><li>- Work Well Together / Understand Roles</li><li>- Experienced / Competent / Hard Working</li></ul> <b>Resource for City</b> <ul style="list-style-type: none"><li>- Understand how the City Functions</li><li>- Provide Help to Many Departments</li></ul> <b>Focused on City's Best Interests</b> <ul style="list-style-type: none"><li>- Protecting Tax Payers / Residents</li></ul>	<b>OPPORTUNITIES:</b>  <b>Public Involvement / Communication</b> <ul style="list-style-type: none"><li>- Utilize PIO</li><li>- Provide Consistent Project Updates</li></ul> <b>City Web Page</b> <ul style="list-style-type: none"><li>- Add More Resources &amp; Tools for Developers</li></ul> <b>Relationships</b> <ul style="list-style-type: none"><li>- Work to Improve Relationships with County, Other Depts, Customers, Etc</li></ul>
<b>WEAKNESSES:</b>  <b>Enforcement Consistency</b> <ul style="list-style-type: none"><li>- Holding Firm to Processes</li><li>- Ambiguity Resulting from Special Agreements &amp; Requirements</li></ul> <b>Communication with Public</b> <ul style="list-style-type: none"><li>- Have Made Improvement</li><li>- Still Needs Work</li></ul> <b>Finding Time to make Improvements</b> <ul style="list-style-type: none"><li>- Always Just Trying to Keep Up</li></ul>	<b>THREATS:</b>  <b>Politics, Political Agendas, Development Culture</b> <ul style="list-style-type: none"><li>- Must Place Overall Public Best Interests First</li><li>- The City is Always Negotiating Something</li><li>- Developers Going Over Staff's Heads</li></ul> <b>City Staff is Spread Thin</b>  <b>State Legislation</b> <ul style="list-style-type: none"><li>- LUDMA Changes</li></ul>



**STRENGTHS:**

We have very good personnel in the many varying positions within the police department. including Records, Motors, K-9, code enforcement, operations, detectives, Tactical Response Team.

We are closing out the year fully staffed, and morale is good.

Lots of incentives for the employees, take home car, 9 step program, different positions to apply for, on-call pay to name a few. This helps with recruitment and retention.

We have not had a problem recruiting for vacant positions, which has been a challenge for many agencies.

**WEAKNESSES:**

Retention. It takes a long time to replace an employee that leaves and when the employees live in another jurisdiction there is always a pull to leave.

AMI for affordable housing, the employees want to build equity not just live in a cheaper house. Unfortunately, they can build that equity on the front and not be in a deed restricted home.

Ability, to safely respond to a critical incident an armored vehicle keeps officers safe, allows for deescalation by slowing down an incident in a critical incident and for safe extrication of injured people at major event that occur such as the Olympics, fairs, rodeos, concerts and political events. There is currently no resource for this on the Wasatch Back.

Parking in a secured area of the PD is getting more challenging.

Traffic enforcement on Main Street. This constantly pulls resources from other areas of the city eliminating proactive work in those areas.

**OPPORTUNITIES:**

The addition of a School Resource Officer for the new high school. This position is 50% funded by the school.

The full implementation of the K-9 program allows for an addition apprehension and drug detection ability for the operations division.

Addition of a PD Gun Range. This will allow for more versatility in training.

Bypass reducing large truck traffic on Main Street.

Splash pad at the front lawn of the PD (Just making sure you are reading this).

**THREATS:**

1. Continuing to look at wages and affordability in this area, a senior officer at HCPD could only qualify for 345,000.
2. Ability to respond in an appropriate and timely manner to a large incident, when officers are spread out living as far as an hour away.
3. Response time to annexations will be extended and we do not have the ability to proactively patrol in those areas with our current staffing levels which need to be looked at not just as a population but geographically and what is reasonable to patrol and respond to.
4. Equipment to respond to and patrol trails and off-road annexed area.



## **SWOT Analysis – Human Resources**

SWOT is an acronym for Strengths, Weaknesses, Opportunities, and Threats. A SWOT analysis lays the foundation for planning and goal-setting by assessing the current reality for the organization. When we know where we are and what we have to work with, we can set goals to achieve the desired future state and create a plan to move from where we are to where we want to be.

Strengths and weaknesses are internally focused.

They are about the organization itself – with a view toward your department.

I. Strengths should be realistic, not modest. Think: capabilities, resources, people, marketing, quality, processes/systems.

1. What do we do well? (think of this in terms of knowledge & experience, relationships, service, processes & systems, attitudes & behaviors, resources & assets, and more...)
2. What are our unique skills?
3. What are we passionate about?
4. What do we have going for us?
5. What are our core capabilities?
6. What about our relationships, our quality, and our service to constituents?
7. What about our internal processes and systems?
8. What would you want to boast about to someone who knows nothing about Heber City?

### **1. Versatility and Adaptability**

I manage multiple Human Resources functions solo, demonstrating my ability to adapt quickly and handle diverse responsibilities effectively. I can prioritize tactical tasks such as payroll and auditing of benefit providers, along with Citywide functions including All Hands, annual performance reviews, changes to hiring dates, tracking completed training for Safety Incentive bonuses, and regulatory compliance audits and reporting.

### **2. Strategic Insight**

My involvement in setting strategic priorities and compensation planning shows a strong understanding of Heber City's organizational goals and alignment with broader City Council objectives.



3. I understand the value of a positive employee experience. According to Oxford University's Said Business School, researchers found that happy workers were 18% more productive and provided better customer service than their unhappy counterparts. Happiness is actually a strategic advantage in the workplace. I am passionate about helping Heber City staff find value and fulfillment in their work for the city's citizens and visitors.

4. We are able to contribute to the well-being of our community, knowing our work helps improve lives and supports the public good.

5. Educational and professional development are encouraged in Heber City. With our generous tuition reimbursement program and a leadership team that encourages learning and growth, we have a unique opportunity to develop new skills that make us more efficient and effective.

6. Positive community representation in the form of open-door policies encourages constituents to feel comfortable discussing issues. Personally, I have reached out to employees, applicants, candidates, and, occasionally, newly hired spouses to help them make more informed decisions about their benefits and retirement options. For applicants and candidates in open recruitments, I have walked them through the sometimes-arduous pre-hiring process and discussed the upcoming stages and milestones. I have also spoken with applicants who are disappointed not to have advanced to the next stage, and I have tried to communicate the city's needs for the position tactfully and courteously.

7. We have internal committees that consider the advantages and challenges of internal policies. Representatives are encouraged to communicate their department's needs and specific preferences. Decisions are not made in a vacuum; they require input.

8. We have a team-oriented environment with common collaboration throughout departments. Heber City's Council and leadership support employees' well-being and development, fostering a sense of belonging. We have a great group of individuals who love and appreciate the beauty of our surroundings.

**II. *Weaknesses*** are the internal forces that may serve as a barrier to accomplishing our work. Think: disadvantages, gaps in capability, reputation, finances, morale, and leadership.

1. What can we improve?

2. What are we doing now that can be done more effectively or efficiently?



3. What are the gaps in our capabilities?
  4. What do we do poorly?
  5. What distracts us from the work we are here to do?
  6. What are our vulnerabilities?
  7. What about our processes and systems?
  8. What are we NOT doing that you believe we should be doing?
1. Leveraging AI to complete basic time-consuming tasks and automate our processes.
  2. Heber City needs a timekeeping and attendance automated system that works for our employees, rather than manual, inefficient, paper timecards and inaccuracies.
  3. Lack of Spanish language fluency is a gap in my capabilities. As one of the first doors open near an entrance/exit, I will frequently interact with members of the public I'm trying to assist. Language is often a barrier; I would like to improve.
  4. HR is a world of interruptions. I will sometimes forget what task I was working on tactically while simultaneously trying to interpret a strategic policy, answer a question, or report data to the many entities under the umbrella of state and national compliance. Without self-service and manual data entry across our many software platforms, the margin of error increases. I think employees would prefer to update or add personal information, such as banking information, addresses, tax deductions, and finding forms, rather than relying on HR to accurately update all new or modified policies. The 2025 Floating Holiday was widely misinterpreted as eliminated. While it was not eliminated, I have reflected on why an employee may have assumed otherwise. Possible sources of miscommunication of the Floating Holiday could have been misinterpreted by the published 'Observed Holidays' list in December 2024. Unfortunately, many employees assumed the Floating Holiday had been deleted for 2025, rather than requesting clarification. I did not realize this was a misconception until November 2025, when Heber City adopted Indigenous Peoples' Day instead of the Floating Holiday.
  5. Some Heber City departments outside of HR will interpret a policy independently. This leads to duplication of effort, time, and research that is already complete. Some departments have their own practices that differ from the city's overall policy, leading to inconsistency. HR will often use Fridays, weekends, and holidays to try to 'catch up' on tasks and processes that could potentially be solved with better software solutions or AI.



6. Employment law expertise is specialized especially with changing federal regulations. HR often conducts outside research, interpreting government websites, and asking neighboring HR leaders for their opinions.

7. Updating 4-5 different software platforms and reporting data to the DWS and URS is very time-consuming and not efficient. While necessary, I would prefer to enter/validate data once or twice rather than multiple times across different, unintegrated sites.

8. Leveraging employee analytics and post-employment surveys; recognizing milestones and celebrating achievements; comparing and contrasting some of the benefits of working for our own community rather than a For-Profit corporation that doesn't acknowledge or observe holidays. Based on conversations with several employees, there is a misconception that other employers, regardless of private or public industries, offer paid holidays and subsidize 95% of employee health premiums. I would love to provide external data comparing the total rewards of working for Heber City compared to an organization in leisure & hospitality that often recognizes zero holidays for employees and has very expensive health insurance packages, if at all.

### **III. Opportunities and threats are externally focused**

What is relevant in the larger environment and beyond?

*Opportunities* are any favorable situations present now or in the future in the external environment. Think: social trends, geography, partnerships, legislative / judicial / environmental changes, new technology, demographic shifts, funding possibilities.

1. What good opportunities are facing us?
2. What are we most excited about doing?
3. What have we been dreaming of or wishing for?
4. What are the interesting trends we are aware of?
5. What relationships do we have the opportunity to build?
6. What partnerships can we grow?
7. What changes are occurring, or are anticipated, that support progress of our mission? (think in terms of societal, cultural, legislative, and judicial changes, and more...)
8. What economic realities in our community present opportunities for us?

1. Smart growth & sustainable development strategies that balance development with environmental preservation. Mixed-use zoning, walkability, accessibility, improved trails,



green infrastructure, and historic preservation practices are all good opportunities facing us.

2. Economic development and diversification to attract new businesses, add cultural enrichment, support local entrepreneurship, and focus on recreation and outdoor tourism.

3. We dream and wish to be a destination city rather than a stop on the way to the destination. Heber City is beautiful and has significant potential. With the Winter Olympic Games returning to Utah, we have an opportunity to showcase this beautiful valley to the world.

4. 3.1% unemployment rate in Wasatch County indicates a much better metric than the nationwide 4.4%.

5-6. The Utah Olympic Legacy Foundation, arts & culture, the Mountain Trails Foundation, the Utah Olympic Games Committee, and Wasatch County are all areas of relationship-building and growth we can further develop.

7. Changes in an ever-increasing population with both luxury and affordable land needs are contributing to the socio-economic diversification of Heber City as more amenities like parks, shopping, and recreational activities begin to surface; new high school; a new House Bill to nullify the no unionization of public employees, and a potential move for Heber City courts to integrate with centralized Wasatch County courts, and a greater emphasis on cultural arts.

8. With more opportunities for activities and entertainment, more residents and more visitors will stay and spend in Heber City, leading to more revenue.

#### ***IV. Threats are external forces that could inhibit or damage us, both now and in the future.***

1. What obstacles do we face?

2. What is occurring in the environment that has the potential to hurt us or move us backwards?

3. What are other municipalities doing that may represent competing interests?

4. What are the economic realities in our community that can inhibit our mission?

5. What changes in how we are required to do our work may affect our service or effectiveness?

6. What societal, cultural, legislative, judicial, or other changes are occurring, or anticipated, that thwart the progress of our mission?



7. What are the complexities (relationships, internal dynamics, etc.) that pose challenges for us?

8. What economic realities in our community pose a threat for us?

1. We have a very lean staffing model that requires additional hours and energy from existing employees, often exempt from overtime, which could lead to fatigue, burnout, stress, insomnia, and an inability to unplug since there is no cross-training or redundancy in duties.

2. The Heber Valley has experienced rapid growth that can bring air pollution, especially during winter inversions that may impact air quality, leading to respiratory issues, reduced quality of life, and increased healthcare costs. Water quality and scarcity may also impact agriculture, recreation, and residential use. Increased vehicle and traffic volumes strain infrastructure and increase the risk of accidents and congestion.

3. Wasatch County, Midway City, Heber Valley Electric, and Park City offer 401K and 457 matching programs in addition to URS required contributions.

4. Affordability and lack of housing options for home ownership.

5. Local governments nationwide are struggling to fill critical public safety positions, taking 36-42 days on average and costing about \$4700 per hire, according to Municipal Staffing Solutions, a nationwide staffing agency dedicated to municipal employees. While Heber City's Public Safety is currently staffed, several competitors, such as Wasatch County, Park City, and ICE (Immigration and Customs Enforcement), could pose a threat to retention.

6. The need for digital skills is vital; technology is a critical component in workplace satisfaction, accuracy, and efficiency.

7. The City Manager has an overloaded schedule due to the significant demands and multiple competing priorities and projects of Heber City. This can make him less accessible and occasionally lead to delayed response times.

8. Ski resorts in the Wasatch Back are major drivers of local revenue. Winter tourists support hotels, restaurants, retail, and transportation. The EPA reports an 80% statewide loss of April snowpack from 1955 to 2023, which directly threatens the economic base of mountain communities like the Heber Valley.



**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting**  
**Agenda Amended 12.1.2025**  
**December 2, 2025**

**DRAFT Minutes**

**4:00 p.m. Work Meeting**  
**6:00 p.m. Regular Meeting**

**I. WORK MEETING - 4:00 P.M.**

Mayor Heidi Franco called the meeting to order at 4:03 p.m. and welcomed everyone present.

**City Council Present:** Mayor Heidi Franco  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood - arrived 4:40 p.m.  
Council Member Mike Johnston  
Council Member Sid Ostergaard  
Council Member Scott Phillips

**Staff Present:** City Manager Matt Brower  
Assistant City Manager Mark Smedley  
Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
Airport Manager Travis Biggs  
Finance Manager Sara Jane Nagel  
Human Resources Manager Cherie Ashe  
City Engineer Russ Funk  
City Attorney Jeremy Cook  
City Recorder Trina Cooke  
Chief of Police Parker Sever  
Police Lieutenant Blaine Rigby

**Staff Participating Remotely:** IT Director Anthon Beales, Public Works Director Matthew Kennard, Human Resources Director Cherie Ashe, Planner Jacob Roberts, Accounting Tech Lynsee Sulser, City Engineer Russ Funk, Deputy City Recorder Robin Bond, Finance Director Sara Jane Nagel, and Accounting Tech Wendy Anderson.

**Also Present:** Jason Talley, Bill Tew, Jay Henry, Jeanne Henry, Ryan Bunnell, Ryan Leick, Jay Townsend, Michael Plowman, Nadim Abuhaidar, Craig Hoggan, Brad Hatt, Morgan Murdock, Jason Glidden, Dave Harris, Tori Broughton, Daniel Monzello, Cal Johnson, Rae Lynne Kohler, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (names are shown as signed-in online) B, Curt, George, A, Andrew D, B, Grace Doerfler KPCW, Jen, Lars Erickson, RP, S, and Shorty5.

1. Airport Leases 101 (Ryan Leick, Aeroplex Group Partners) - 60 min

City Manager Matt Brower recalled the need for the City to update the Airports standard lease form.

Airport Consultant Ryan Leick shared a presentation containing the information provided as included in the meeting materials. He noted that the FAA (Federal Aviation Administration) had asked the Heber Valley Airport to accelerate the airport improvement plan to accommodate the 2034 Olympics. He impressed the importance of the airport remaining self-sustaining. Mr. Leick clarified the intent of the meeting that evening was to provide information and educate. Mr. Leick proceeded to provide details for the following airport points as outlined in the attached presentation:

- The state of the Airport
- Airport Finances
- Relevant Grant Assurances
- Airport Revenues
- Ground Lease Term
- Reversionary versus non-reversionary leases
- Lease Extension Models
- Next Steps:
  - Draft new lease policy
  - Address the City's first right of refusal on existing lease extensions
  - Renewal fee for long term non-reversionary lease extensions
  - explore sale versus lease of reverted hangars

Mr. Brower asked that the Airport Advisory Board (AAB) consider a renewal fee and consider the economics of rebuilding hangar row. City Council discussion followed.

Mayor Franco opened the discussion to the meeting attendees.

AAB Chairman Jason Talley wanted the Council to ensure all airport decisions went before the AAB for recommendations to Council. He felt a joint meeting with the City Council would be beneficial. There would be an AAB meeting on Thursday, December 11. A joint meeting between the Council and the AAB would be forthcoming.

2. Curt Magleby with Flex Read Homes Presentation for Potential Development at 895 South 1200 West (Tony Kohler, Community Development Director) - 30 min

Community Development Director Tony Kohler shared the vicinity map that had previously been considered for a retirement community. A new group had approached the City with a proposal for an affordable housing project. Brent Bluthe and Curt Magleby addressed the "missing middle" housing struggle and discussed key elements needed to provide such a product. Mr. Bluthe described a new product that would help keep building costs more affordable, shared images of the proposed product, and described the unique construction method implemented to create an affordable development. The end product was extremely efficient. It allowed the homeowner to build equity and potentially expand the size of the home. Council discussed: affordability; density; AMI income; open space; community need; construction costs; and other concerns.

Mountainlands Affordable Housing consultant Jason Glidden confirmed the AMI income needed for a family to purchase a \$400,000.00 home would be approximately \$135,000.00 annually.

Staff recommended taking the concept to the Planning Commission and holding a Public Hearing for public feedback. Council wished to have additional discussion to provide better direction, before sending the proposal to the Planning Commission.

3. MOU (Memorandum of Understanding) with Wasatch County Fire District regarding Dedication of Future Fire Station Sites (Tony Kohler, Community Development Director) - 20 min

Community Development Director Tony Kohler outlined the intent of the proposed MOU (memorandum of understanding) to seek developer-dedicated land for future fire stations. The MOU would return the land to the City if the Fire Department determined a fire station was unneeded after a certain amount of time elapsed. Chief Hales with the Wasatch County Fire District described the need for additional fire stations in the expanding development throughout the Valley.

## II. BREAK - 10 MIN

## III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Franco called the Regular Meeting to order at 6:44 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Mike Johnston, Council Member)

Council Member Johnston led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Heidi Franco, Mayor)

Mayor Franco shared a prayer.

**IV. AWARDS, RECOGNITION, and PROCLAMATIONS:**

1. Oath of Office for Jeremy Nelson

The oath of office was postponed to a future meeting.

**V. CONFLICT OF INTEREST DISCLOSURE:**

There were no conflicts disclosed.

**VI. CONSENT AGENDA:**

Mayor Franco noted the map for Consent Agenda item five showed a road that was not within the City boundary. City Attorney Jeremy Cook asked to pull item five from the Consent Agenda to be placed on the Action Items in order to review a few details with the Council before approval, and to correct the map as mentioned by the Mayor.

**Motion:** Council Member Phillips moved to approve the Consent Agenda, items one through four and six, and to remove item five to be placed first on the Action Items agenda.

**Second:** Council Member Cheatwood made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

1. Approval of November 6, 2025, Special City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Ordinance 2025-31 to Adopt the 2026 Annual City Council Meeting Schedule (Trina Cooke, City Recorder)
3. Heber City Observed Holidays 2026 (Cherie Ashe, Human Resources Manager)
4. Contract Award to Mountain States Contracting for the Southfield Rd Railroad Crossing Improvements in the amount of \$326,647.36. (Russ Funk, City Engineer)
5. Interlocal Agreement for Road Maintenance on Jordanelle Ridge Drive (Jeremy Cook, City Attorney)

City Attorney Jeremy Cook shared that a small section of the map included in the meeting materials was outside the City boundary, located in the County. Mr. Cook asked for permission from Council to make minor changes to section A.1., regarding the permitting process, if so requested by the County.

**Motion:** Council Member Cheatwood move to approve the interlocal agreement on road maintenance with the two changes stipulated by Mr. Cook: to move the red line on the map to show that Ambush Drive was not currently inside City limits and to give him the flexibility, and staff flexibility, to make changes to section A.1., if of an insubstantial nature, in coordinating with the county.

**Second:** Council Member Phillips made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

Mayor Franco requested that the Council be provided a copy of the final document.

6. Nominees for the Airport Advisory Board and the Audit Committee (Heidi Franco, Mayor)

#### **VII. PUBLIC COMMENTS: (3 min per person/20 min max)**

No one from the public came forward to comment.

#### **VIII. GENERAL BUSINESS ITEMS:**

1. Atlas Towers Ground Lease Agreement and Potential Zone Change of City Property to Public Facilities Zone located at approximately 590 East Center Street (Tony Kohler, Community Development Director) - *30 min*

Community Development Director Tony Kohler advised the item was not seeking Council approval that evening. The proposed project would require a zone change which would need to go before the Planning Commission, and hold a public hearing, before returning to Council for final approval. Atlas Towers wished to enter a lease agreement with the City to place a cell tower on City property at the hospital well location. Atlas would build the tower and host additional cellular providers. Sandra Layton, project manager, described the proposed cell tower project and outlined details of the proposed lease agreement with Heber City, as found in the attached meeting materials.

Council expressed concerns with the aesthetic of the proposed tower, the tower height, potential impact on neighbors, and the low dollar amount of the rent proposed in the agreement. Consensus of Council majority was for the project to proceed with the next steps and present at the Planning Commission with a public hearing.

## 2. Communication Policy (Ryan Bunnell, Matt Brower, City Manager)

City PIO (Public Information Officer) Ryan Bunnell explained the purpose of the discussion was to obtain feedback from the Council to create a foundation for a Communication Policy. He recalled a presentation at a past Utah League of Cities and Towns (ULCT) conference in which communications best practices recommended that members of legislative bodies use personal platforms, rather than city-branded platforms, for communication with the public. Council discussion resulted with a consensus of the majority wishing for Staff to proceed with the creation of a policy that reflected best practices as recommended by the ULCT and to work towards distributing surveys to the community as agreed upon, and approved by, the Council.

The meeting discussion returned to agenda item five from the Consent Agenda.

## IX. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

### 1. Contract Award with Terracon for Trailhead Plaza Design Phase 1 (Tony Kohler, Community Development Director) - *30 min*

Community Development Director Tony Kohler described the negotiation process with Terracon for the scope of work on the Trailhead Plaza improvements project. City Manager Matt Brower described the community feedback gathering process the City would implement to encourage community engagement. Council discussed the survey process, public outreach, which amenities should be included in the design, and the cost of the contract.

The Mayor opened the meeting for public comment at 8:38 p.m. With no one coming forward to comment, the public comment period was closed.

**Motion:** Council Member Johnston moved to accept the proposed contract with Terracon for the Trailhead Plaza design phase one, as presented.

**Second:** Council Member Barney made the second.

**Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** Council Member Phillips.

The **Motion Passed 4-1.**

### 2. Ordinance 2025-32 Springs at Coyote Phase 5 Development Agreement (Jamie Baron, Planning Manager) - *20 min*

Planning Manager Jamie Baron provided the information regarding Ordinance 2023-32 for the Springs at Coyote Phase five Development Agreement as included in the meeting materials. He reviewed the current zone and the exceptions the developers were seeking in the development agreement. The developers wished to build a mix of commercial and residential units. A public hearing had been held by the Planning Commission, who had forwarded a positive recommendation to Council. Council discussed the inclusion of affordable units, available parking, snow removal, and trees in the landscaping.

The applicant agreed to return in two weeks with a finalized draft of the development agreement, implementing Council's requests.

3. Mutual Termination of Heber City, Twin Creeks, and Charleston Agreement for Shared Waste Water Delivery and Facilities (Jeremy Cook, City Attorney) - *15 min*

City Attorney Jeremy Cook provided the background of the sewer agreement between Heber, Charleston Town, and Twin Creeks Special Service District (TCSSD). Charleston had not implemented usage as permitted by the agreement and had determined they wished to dissolve the agreement.

**Motion:** Council Member Phillips moved to dissolve the agreement.

**Second:** Council Member Cheatwood made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

4. Fiscal Year 2027 Budget Calendar Adoption (Sara Nagel, Finance Manager)

**Motion:** Council Member Cheatwood moved to adopt the budget calendar as presented.

**Second:** Council Member Phillips made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

5. Establish 2026 Strategic City Council Retreat Dates (Matt Brower, City Manager) - *10 min*

Council set the annual Council retreat dates for Thursday evening, January 22, and Saturday, January 24, 2026. Mr. Brower indicated he would send the exact times to Council once the agenda was established.

## **X. COMMUNICATION:**

Mr. Brower thanked the Park Record journalist Cannon Taylor for his article on the Daniel Road roundabout art installation. He felt the artist had done an excellent job with the eagle. He reminded Council of the upcoming Old Fashioned Christmas celebration and the City staff party. Public parking signs had been installed. There would be a weekly light festival taking place on festival street every Thursday, Friday, and Saturday, in December.

**XI. CLOSED MEETING: (As Needed)**

There was no Closed Meeting held.

**XII. ADJOURNMENT:**

**Motion:** Council Member Cheatwood made the motion to adjourn.

**Second:** Council Member Ostergaard made the second.

The meeting adjourned at 9:47 p.m.

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Trina Cooke, City Recorder



**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Heber City Council Meeting  
December 16, 2025**

**DRAFT Minutes**

**4:00 p.m. Work Meeting  
6:00 p.m. Regular Meeting**

**I. WORK MEETING - 4:00 P.M.**

Mayor Franco called the meeting to order at 4:02 p.m. and welcomed everyone present, wishing them a happy holiday.

**City Council Present:** Mayor Heidi Franco  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood – remotely and in person  
7:28 p.m.  
Council Member Mike Johnston  
Council Member Sid Ostergaard  
Council Member Scott Phillips

**Staff Present:** City Manager Matt Brower  
Assistant City Manager Mark Smedley  
Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
City Engineer Russ Funk  
City Attorney Jeremy Cook  
City Recorder Trina Cooke  
Finance Manager Sara Jane Nagel  
Chief of Police Parker Sever  
Airport Manager Travis Biggs  
Public Works Director Matthew Kennard  
Building Official Curt Davis  
Enforcement Officer Travis Price

**Staff Participating Remotely:** IT Director Anthon Beales, Engineering Administrative Assistant Desiree Muheim, Public Works Director Matthew Kennard, City Engineer Russ Funk, Engineer Kyle Turnbow, Human Resources Manager Cherie Ashe, Administrative Assistant to the City Manager Lainee Meyers, Planning Administrative Assistant Meshelle Kijanen, Deputy City Recorder Robin Bond, Finance Director Sara Jane Nagel, Airport Manager Travis Biggs, and Accounting Technician Wendy Anderson.

**Also Present:** Planning Commissioner Tori Broughton, Parks Open Space Trails and Trees (POSTT) Committee Chair Mia Yue, Planning Commission Chair and Arts and TAP (Trails, Arts, and Parks) Tax Committee Chair Phil Jordan, Heber City Public Information Officer (PIO) Ryan Bunnell, Adelia Marsh, Grace Doerfler KPCW, Kristy Bond, Todd Anderson, Mountainlands Affordable Housing Consultant Jason Glidden, Cal Johnson, John McDonald, Jacob Ballstaedt, Randy Christ, Dave Johnson, Russ Watts, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (names are shown as signed-in online) Marissa, Paul Watson, A, B, Cannon Taylor, Catherine, Cody W, Denna Woodbury, Grace Doerfler kpcw, Jen, Keegan Quintana, Logan Johnson, Mary, Morgan Murdock, Shorty5, SRH, and ZO.

1. Committees 2025 Year End Report (70 min)

- Planning Commission (Tony Kohler, Community Development Director) - 40 min
- POSTT (Parks, Open Space, Trails, and Trees) (Mia Yue) - 15 min
- Arts/TAP Tax Committee (Phil Jordan) - 15 min

Committee Chairperson Mia Yue presented on behalf of the POSTT (Parks, Open Space, Trails, and Trees) committee. She shared the vision and commitment of the committee and provided a presentation, as included in the meeting materials, that detailed all the committee's collaboration and accomplishments of 2025. Max Sterling, member of the POSTT committee, shared that he had joined the committee because he felt the health of communities depended on parks. Marrissa Stanger, Vice Chair of POSTT, described the committee's recommendations for park improvements and potential grant opportunities.

Planning Commission Chairperson Phil Jordan and Vice Chair Tori Broughton advised that the Planning Commission had met the State's training requirements. Community Development Director Tony Kohler reviewed the 2025 policy updates, development agreements, and annexations that had been completed, as included in the presentation attached in the meeting materials. He asked Council to consider what would be forthcoming in 2026. Discussion continued regarding moderate income housing, the missing middle, and neighborhoods with open space.

Committee Chair Phil Jordan listed the Arts Advisory Committee members and reviewed the TAP (Trails, Arts, and Parks) Tax grant application review process as outlined in the attached presentation. He listed the grant recipients and the dollar amount each had received in 2024 and 2025. Mr. Jordan provided the process timeline for 2026 and outlined the eligibility requirements established by the Committee for TAP tax applicants. The committee recommended an Arts Master Plan and to consider raising the annual TAP Tax grant amount.

The TAP Committee also proposed a memorandum of understanding with Midway and Wasatch County, to combine TAP Tax funds for projects that benefited the entire community.

2. Staff SWOT (Strengths, Weaknesses, Opportunities, Threats) Reports (*15 min*)

- Police Department - *5 min*
- Finance - *5 min*
- Airport - *5 min*

The staff SWOT presentations were pushed to the January 6, 2026, City Council Meeting.

3. Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure (Ryan Bunnell) - *30 min*

The Communication Policy discussion was bypassed due to time constraints and would take place during the Regular Meeting.

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Heidi Franco called the meeting to order at 6:28 p.m. and welcomed everyone present. She recalled a poem by Sir Alfred Tennyson about the years dying, "ring out the old, ring in the new, ring out the darkness of the land."

2. Pledge of Allegiance (Aaron Cheatwood, Council Member)

Mayor Franco led the recitation of the Pledge of Allegiance as Council Member Cheatwood had not yet arrived.

3. Prayer/Thought by Invitation (Yvonne Barney, Council Member)

Council Member Yvonne Barney shared the story of her dog being taken from her front yard. The community had come together to search for and help return the dog to her family. She hoped that during the holidays the community would continue to take care of each other and reminded everyone to check in on each other. She read a quote that stated "this Christmas, it was important to mend a quarrel, seek out a forgotten friend, dismiss suspicion, and replace it with trust, write a letter, give a soft answer, encourage youth, manifest your loyalty and word and deed and keep a promise, forego a grudge, forgive an enemy, apologize, try to understand, examine your demands on others, think first of someone else, but most importantly be kind."

Council Member Barney wished everyone a Merry Christmas.

Mayor Franco moved the meeting forward to Action Item two.

#### **IV. AWARDS, RECOGNITION, and PROCLAMATIONS:**

##### **1. Recognition of Scott Phillips Four Years of Service on the Heber City Council**

Mayor Franco recognized the sacrifice of Mrs. Phillips while Council Member Phillips had served on the Heber City Council for the past four years. She presented Council Member Phillips with a plaque to acknowledge his service to the City.

##### **2. Mayor's Award to Jamie Baron and Curt Davis for Work on Building Remodel**

Community Development Director Tony Kohler had nominated the Planning Manager Jamie Baron and Building Official Curt Davis to recognize the work they had personally done for the second-floor renovation of the City's Admin building. Mayor Franco read the nomination as included in the meeting materials.

#### **V. CONFLICT OF INTEREST DISCLOSURE:**

There were no conflicts disclosed.

#### **VI. CONSENT AGENDA:**

Council Member Johnston asked staff to return in a future meeting for further discussion to consider reduced planning fees that would better encourage private citizens who wished to build infill homes or small commercial site plans.

**Motion:** Council Member Barney moved to approve the Consent Agenda.

**Second:** Council Member Phillips made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

1. November 18, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Resolution 2025-21 to Update the Process for calling Special Meetings of the Heber City Council in the Rules of Order and Procedure (Trina Cooke, City Recorder)

3. Ordinance 2025-32 Modifying the Consolidated Fee Schedule to Amend Planning and Airport Fees (Jamie Baron, Planning Manager, Travis Biggs, Airport Director)

## **VII. PUBLIC COMMENTS: (3 min per person/20 min max)**

Randy Christ expressed his concern over the loud engine brakes on Highway 40 by his house. He described the constant noise caused by the trucks. He had looked at the sign on the far end of River Road indicating that engine brakes were restricted. He stated that he had called the powers that be and was told there was no definition for "restricted." He felt that some drivers intentionally made as much noise as possible and hoped the City would impose an ordinance that would prohibit the air brakes through town in order to be enforceable.

Kristi Bond expressed gratitude for the job the Council did and read the email she had sent to the Council the previous Sunday regarding parking striping that had been painted in front of her home. The email is attached to the end of the meeting minutes.

## **VIII. GENERAL BUSINESS ITEMS:**

1. North Village Views Master Plan Amendment (Tony Kohler, Community Development Director) - *30 min*

Planning consultant Denna Woodbury shared the information as included in the meeting materials and presentation. She noted the many adjustments the development had needed to make to accommodate UDOT (Utah Department of Transportation) road alignments and the City. City Engineer Russ Funk informed the Council that the development had made modifications at the request of City Staff. He felt it was important that the Council understood the request before Council that night was due to the applicant accommodating the requests initiated by City Staff. Ms. Woodbury shared that a public hearing had been held during the Planning Commission meeting on October 28, 2025. The Planning Commission had forwarded a positive recommendation to the Council. She reviewed the zone requirements that the developer was no longer able to comply with due to the modifications made to the road alignment. Council discussed the density proposed, the amount of discretion given to staff in the agreement, setbacks, and design requirements.

2. Garbett Homes presentation on proposed Bluestone development located at approximately 830 East Center Street (continued discussion from November 18) (Tony Kohler, Community Development Director, Jacob Ballstaedt) - *30 min*

Planning Manager Jamie Baron shared the modifications the applicant had implemented based on Council's previous direction. Jacob Ballstaedt further explained the project's density reduction and additional modifications made to provide Council with a project they would support.

Mountainlands Affordable Housing consultant Jason Glidden felt the project would provide an affordable opportunity for the community. The Council discussed deed restriction options, owner-occupied requirements, design considerations, layout for the units, trail alignment, and expressed appreciation for the applicants' efforts to comply with Council's requests.

City Engineer Russ Funk reminded Council that public utility easements would be needed in the development and the difficulty to install the lines with limited space.

Mr. Ballstaedt confirmed the Council's request to keep the units owner-occupied. Mr. Brower added that the annual Council retreat would offer an in-depth affordable housing presentation.

3. Discussion of Options to Advance Construction Timeline of Preferred Corridor Alignment (Scott Phillips, Council Member) - *10 min*

Council Member Phillips impressed the importance of supporting the installation of a bypass around downtown Heber City. He felt a bypass was desperately needed and asked for the Council to provide a letter of support to UDOT (Utah Department of Transportation) in effort to advance the City's position on UDOT's project priority list. Council discussed the status of the bypass project as well as options to expedite the onset of the bypass construction.

4. Consider Recommendation to UDOT (Utah Department of Transportation) to Name the Intersection of Highway 40 and State Road 32 as Hathcock Junction (Scott Phillips, Council Member) - *10 min*

Officer Travis Price proposed the intersection of Highway 40 and River Road be named for fallen officer G. Scott Hathcock. Prior to the traffic signal being installed at the intersection, there had been a 3-way stop sign. Foreseeing the imminent dangers of the intersection, Officer Hathcock had advocated for a traffic signal. Ever since the traffic signal had been installed, local law enforcement had referred to the intersection as Hathcock Junction. Officer Price had spoken with the family and was acting with their blessing. Council Member Phillips recognized it was a UDOT intersection but proposed the City Council recommend UDOT rename the intersection in honor of Officer Hathcock. Council expressed a general consensus to support Staff moving forward and looking into the process.

**IX. ACTION ITEMS:** (Council can discuss; table; continue; or approve items)

1. Heber City Review of Term-Sheet with Celebration Housing at approximately 350 East 1200 South (Tony Kohler, Community Development Director) - 30 min

Russ Watts, with Celebration Workforce Housing, shared a financial analysis with the Council. Council discussed the options to keep rental costs down to offer attainable housing at different level AMIs (Average Median Income), whether the City would allow the deferment of impact fees to assist with the project implementation, and the details of the proposed Term-Sheet.

**Motion:** Council Member Phillips moved that the City enter into an agreement with Celebration Workforce Housing based on the terms discussed that day, and to defer what impact fees the City was able to, up to 3.1 million dollars at a 4% interest rate to be paid back to the City within up to 12 years.

**Discussion:** City Attorney Jeremy Cook felt there were several details that would still need to be addressed prior to approving the deal. He said he would be more comfortable with Council supporting Staff moving forward with further analysis and continue to work towards a deal. Council Member Phillips moved to adjust his motion to reflect what was recommended by the City Attorney. Mr. Cook clarified the motion that the Council would support Staff moving forward to analyze giving up to 3.1 million dollars in deferred impact fees, looking at all the other specifics, identifying possible risks, working with Celebration Workforce Housing, and returning to Council with a final recommendation.

**Amended Motion:** Council Member Phillips amended his motion to give staff the opportunity to negotiate the details of the City loaning the amount to cover impact fees at a 4% rate and what that looked like finalized, to bring that final document back to Council, and locking in the impact fees rate as of today for this particular project based on the applicants willingness to follow deed restriction rules and be 100% affordable housing.

**Second:** Council Member Cheatwood made the second.

**Discussion:** City Engineer Russ Funk expressed concern that all developers in the future would ask for retro-active impact fees rates.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

2. Ordinance 2025-30 Springs at Coyote Phase 5 Development Agreement  
(Jamie Baron, Planning Manager) - 30 min

Planning Manager Jamie Baron shared the details of Ordinance 2025-30 for a development agreement with phase five of the Springs at Coyote as outlined in the attached meeting materials.

Mayor Franco opened the discussion to the public for comments.

Randy Christ asked if the commercial lighting had been considered. Mr. Baron reviewed the City's dark sky policy and the sign ordinance.

**Motion:** Council Member Phillips moved to accept Ordinance 2025-30 for the development agreement with the Springs at Coyote phase five.

**Second:** Council Member Barney made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Barney, and Johnston.

**Voting No:** None.

Council Member Cheatwood was absent.

The **Motion Passed 4-0.**

3. Resolution 2025-22 to include a Communication Policy in the Rules of Order  
and Procedure (Ryan Bunnell) - 40 min

**Motion:** Council Member Phillips moved to extend the meeting to 10:30 p.m., if necessary.

**Second:** Council Member Ostergaard made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

Council discussed the proposed communications policy, when it was appropriate to use City branding and emails, City Newsletter content, and suggested alternative language in places.

**Motion:** Council Member Cheatwood moved to continue the agenda item to a future meeting.

**Second:** Council Member Barney made the second.

**Voting Yes:** Council Members Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** Council Member Phillips.

The **Motion Passed 4-1.**



**X. COMMUNICATION:**

City Manager Matt Brower reminded the Council that the 2026 Annual Retreat would take place on Thursday and Saturday, January 22nd and 24th. The agenda and times would be forthcoming. He would be out of town the following week, visiting family for the holidays. He wished everyone a safe and happy holiday season.

**XI. ADJOURNMENT:**

**Motion:** Council Member Cheatwood moved to adjourn.

**Second:** Council Member Ostergaard made the second.  
The meeting adjourned at 10:30 p.m.

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Trina Cooke, City Recorder

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**(EXTERNAL) Public Parking on First East between 300 and 400 North**

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**From** Kristy Bond <[REDACTED]>  
**Date** Sun 12/14/2025 8:06 PM  
**To** CC Public Comments <ccpublic@heberut.gov>

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Dear City Council Members,

I am writing to express my concern regarding the recently installed angled public parking lines along First East, specifically in front of our property at 380 North 100 East.

As property owners, we were not notified in advance that these parking spaces were planned or would be installed. Our family—including Phil and Kathryn Wright, and Kyle and Marie Kohler—currently owns, and has owned for over 100 years, a significant portion of the property along First East between 300 and 400 North. This area has remained a quiet, residential neighborhood throughout this time, and the lack of communication from the City prior to the installation of these parking spaces was both surprising and disappointing.

We recognize and appreciate the City's efforts to accommodate current and future parking needs, particularly in areas experiencing commercial growth. However, at present, there are no commercial businesses or apartment complexes located between 300 and 400 North. In this context, the addition of public parking within this block feels premature and inconsistent with the existing residential character of the neighborhood.

Additionally, our young grandchildren reside at 375 North 100 East, where public parking has now been marked directly in front of their home. Our extended family also maintains a garden directly across First East, which our grandchildren frequently cross the street to help care for. Increased public parking in this location raises legitimate safety concerns, particularly for young children navigating the street near parked vehicles with reduced visibility.

For these reasons, I respectfully request that the City Council reevaluate the decision to install public parking along First East between 300 and 400 North and consider removing these spaces until future commercial development warrants their use.

I plan to attend the City Council meeting on Tuesday and present this letter so it may become part of the public record. Please feel free to contact me with any questions or comments at [REDACTED]

Thank you for your time and thoughtful consideration.

Kristy Bond

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**(EXTERNAL) For the Record Dec 16, 2025 concerning Festival Street/Downtown**

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From Catherine ✓

Date Fri 12/12/2025 1:16 PM

To CC Public Comments <ccpublic@heberut.gov>

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I feel as though the city is really trying to make homeowners life's so difficult, that we will sell our property to developers. So, that certain city council members, pet project of destroying the city park becomes a reality, soon than later! I love the park, watching families playing ball or flying a kite. I feel strongly that the city council is destroying the heart & soul of Heber City. The city council failed to take into consideration the residence who live near and around the park. The impact of over developing the city park, with the noise, people, vehicle, and air pollution that will now be part of the heart of Heber.

Just wondering if my new normal will be listening to a food truck generators from 5-9 on Thursday thru Saturday? That's on top of the loud noises from music, vehicles, & people! Will the new food court at the corner of 100W using generators.? Can't imagine listening to 8 food trucks until 10 pm.!

Surprisingly, the one food truck on Friday(5th) & Saturday(6th) night was louder than Thursday's Heber Market with many food trucks. The one food truck muted the entertainment. When the food truck was shut off, the music was so loud, we couldn't even enjoy watching TV in our living room!

Side note:

I having been watching city council meetings online. I was disappointed that the city council allowed the Station Seven representative to bully the council into agreeing to the CRA funding. This is my interpretation and not a good look for Heber City Council. Very disappointed.

Respectively submitted,  
*Catherine M.*

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**(EXTERNAL) Slope Development**

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**From** Barry donaher <

**Date** Tue 10/14/2025 5:54 PM

**To** CC Public Comments <ccpublic@heberut.gov>

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We are very concerned about the proposed Slope Development.  
Please review our statement and give some consideration to our greatest asset, Open Space.

## **KEEP MIDWAY, MIDWAY**

### **A Call to Protect Our Open Spaces**

Our community stands at a crossroads. The greatest amenity of our village is not a shopping center or a subdivision — it is our **open space**, our **beautiful Provo River**, and the **surrounding hills and mountains** that define who we are.

These landscapes are more than scenery; they are the heart and soul of Midway. The **fields and pastures**, the **cows and horses**, and the **wildlife** that thrive here make our town truly special. They connect us to our rural heritage, offer peace and beauty, and remind us what genuine community feels like.

To replace these treasures with **cement, traffic, and pollution** would destroy the very character of our village. Once open space is gone, it's gone forever. Development may bring short-term profit, but it brings long-term loss — of natural beauty, quiet nights, clean air, and the sense of home that makes Midway extraordinary.

#### **Fields, trees, and natural landscapes do not cause climate change.**

They protect our environment, clean our air and water, and provide vital habitat for countless species. When we preserve open space, we are taking responsible action for the land, for wildlife, and for our children's future.

Have we not learned from the **atrocities of overdevelopment in Summit County**? Once-pristine valleys and pastures have been buried beneath congestion, noise, and endless construction. We must not repeat those mistakes.

We have something rare — something worth protecting. Let's keep Midway a place where open space still matters, where wildlife still has room to roam, and where the beauty of nature is valued above

unchecked growth.

**Keep Midway, Midway.**

Protect our land. Preserve our heritage.

For ourselves, for our children, and for the generations to come.

Thank you,

Barry and Cynthia Donaher, residents of Scotch Fields

## HEBER CITY COUNCIL BOARD APPOINTMENTS

**Proposed for Jan 2026**

<b>BOARD</b>	<b>MEETING DAY/TIME/PLACE</b>	<b>COUNCIL MEMBERS ASSIGNED:</b>
<b>Airport Advisory Board (AAB)</b>	2 <sup>nd</sup> Wed/Quarterly in CC Chambers	Mike Johnston
<b>Animal Control Board</b>	Quarterly, Monday evenings, 6 p.m.; HCPD Conf Room.	Mayor, Chair
<b>Audit Committee</b>	Quarterly Meetings arranged with Finance Director. *Could nominate two yet that would create an even number on Committee.	Sid Ostergaard
<b>Heber Valley Special Service District Board (Sewer Board)</b>	2 <sup>nd</sup> Thursday/ 4 pm at HVSSD Sewer Plant Office	Mayor, Chair Yvonne Barney Mike Johnston
<b>Heber Valley Historic Railroad Authority (HVRR)</b>	3 <sup>rd</sup> Monday, 1 pm at HVRR Depot, downstairs.	Mayor
<b>Heber Valley Tourism &amp; Economic Development Board (HVTED)</b>	2 <sup>nd</sup> Monday at HV Economic Development Office, 3:30 pm	Sid Ostergaard
<b>Historic Preservation Board</b>	2 <sup>nd</sup> Monday quarterly at Noon, City Hall, Downstairs Conference Room (Jan 12, 2026)	Yvonne Barney
<b>Interlocal Planning Meeting</b>	3 <sup>rd</sup> Tuesday, 8:30 am, County Planning Office Conference Room or online.	All invited to attend.
<b>North Village Special Service District (NVSSD)</b>	2 <sup>nd</sup> Tuesday/ 4:30 pm, Wasatch County Council chambers.	Mayor Aaron Cheatwood
<b>Parks, Open Space, Trails, and Trees Committee (POSTT)</b>	3 <sup>rd</sup> Thursday/ 4 pm City Hall, Downstairs Conference Room	Yvonne Barney
<b>Personnel Committee</b>	2 <sup>nd</sup> Thursday at Noon, Downstairs Conference Room/online, City Hall	Aaron Cheatwood Sid Ostergaard
<b>Timpanogos Irrigation Company</b>	Attend one annual meeting to vote for City's shares- TBD (held likely April 2026)	Yvonne Barney
<b>Wasatch County Caring Community Coalition</b>	1 <sup>st</sup> Wednesday, Noon, Wasatch County Health Department Conference Room	Morgan Murdock
<b>Wasatch County Fire District Advisory Board</b>	1 <sup>st</sup> Thursday, 4 pm, Rotating Fire Stations.	Mayor

<b>Wasatch Housing Authority (WCHA)</b>	2 <sup>nd</sup> Monday, Wasatch County Administration Building, Room 104, 6:00 p.m.	Morgan Murdock Todd Anderson
<b>Wasatch Irrigation Company</b>	Attend one annual meeting to vote for City's shares- TBD	Yvonne Barney
<b>Wasatch Open Lands Board (WOLB)</b>	2 <sup>nd</sup> Monday, 6:30 pm Wasatch County Downstairs Conference Room/online	Mayor, Chair
<b>Wasatch County Cooperative Weed Management Area Board</b>	2 <sup>nd</sup> Wed; 1 pm, Wasatch County Admin Building, room 100. <a href="https://www.wasatchcounty.gov/downloads/file/566/mou-without-contacts">https://www.wasatchcounty.gov/downloads/file/566/mou-without-contacts</a>	Mike Johnston

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FYI: Mayor's Appointment according to HL&P Bylaws (no council confirmation required):

<b>Heber Light &amp; Power Board (HL&amp;P)</b>	4 <sup>th</sup> Wed/ 4 pm at HL&P Downstairs Conference Room at 100 West Building.	Mayor, Chair Morgan Murdock Aaron Cheatwood
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Each Council member is assigned to at least 2-3 monthly meetings, along with the two regular Council meetings.

Other appointments are the annual Irrigation Company meetings, and the quarterly meetings for the AAB, Historic Preservation.

YB	AC	MJ	SO	MM
HVSSD	HL&P	HVSSD	HVTED	HL&P
POSTT	Personnel	AAB	Audit	WCHA
Hist Preser	NVSSD	Weed Board	Personnel	Caring Community Coalition Board

Was/Timp Irr





# Heber City Council Staff Report

**MEETING DATE:** 1/6/2026

**SUBJECT:** Garbett Homes presentation on proposed Bluestone development located at approximately 830 East Center Street (continued discussion from December 16)

**RESPONSIBLE:** Tony Kohler

**DEPARTMENT:** Planning

**STRATEGIC RELEVANCE:** Community Development

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## SUMMARY

Since visiting with Council on December 6, 2025, Garbett Homes has revised its concept at 830 East Center by reducing the number of town homes from 40 to 30, as well as decreasing the height of all units from 3 stories to 2 stories. Garbett Homes is seeking input from Council on the concept prior to submitting a zone change application to the Planning Commission, after which Council will review once again.

Policy questions for Council include:

1. Does Council support the proposed development, such as layout, density and height? What changes would Council like to see?
2. Does Council support the proposed affordable housing approach?
3. Is Council comfortable with the petitioner proceeding to the Planning Commission with a zone change application?

## RECOMMENDATION

Staff recommends Council discuss the proposed development and provide input on the key policy questions above.

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## BACKGROUND

Jacob Ballsteadt, representing Garbett Homes, is returning to Council with a revised concept that involves twenty-nine (29), 2-story townhomes, reduced from the original proposal of forty (40), 3-story townhomes. Starting prices for the homes will go up from that originally proposed, but are still anticipated to be relatively affordable; Garbett Homes is working on final numbers for an affordable housing proposal with Jason Glidden, the City's Housing Consultant. The affordable housing concept involves deed restricting the future sales price of some or all of the homes so the housing remains affordable to those earning moderate incomes.

Specific changes since last Council meeting include:

1. shifted the easement for the canal to the west as requested by Engineering
2. centered the bridge

3. relocated the front doors on the units along Center Street, so they face center street and now engage with Center Street.
4. reduced units from 40 to 29
5. reduced height to 2 stories
6. removed triangular area from park (now owned by neighbor)
7. added trails and sidewalks
8. increased the length of the driveway to a minimum of 5’.
9. Call with Engineering and discussed requirements for a 20’ dedicated water easement that can be accomodated.

## DISCUSSION

Developers have asked the City to consider not restricting housing sales prices with deed restrictions. The attached description of deed restrictions discusses the pros and cons of price deed restrictions. An alternate type of deed restriction, an owner-occupancy deed restriction, could be just as important as price deed restrictions and could be used with, or separately from a price deed restriction.

## FISCAL IMPACT

N/A

## CONCLUSION

The proposed development has the potential for creating housing that is affordable to those earning moderate incomes and redeveloping a dilapidated property.

## ALTERNATIVES

N/A

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## POTENTIAL MOTIONS

N/A

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## ACCOUNTABILITY

**Department:** Planning  
**Staff member:** Tony Kohler, Community Development Director

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## EXHIBITS

1. 844 East Center Vicinity Map
2. 250823 830 E Center St\_SP06.1\_2025-12-30
3. Deed Restrictions



## “844 East Center, Heber City







Site Info

City: Heber City, UT

County: Wasatch

Zoning: TBD

Site Summary

Gross Area 3.11 ac

Units 29 du

Density 9.3 du / ac

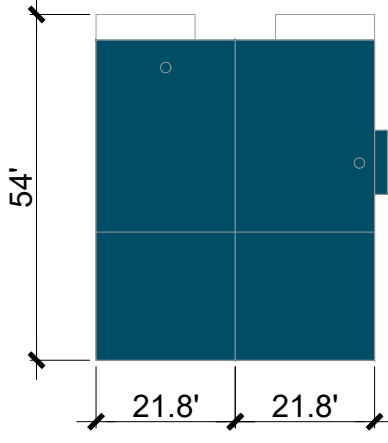
Open Space 53.0%

Unit Mix

Type	Description	Garage	Gross SF	Count	SFtotal	Mix
Plan 1	2-Story / 3 bd / 2.5 ba	2-Car SXS	1,650	21	34,650	72%
Plan 2	2-Story / 3 bd / 2.5 ba	2-Car SXS	1,720	8	13,760	28%
Total				29	48,410	100%

Parking Provided

Garage	58
Driveway	10
Guest	9
Total	77 Spaces
	2.66 spaces / du



Typ. Plotting



# Deed Restrictions for Affordable Housing

## Price Deed Restrictions

A home price deed restriction is a legally binding rule written into a property's deed that limits how the home can be sold in the future, usually to keep it affordable for income-qualified buyers.

### Core Elements

- It “runs with the land,” meaning it applies to all future owners.
- It caps the resale price or sets a formula for how much the home can appreciate.
- It often requires the home to be sold only to income-eligible buyers at an affordable price.
- The restriction is enforceable for decades or more, depending on state law.

### Purpose

Price deed restrictions are used to:

- Preserve long-term affordability of homes created through subsidies, inclusionary zoning, or public investment.
- Ensure the community's investment stays in the housing stock rather than being lost to market appreciation.

## Pros to Price-Capped Deed Restrictions

### 1. Preserves Long-Term Affordability

- Deed restrictions ensure that homes originally made affordable through subsidy, incentives, or inclusionary zoning stay affordable for future buyers, not just the first one.
- Sources note that resale restrictions “preserve the long-term affordability of units” by limiting future sales to income-eligible buyers at affordable prices.

### 2. Protects the Public Investment

- When a city, county, or nonprofit subsidizes a home, a deed restriction prevents that subsidy from being lost to market appreciation.
- This “safeguards the long-term value to the community of the initial investment”.

### 3. Supports Local Workforce Stability

- Ensured that local workers and essential community members can live in the community, with the goal to maintain a “complete community” and support the workforce needed for the local economy.

### 4. Creates Predictable, Transparent Affordability

- Because the resale formula is defined in the deed, both the city and future buyers have clarity about:
  - How resale prices are calculated
  - Who qualifies
  - How long affordability lasts
  - This predictability is a major advantage for program stability and fairness.

### 5. Ensures Units Remain Owner-Occupied

- Many deed-restricted programs require owner occupancy, which:

- Reduces speculative buying
- Strengthens neighborhood stability
- Keeps units from being converted into short-term rentals

## **6. Flexible and Customizable to Local Needs**

- Deed restrictions can be tailored to:
  - Income bands (e.g., 60–120% AMI)
  - Appreciation formulas
  - Occupancy requirements
  - Duration (often decades or permanent)

## **7. Aligns With Broader Housing Strategies**

- Deed-restricted homeownership is widely recognized as a core tool in local housing policy libraries. It works well alongside:
  - Inclusionary zoning
  - Density bonuses
  - Public-private partnerships
  - Land donations
  - Community land trusts
  - Local Housing Solutions highlights deed restrictions as a key mechanism for preserving affordability in both soft and strong markets.

### **The Big Picture**

Price-capped deed restrictions are one of the most durable, predictable, and administratively manageable tools for ensuring that homes created with public or philanthropic investment remain affordable for the long term.

They trade off some homeowner equity growth, but in return they deliver lasting community benefit, workforce stability, and preservation of scarce affordable units.

## **Cons to Price-Capped Deed Restrictions**

### **1. Owners Don't Build Equity Like the Market**

- A price cap means the home's value can only grow at a controlled rate.
- That protects affordability, but it also means:
  - Owners don't benefit from market appreciation
  - Wealth-building is limited compared to unrestricted homes
  - Some owners feel "locked out" of the traditional wealth pathway of homeownership

### **2. Reduced Incentive to Maintain or Improve the Home**

- If you can't recoup the cost of improvements in resale value, you're less likely to:
  - Renovate kitchens/bathrooms
  - Replace aging systems early
  - Invest in energy upgrades
  - Over time, this can lead to deferred maintenance and a decline in the quality of the housing stock.

### **3. Financing Can Be More Difficult**

- Some lenders:
  - Are unfamiliar with deed-restricted products
  - Require additional underwriting
  - Offer fewer loan options
- This can reduce the buyer pool and slow down transactions.

#### **4. Resale Can Be Slower**

- Because the home must be sold to income-qualified buyers — often at a below-market price — the pool of eligible buyers is smaller.
- This can lead to:
  - Longer time on market
  - More administrative steps
  - Occasional mismatches between supply and demand

#### **5. Administrative Burden for the City**

- To keep the restriction enforceable and effective, the city must:
  - Monitor income qualifications
  - Review resale calculations
  - Enforce compliance
  - Maintain program staff capacity

#### **6. Potential Perception Issues**

- Some buyers view deed-restricted homes as:
  - Less desirable
  - Less flexible
  - More bureaucratic
- This can affect demand and long-term program stability.

## **Owner-Occupancy Deed Restrictions**

A deed restriction of this type is a legally binding covenant recorded against the property that establishes strict rules about who may own and occupy the home and how the home may be used. It “runs with the land,” meaning it applies to all future owners unless formally released by the city.

### **Core Elements**

#### **1. Mandatory Owner-Occupancy**

The property must be continuously occupied as the primary residence of at least one legal owner. This typically means:

- The owner lives in the home for the majority of the year
- The home is not used as a second home, investment property, or vacation residence
- Proof of occupancy may be required (driver’s license address, voter registration, utility bills, etc.)

#### **2. Prohibition on Short-Term Rentals**

The home may not be rented for fewer than 30 consecutive days, regardless of platform or arrangement. This prevents:

- Airbnb/VRBO-style rentals
- Nightly or weekly lodging use
- Commercial or hospitality-type activity in residential neighborhoods

#### **3. Prohibition on Long-Term Rentals**

The home may not be leased to tenants for any duration, including month-to-month or annual leases. This ensures:

- The home remains owner-occupied
- It is not converted into a traditional rental property
- The unit contributes to stable, year-round residency rather than absentee ownership

Some communities allow temporary hardship exceptions (e.g., medical leave, military deployment), but the baseline rule is no rentals of any kind.

#### **4. Prohibition on Fractional Ownership**

The property may not be owned in fractional interests where multiple unrelated parties each purchase a share of the home for part-time use. This restriction prevents:

- Co-ownership models marketed for vacation homes
- Investment groups buying shares
- Rotating occupancy arrangements that undermine neighborhood stability

#### **5. Prohibition on Timeshare Ownership**

The property may not be used or marketed as a timeshare, including:

- Fixed-week or floating-week timeshares
- Points-based vacation club systems
- Any arrangement that divides occupancy rights among multiple parties
- This ensures the home functions as a single, full-time residence, not a hospitality product.

### **Purpose of This Type of Restriction**

Cities use this structure when they want to:

- Preserve true local residency
- Prevent speculative or commercial use of housing
- Maintain neighborhood stability
- Ensure that publicly supported or scarce housing stock serves full-time community members
- Avoid the conversion of homes into investment assets or vacation properties

## **Rationale for Owner-Occupancy Deed Restrictions**

### **Purpose**

The purpose of an Owner-Occupancy Deed Restriction is to ensure that newly created or publicly supported housing units contribute to the long-term stability, livability, and resilience of neighborhoods. By requiring owner-occupancy and prohibiting short-term rentals, long-term rentals, fractional ownership, and timeshare use, the City ensures that these homes function as true primary residences for local households.

### **Policy Rationale**

#### **1. Strengthening Neighborhood Stability**

Owner-occupied homes consistently produce stronger, more stable neighborhoods.

Residents who live in their homes full-time are more likely to:

- Participate in local schools, civic life, and community organizations
- Maintain their properties to a higher standard
- Build long-term relationships with neighbors
- Restricting rental and fractional uses prevents the churn, absentee ownership, and inconsistent occupancy patterns that can undermine neighborhood cohesion.

#### **2. Protecting Scarce Housing for Local Residents**

Without protective measures, homes intended for local residents can quickly be converted into:

- Short-term rentals
- Seasonal second homes
- Investment properties



- Fractional or timeshare products

This deed restriction ensures that these units remain available to households who live and work in the community year-round.

### **3. Preserving Public Investment and Policy Intent**

When the City uses zoning tools, incentives, or public resources to support housing production, it has a responsibility to ensure that the resulting units serve the intended public purpose.

- Owner-occupancy requirements:
  - Prevent speculative use
  - Ensure long-term alignment with community goals
  - Protect the value of public investment by keeping units in the local housing supply
  - This maintains the integrity of the City's housing strategy.

### **4. Reducing Impacts on Infrastructure and Public Services**

Short-term rentals and fractional/timeshare uses often generate:

- Higher traffic volumes
- Increased parking demand
- Greater wear on infrastructure
- More frequent public safety calls
- Owner-occupied homes produce more predictable, manageable impacts on city services and infrastructure.

### **5. Supporting a Balanced and Complete Community**

A healthy community requires a mix of housing types that support a diverse population.

Ensuring that certain homes remain owner-occupied:

- Helps retain families, essential workers, and long-term residents
- Supports school enrollment stability
- Strengthens the local workforce
- Maintains year-round economic activity

### **6. Preventing Commercialization of Residential Neighborhoods**

Fractional ownership models, timeshares, and short-term rentals effectively convert residential units into commercial lodging products. This deed restriction:

- Preserves the residential character of neighborhoods
- Prevents incompatible land-use patterns
- Ensures that housing is used as housing, not as a hospitality or investment product

## **Owner-Occupancy Versus Price Deed Restrictions**

### **1. Owner-Occupancy Deed Restrictions Preserve Local Residency Without Limiting Equity**

Owner-occupancy restrictions ensure the home is lived in full-time by the owner, but they do not cap appreciation. That means:

- The home stays in the hands of local residents
- The owner can still build normal market equity
- The city avoids the “wealth-limiting” criticism that often accompanies price-restricted homes
- This makes the product more attractive to buyers and more politically durable.

## **2. Owner-Occupancy Deed Restrictions Avoid the Administrative Burden of Monitoring Affordability**

Price-capped deed restrictions require the city to:

- Verify income eligibility
- Calculate resale formulas
- Approve buyers
- Monitor compliance for decades
- Owner-occupancy restrictions are far simpler:
- Confirm the owner lives there
- Enforce no-rental provisions
- No income verification, no resale formulas, no long-term affordability calculations
- This dramatically reduces staff time and program complexity.

## **3. Owner-Occupancy Deed Restrictions Maintain Market Function and Financing**

Price-restricted homes can be harder to finance because lenders must underwrite the restriction and some won't touch them. Owner-occupancy restrictions:

- Are familiar to lenders
- Don't interfere with resale value
- Don't require special underwriting
- Keep the buyer pool broad and healthy
- This makes transactions smoother and reduces friction for both buyers and sellers.

## **4. Owner-Occupancy Deed Restrictions Directly Address the Problem Many Mountain Resort Communities Face**

- Second-home demand
- STR conversion
- Investor purchases
- Fractional/timeshare creep
- Owner-occupancy restrictions target these issues directly, without distorting the price of the home.
- Price restrictions, by contrast, don't stop:
  - Second-home buyers (if they meet income rules)
  - STR use (unless separately regulated)
  - Investor purchases (unless occupancy is also required)
  - Owner-occupancy is simply a more precise tool for this specific regional problem.

## **5. Owner-Occupancy Deed Restrictions Preserve Neighborhood Stability More Effectively**

Owner-occupied homes tend to produce:

- Lower turnover
- Higher maintenance
- Stronger social ties
- More consistent year-round occupancy
- Price-restricted homes may still be rented (depending on the program) or owned by absentee owners if occupancy rules aren't included.
- If the city's goal is stable, lived-in neighborhoods, owner-occupancy is the cleaner, more reliable mechanism.

## **6. Owner-Occupancy Deed Restrictions Are Easier to Explain and Defend Publicly**

Price-capped restrictions require explaining:

- Appreciation formulas

- Income limits
- Resale caps
- Long-term affordability mechanics
- Owner-occupancy restrictions are simple:
  - “This home must be lived in by the owner.”
  - “No short-term rentals, no long-term rentals, no fractional or timeshare use.”
  - This clarity makes them easier to adopt, enforce, and maintain political support.

### **Bottom Line**

If the city’s primary goals are:

- Keeping homes in the hands of full-time residents
- Preventing STRs and investor conversions
- Maintaining neighborhood stability
- Avoiding heavy administrative burdens
- Preserving normal equity growth for homeowners

...then owner-occupancy deed restrictions are often the superior tool.

Price-capped deed restrictions are powerful for long-term affordability, but they come with tradeoffs: reduced equity, slower resales, lender friction, and significant administrative overhead.

## Owner-Occupancy vs. Price-Capped Deed Restrictions

Category	Owner-Occupancy Deed Restriction	Price-Capped (Affordability) Deed Restriction
<b>Primary Purpose</b>	Ensure homes are lived in by full-time residents; prevent STRs, investment use, and second-home conversion	Preserve long-term affordability by limiting resale price
<b>Impact on Homeowner Equity</b>	Full market appreciation; normal equity growth	Limited appreciation; equity constrained by resale formula
<b>Administrative Burden on City</b>	Low — verify occupancy and enforce no-rental rules	High — income verification, resale calculations, buyer approval, long-term monitoring
<b>Effectiveness for Workforce/Local Residency</b>	Very strong — ensures actual year-round occupancy	Mixed — affordability helps locals, but occupancy isn't guaranteed unless separately required
<b>Financing &amp; Lender Acceptance</b>	High — familiar to lenders; minimal underwriting issues	Moderate to low — some lenders avoid or complicate loans on price-restricted units
<b>Market Function &amp; Resale</b>	Normal market resale; broad buyer pool	Restricted resale; smaller buyer pool; slower transactions
<b>Neighborhood Stability</b>	Strong — consistent occupancy, fewer turnovers, no STRs	Moderate — depends on occupancy rules; affordability alone doesn't ensure stability
<b>Protection Against STRs, Fractional Ownership, Timeshares</b>	Direct and highly effective	Only effective if additional restrictions are layered on
<b>Public Perception</b>	Generally positive — protects community without limiting wealth-building	Mixed — some see it as essential; others see it as limiting homeowner opportunity
<b>Best Use Case</b>	Communities facing STR pressure, second-home demand, and investor activity	Communities prioritizing long-term affordability and subsidy preservation
<b>Long-Term Policy Durability</b>	High — simple, enforceable, politically stable	Moderate — requires ongoing administration and political support



# Heber City Council Staff Report

**MEETING DATE:** 1/6/2026  
**SUBJECT:** Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure  
**RESPONSIBLE:** Ryan Bunnell  
**DEPARTMENT:** Administrative  
**STRATEGIC RELEVANCE:**

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## SUMMARY

During the Council's December 2, 2025, regular meeting, staff was requested to draft a formal City communication policy utilizing feedback provided by the governing body during the meeting. The aim of the policy is to define the "voice of the city" (i.e. tone and purpose of communications) and brand standards (i.e. fact-based and reliable non-partisan information), in all formal city communications (i.e. monthly newsletter, social media posts, surveys, etc.).

## RECOMMENDATION

Approve Resolution 2025-22.

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## BACKGROUND

During previous council meetings, members of the city's governing body provided feedback on tenants that should be included in a communication policy. Key tenants identified by the governing body included, 1) newsletter content and legal review prior to sending; 2) survey utilization, topics and questions reviewed and signed off by a majority of council members (united approach) ; 3) city communications must be fact-based, neutral in tone, and focused on informing/educating (i.e. political and personal views belong on personal social media sites--swim lanes); 4) reliable expectations when city communications accompanied by city brand; and 5) .

In early 2022, staff, with the assistance of the Mayor, drafted a press release policy which is still in use today. This policy has been updated and incorporated into the communication policy being considered by council.

## DISCUSSION

Included with this staff report is the proposed communication policy, which incorporates the city's press release policy. The policy has been purposely incorporated and formatted into the City Council's Rules of Order and Procedure Policy. The communication policy, as drafted, achieves the following primary objectives: 1) foster an atmosphere of openness and transparency; 2) provide the

public with timely, accurate, objective, and complete information about City policies, programs, services, and initiatives; 3) ensure all official communications maintain political neutrality, focus on facts, and avoid emotionally charged language; 4) establish clear separation between professional City communications and the personal communications and social media activities of staff and elected officials; and 5) ensure compliance with all applicable laws, including the Government Records Access and Management Act (GRAMA).

The communication policy is intended to apply to all Heber City employees, appointed officials, and elected officials when communicating on behalf of the City or utilizing City resources or platforms (e.g., City email, City social media accounts, City letterhead).

## **FISCAL IMPACT**

Fiscal impacts associated with the proposed communication policy include additional hours required by the city's public information officer and attorney to review content of newsletters and social media prior to publishing. It's unknown as to what this cost might sum to at this time.

## **CONCLUSION**

The drafting of the communication policy was guided in large part by the feedback and direction of the governing body. The policy provides clear "swim lanes" for staff and elected officials to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public.

## **ALTERNATIVES**

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## **POTENTIAL MOTIONS**

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## **ACCOUNTABILITY**

**Department:** Administrative  
**Staff member:** Matt Brower, City Manager  
Ryan Bunnell

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## **EXHIBITS**

1. Resolution 2025-22 Adopting a Communications Policy
2. City Press Releases
3. HC-Communication-Policy\_DRAFT1\_12-8-2025 (002)

**RESOLUTION NO. 2025-22**

**A RESOLUTION OF THE CITY COUNCIL OF HEBER CITY, UTAH, ESTABLISHING  
A COMPREHENSIVE COMMUNICATION POLICY FOR CITY STAFF AND  
ELECTED OFFICIALS**

**WHEREAS**, Heber City (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and

**WHEREAS**, the City Council is the legislative and governing body of the City; and

**WHEREAS**, the City desires to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public; and

**WHEREAS**, the City Council seeks to provide clear guidelines for the use of all communication platforms, including newsletters, surveys, social media, and press releases; and

**WHEREAS**, establishing a clear policy will foster public accountability, enhance community trust, and ensure consistent, professional messaging;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Heber City, Utah, that the City’s Rules of Order and Procedure for City Council is hereby amended, as attached hereto as Exhibit A, is hereby adopted:

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Morgan Murdock	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____

APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_  
RECORDER

Date: \_\_\_\_\_

## **Policy Title: City Press Releases**

**Policy Topic:** Utilization and authorization of press releases for communicating City matters.

**Policy Purpose:** The purpose of a press releases is to accurately represent and promote significant City news. The intent of this policy is to formalize the authority for issuing press releases and content review and approval process for press releases officially issued by Heber City.

**Part 1:** Purpose of Press Releases: The City may issue press releases for any of the following purposes, informational, promotional, situational, persuasive, political, etc.

**Part 2:** Authorization to Issue Press Releases: Authorization to issue press releases rests with the Mayor, or City Manager or Police Chief. The City Manager and Police Chief are authorized to issue press releases for routine City matters relative to their areas of authority. Press releases issued for non-routine matters, however, require the review and input of the Mayor and other subject matter experts as deemed necessary by the Mayor, City Manager or Police Chief. The Mayor, City Manager and Police Chief may collectively authorize experts to speak or issue releases on behalf of the City, subject to rules governing press release content found in Part 3 and Part 4 of this policy.

**Part 3:** Press Release Content: The City Manager and Police Chief are authorized to review and approve press release content that is specific to their span of responsibility. However, for non-routine matters or when the Mayor's actions or appointees are involved in media inquiries or city media statements, then the Mayor, in addition to the City Manager and/or Police Chief, must also approve the content of any release prior to issuing the release.

**Part 4:** Governing Body Updates: The governing body will be notified of all press releases. In lieu of press release copies, the Governing Body may be provided talking points or notices of press release issuances. Further, press release content must always be consistent with the official position of the Governing Body and/or other legal considerations.

**Part 5:** Media requests of Staff: Staff must notify the City Manager or Police Chief of media requests—interviews or statements—prior to accepting the request.



## **EXHIBIT A**

### **PART II: Communication Policy**

#### **Policy Title: Communications Policy**

Policy Topic: Establishing roles and identities for official Heber City communications and the elected officials of Heber City

Policy Purpose: Our mission is to uphold a clear, consistent, and trustworthy public identity by defining a unified organizational voice, establishing brand standards, and honoring communication roles. We protect the integrity of Heber City's brand by ensuring the city logo and official identity are never used for personal promotion, and by maintaining a strict separation between individual opinions and the organization's neutral voice.

Elected officials are empowered to communicate directly with their constituents in the voice, tone, and style they choose through their personal channels. Staff, however, serves as a steward of factual, impartial, and policy-aligned communication. By focusing solely on clarity, accuracy, and neutrality, and leaving interpretation of issues to policymakers, we strengthen long-term public trust and ensure that the city's official voice remains consistent, credible, and respected.

#### **Section 1: Official Heber City Communication Brand Standards**

These standards ensure consistent, trustworthy communication that protects the integrity of the city's official voice.

##### **A. Tone & Voice**

- Maintain a neutral, factual, and professional voice at all times.
- Content should educate and inform, not persuade, interpret, or advocate.
- Staff communication represents the organization—not personal viewpoints.

##### **B. Content Guidelines**

- Address issues with accurate, unbiased, and educational information.
- Avoid offering personal interpretation; with regards to public communications policy interpretation is the role of elected officials, not staff.
- Ensure messaging is clear, accessible, and grounded in verified facts.

##### **C. Use of Heber City Identity**

- Do not use the Heber City logo or brand elements in personal or private communications.
- Self-promotion using city branding is prohibited.

- Keep organizational identity separate from personal branding or commentary.

#### **D. Communication Roles and Boundaries**

Staff: Restricted to a factual, neutral organizational voice to uphold long-term public trust.

Elected Officials: Encouraged to communicate through their own channels, using any tone, message, or style they deem appropriate, as long as it is not presented as an official city statement.

#### **E. Personal Opinions**

When expressing personal views, staff must comply with Heber City Personnel Policy,

### **Section 2: Review of Official Communications**

These guidelines ensure that official communications reflect accurate information, adhere to legal and ethical standards, and protect the integrity of the city's public messaging. To maintain accuracy, consistency, and legal compliance in all government communications, the following review standards apply:

#### **A. Drafting, Editing, Logo Use, and Designates**

- Any communication, document, or material that includes the city logo or other official brand elements must undergo review and approval by the City Manager or the Public Information Officer (PIO) before publication or release.
- Any communication, document, or material that includes the Heber City Police Department's logos (HCPD) or other official brand elements must undergo review and approval by the Police Chief. Police Chief has further responsibility to notify City Manager and PIO.
- The City Manager and Police Chief may authorize designated personnel or subject-matter experts to draft and issue communications, subject to review, approval, and the content requirements of the overarching Heber City Communications Policy.

The PIO reserves the right to request legal review for any official statements or materials when necessary to ensure compliance with applicable laws, policies, or risk-management standards.

#### **B. Legal Review Process**

A legal review may be initiated when issues arise that, in the judgment of two-deep leadership, consisting of the Mayor, City Manager, Public Information Officer, or Chief of Police, present potential legal implications outside of a City Council meeting.

Additionally, the City Council may request legal review of any communication or matter with a majority vote.

### **Section 3: Communication Channels**

All content published to media channels that are or may be used in the future must conform to the Communications Policy. Some of the channels for publishing may include, but are not limited to:

#### **A. Digital & Online Media**

Social Media Platforms (Facebook, X/Twitter, Instagram, TikTok, LinkedIn, YouTube, Snapchat), City Websites, News Websites, Online Publications, Blogs, Independent Digital Publishers, Streaming Platforms (audio and video: Netflix, Spotify, etc.), Email newsletters, and subscription-based updates.

#### **B. Traditional Broadcast Media**

Television (network news, cable news, public broadcasting), Radio (commercial radio, public radio, satellite radio).

#### **C. Print Media**

Newspapers (local and national), Magazines (general interest, industry-specific), Flyers, Brochures, Printed Newsletters.

#### **D. Direct Communication Channels**

Press releases, Media Advisories, Public relations statements, Official Organizational Communications, Public Meetings, Town Halls, and Civic Broadcasts.

#### **E. Interpersonal & Emerging Channels**

Podcasts, Messaging apps (WhatsApp, Messenger, SMS, group chats), Community forums (Reddit, neighborhood platforms), and Influencer Communication through personal channels.

#### **F. Visual / Outdoor Media**

Billboards, Transit advertising (buses, trains), and Digital Signage.

### **Section 4: Authorization and Deployment of Press Releases**

This policy governs the use and authorization of press releases to communicate official City information. It establishes the authority, procedures, and content requirements for issuing

official press releases by Heber City.

#### **A. Definitions**

Routine Matters:

Operational matters that fall within the established, ongoing, and previously authorized functions, duties, or activities of a Heber City department. Routine matters typically include scheduled events, standard service updates, regulatory or procedural notifications, or information that does not significantly impact City policy, finances, public safety, or the roles of elected officials.

Non-Routine Matters:

Matters that involve significant, unusual, or emergent issues, changes in or impacts to Heber City policy, major incidents affecting public safety or City operations, topics likely to generate heightened public interest, or matters involving the actions, roles, or decisions of elected officials or their appointees. Non-routine matters require elevated review due to their complexity, sensitivity, or potential policy implications.

#### **B: Purpose of Press Releases**

The City may issue press releases to communicate information related to City operations, programs, services, actions, events, or other matters of public interest.

#### **C: Authorization to Issue Press Releases**

- Authorization to issue press releases rests with the Mayor, City Manager, or Police Chief.
- The City Manager and Police Chief may issue press releases on routine matters within their respective areas of responsibility.
- Press releases concerning non-routine matters require review and input from the Mayor and any subject matter experts designated by the Mayor, City Manager, or Police Chief.
- The Mayor, City Manager, and Police Chief may jointly authorize designated personnel or subject matter experts to issue statements or releases on behalf of Heber City, subject to the content requirements of the overarching Heber City Communications Policy.

#### **D: Press Release Content**

- The City Manager and Police Chief may review and approve press release content within their respective areas of authority.
- For non-routine matters or when media inquiries involve the Mayor or mayoral appointees, the Mayor must also review and approve the content before issuance.
- All press releases must provide factual information and comply with applicable legal requirements.

## **E: City Council Updates**

- The City Council will be notified of all issued press releases.
- In place of complete press release copies, the City Council may receive summaries, talking points, or notices of issuance.
- Press release content must be consistent with official City Council positions and applicable laws.

## **Section 5: Authorization and Deployment of Official Surveys**

### **A. Survey Initiation Process**

City Council members, the City Manager, or Department Leaders may initiate requests to develop or consider an official City survey. All initiation requests must be submitted to the City Manager's Office for preliminary evaluation. Staff will conduct an initial assessment to determine feasibility, alignment with City goals, estimated cost, and potential legal or operational considerations. Only after this assessment may the survey be advanced for City Council consideration.

### **B. Survey Authorization**

All official Heber City surveys must be formally authorized by the City Council (CC) by a majority vote at a public meeting. No official survey may be initiated, distributed, or promoted without this explicit approval.

### **C. Pre-Meeting Requirements**

Before the meeting at which the City Council will consider action, staff must present all pertinent information related to the proposed survey, including:

- Content and purpose of the survey
- Method of deployment (digital, print, third-party provider, etc.)
- Scope and target audience
- Funding requirements and sources
- All additional or unforeseen variables relevant to survey administration, implementation, or interpretation

### **D. Council Review and Decision**

The City Council will review the whole proposal in an open public meeting to ensure transparency, accountability, and informed decision-making. Only after this review may the Council take action to approve or deny the survey.

## **E. Implementation**

Upon Council approval, staff will administer the survey as authorized and ensure that content, method, and distribution strictly align with the parameters approved by the City Council.

## **Section 6: Police Department Communications Policy**

The Heber City Police Department (HCPD) has distinct and evolving communications requirements due to the nature of law enforcement operations. HCPD shall comply with all applicable City, State, and Federal laws in the conduct of its communications.

While HCPD will follow the guidelines established in the Heber City Communications Policy for applicable matters, the Department may also implement additional communications procedures as specified in the HCPD Policy and Procedure Handbook. In circumstances where legal, safety, or policy considerations necessitate, HCPD communications shall be governed by the procedures in its departmental handbook.

All HCPD communications shall remain consistent with applicable laws, City policies, and public safety obligations.



# Heber City Council Staff Report

**MEETING DATE:** 1/6/2026  
**SUBJECT:** Consideration of Council Letter to UDOT Regarding Comments on Draft EIS for the Heber Valley Corridor  
**RESPONSIBLE:** Russ Funk  
**DEPARTMENT:** Engineering  
**STRATEGIC RELEVANCE:** Necessary Administrative Action

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## SUMMARY

UDOT recently announced that they will be publishing the Draft EIS (including identification of the preferred route) for the Heber Valley Corridor on January 7th. The 60-day public comment period will run through March 9th. This item is intended to discuss whether or not the City Council is interested in submitting a comment letter from the City with comments supported by a Council majority. The purpose of the letter would not be to influence what alternative is selected by UDOT, but to try and ensure that legitimate traffic concerns are resolved regardless of the alternative selected.

## RECOMMENDATION

Discuss potential comments and issues related to the proposed bypass and determine whether or not the Council wants to submit an official letter on behalf of the City.

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## BACKGROUND

UDOT has been working on the Draft EIS (Environmental Impact Statement) for the Heber Valley Corridor (Bypass) for several years. The City Council previously determined that they did not want to interfere with UDOT's EIS process but did want to demonstrate support for the project and UDOT's selection process. The City passed Resolution 2023-07 indicating this decision.

In an effort to improve communication regarding the project over the past year, UDOT has been meeting with City and County staff, as well as providing updates during Council Meetings. Although some concerns have been raised with UDOT during this coordination, UDOT requested that some of these concerns be shared during the official comment period in an effort to keep the EIS process moving forward.

## DISCUSSION

The following is a preliminary list of concerns that staff has raised for consideration by the Council:

### **Issue #1 - Proposed Southfield Road Cul-de-sac**

The current alternatives call for a dead-end cul-de-sac at the south end of Southfield Rd. Southfield

Rd is designated as a Major Collector in Heber City's Transportation Master Plan. It serves as an important link to other major roads including Hwy 40 on the south end, 650 South, and Midway Lane. It provides critical capacity and multiple ingress/egress routes for large events on the west side of town including at the Wasatch County Events Center. UDOT has indicated that because Heber City's Transportation Master Plan includes a future 1200 South road connection from Southfield Rd to Industrial Pkwy that they evaluated the future alternatives with this connection in place.

**Resolution Request** - Figure out a way to make a connection to Southfield Road from the Bypass near 1200 South, or construct the future connecting road between Southfield Road and Industrial Parkway.

**Issue #2 - No Westbound Access on 1300 S from Hwy 189 & 1300 S Intersection** (Signal by Walmart)

Traffic coming from south Heber (north on Daniel Road or Hwy 40 cannot access the Valley Station commercial development (Walmart) or 300 West without going north through the Hub intersection and turning left off Main St at 1000 South. This movement is already very restricted and difficult during heavy traffic.

**Resolution Request** - Allow traffic from the Hwy 189 & 1300 S Intersection to go westbound along 1300 South (parallel to the bypass) by creating another tunnel or opening under the bypass road where traffic could merge with the westbound traffic on the north side of the bypass. The bypass road will already be elevated in this area so it would just be a matter of constructing it differently to allow traffic to pass under it in that location.

**Issue #3 - One-way Access at Industrial Parkway**

Traffic traveling along Industrial Pkwy can't pass under the bypass and continue on Industrial Pkwy. Traffic heading in either direction would need to detour to the underpass at 300 West and work their way back around to their destination. The detours may not be too significant, but this would add traffic to signals and intersections that may experience capacity concerns.

**Resolution Request** - Consider adding another underpass at this location for a more direct route.

**Issue #4 - No Left Turns or Access to the Bypass from the Southfield Rd Intersection at Midway Lane**

Due to anticipated traffic and the proximity of planned signals for the Bypass interchange and the new High School at 1000 W, traffic heading northbound along Southfield Rd will not be able to turn left to head to Midway or access the Bypass going north or south from Midway Lane.

**Resolution Request** - Figure out a way to allow full movement at this intersection and access to the Bypass in either direction. One idea that has been discussed is to work with Heber City and Wasatch County to realign the Southfield Road intersection to line up with the new signal at 1000 West allowing for full movement. Can this be done as part of the project?

**Issue #5 - Trail Access at the Midway Lane Interchange with the Bypass**

The proposed trail access through Midway Lane Interchange has pedestrians or cyclists taking a half mile detour to get through the interchange. The concern is that many people may not be willing to do this, and may risk crossing with traffic (4 crossings) increasing the likelihood for accidents.

**Resolution Request** - Evaluate other possible solutions including an elevated or below grade walkway to cross pedestrians safely.

**Issue #6 - No Direct Access to College Way from the Bypass**

Both of the final alternatives identify College Way (3000 N) as the northernmost signalized intersection before the Hwy 32 Interchange. In the case of Alternative B (North Fields Route), an overpass is also planned for this location. It is worth noting that Heber City's North Village



Transportation Master Plan had envisioned 2 major signalized intersections (one to the north and one to the south of this location) to split the traffic demand in this area. This College Way location will now serve as the one primary access to all of the North Village including significant traffic generators such as UVU and The Arts District and Amphitheater. As designed, traffic heading north on the bypass would need to get off the bypass at 900 north and travel along the existing north Hwy 40 route and then turn onto College Way at the future signal. Traffic leaving College way going south would need to turn left at the signal to travel back down the old Hwy 40 to 900 North where it could access the bypass. These options will rely heavily on the planned traffic signal(s) and may contribute to poor level of service during high traffic volumes.

**Resolution Request-** Consider options allowing for more direct access to College Way to/from the Bypass including: 1) A northbound Exit Ramp merging directly with College Way; 2) A free right lane from College Way allowing traffic intending to go northbound to merge with Hwy 40 traffic without needing to stop at the future signal; 3) A merge lane or ramp on the west side of old Hwy 40 allowing traffic direct access to go southbound on the new Bypass road without needing to go to 900 North.

### **Issue #7 - Potential Property Gap between End of Frontage Road through Simmons Property and Harvest Village Property**

Alternative B includes a frontage road from the College Way interchange running along the west side of Hwy 40 to the north end of the Simmons Property. Future plans for secondary/emergency access from Harvest Village include connecting into that future frontage road. In addition, access through the private roads in the Harvest Village may be necessary to maintain farm access to North Fields property owners.

**Resolution Request** - Ensure that the property acquisition process for the frontage road extends all the way to the south property line of the Harvest Village property.

### **Issue #8 - Maintenance Responsibility of Frontage Roads & Trails**

It is unclear who will be responsible for maintenance and upkeep of frontage roads and trails.

**Resolution Request** - Clarify and/or negotiate responsibility for maintenance.

Are there other concerns that the Council wants to discuss?

If the City Council supports a unified letter, what direction or support is needed from staff to help facilitate the letter?

## **FISCAL IMPACT**

## **CONCLUSION**

## **ALTERNATIVES**

1. Approval of a Letter with direction on Council supported comments
2. Letter Not Approved
3. Continue

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## **POTENTIAL MOTIONS**

### Alternative 1 - Approval of Letter

I move to **Approve a Council Letter to UDOT**, with the following comments:

### Alternative 2 - No Letter

I move to **Not send a Council Letter to UDOT**

### Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

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## ACCOUNTABILITY

**Department:** Engineering  
**Staff member:**

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## EXHIBITS

1. Resolution 2023-07
2. Streets Master Plan Exhibit
3. College Way Collector Concept

RESOLUTION NO. 2023-07

A RESOLUTION SUPPORTING UDOT'S CONTINUED DETAILED EVALUATION OF THE FIVE ALTERNATIVES FOR THE WEST BYPASS ROAD SET FORTH IN THE FINAL ALTERNATIVES DEVELOPMENT AND SCREENING REPORT

**WHEREAS**, Heber City supports the design and construction of a West Bypass Road as new US-40 to reduce traffic congestion in Heber City and allow for localized control of Heber City's Main Street;

**WHEREAS**, in January 2023, the Utah Department of Transportation ("UDOT") published the Final Alternatives Development and Screening Report;

**WHEREAS**, a copy of the Final Alternatives Development and Screening Report Summary (the "Summary") is attached hereto as Exhibit A, and the full Final Alternatives Development and Screening Report can be found at: <https://hebervalleyeis.udot.utah.gov>;

**WHEREAS**, as set forth in the Summary, UDOT evaluated twenty-three alternatives for the West Bypass Road and five alternatives passed the screening process;

**WHEREAS**, as set forth in the Summary, UDOT intends to carry forward the five alternatives for a detailed evaluation in the Draft Environmental Impact Study (EIS);

**WHEREAS**; Heber City believes that UDOT's continued evaluation of all five alternatives is in the best interest of the public and will allow UDOT to ultimately make the best decision on the preferred alternative. Heber City supports UDOT's process and decision-making.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Heber City, Utah, as follows:

Heber City supports UDOT's continued evaluation of all five West Bypass Road alternatives set forth in the Final Alternatives Development and Screening Report Summary attached hereto as Exhibit A. Heber City does not want any of the five alternatives to be excluded from evaluation.

This Resolution shall take effect and be in force from and after its adoption and publication.

**ADOPTED AND PASSED** by the City Council of Heber City, Utah, this 21<sup>st</sup> day of March, 2023. This Resolution shall become effective upon adoption and passage by the City Council.

HEBER CITY

A Utah Municipal Corporation

*Personal Note: Mayor supports 2 County Resolutions on route preferences. Heidi Franco*

Heidi Franco, Mayor

ATTEST:

Trina W Cooke  
Trina Cooke, City Recorder



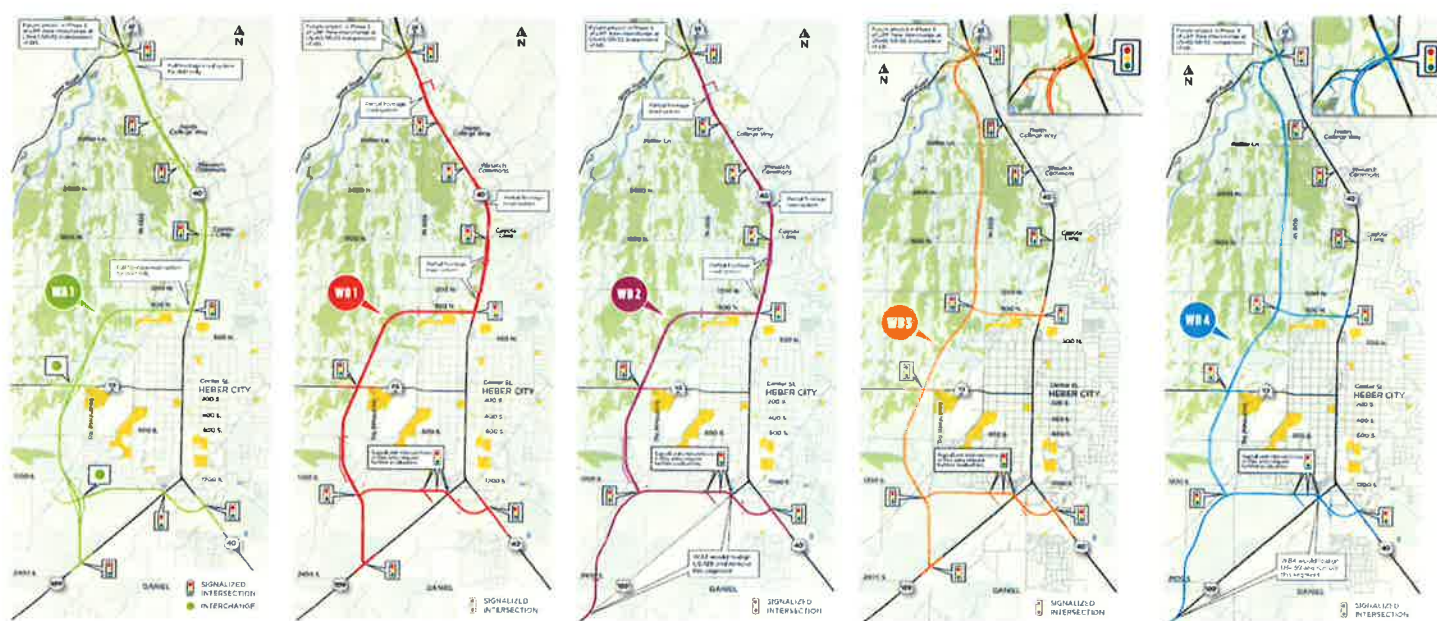
## **EXHIBIT “A”**

# FINAL ALTERNATIVES DEVELOPMENT AND SCREENING REPORT SUMMARY

## DRAFT ALTERNATIVES SCREENING REPORT SUMMARY

The Utah Department of Transportation (UDOT) published the Draft Alternatives Development and Screening Report on June 7, 2022. The report detailed how the study team evaluated the 17 preliminary alternatives initially presented to the public and six new alternatives suggested by the public during the comment period held during Oct. 2021 in a three-level screening process. Preliminary screening focused on technical feasibility, Level 1 screening focused on the purpose and need of the project, and Level 2 screening focused on initial impacts to key resources. Based on an evaluation of 23 alternatives, five alternatives on the west side passed the screening process and will be carried forward for detailed evaluation in the Draft EIS.

A public comment period was held from June 7 to July 22, 2022 to receive input on the range of alternatives, the criteria used to screen alternatives as they relate to the project's purpose and key environmental resources, and the initial impact analysis to advise the screening process.



## FINAL ALTERNATIVES SCREENING REPORT REVISION SUMMARY

After the release of the Draft Alternatives Development and Screening Report, UDOT collected and considered updated and new information for Level 2 screening, including an updated aquatic resource delineation, a historic buildings survey, and evaluating the Provo River Restoration Project as a Section 4(f) resource. This additional data collection and analysis was the result of agency and public input during the comment period.

The updated delineation showed more wetlands compared to preliminary data used for the draft report. As a result wetlands impacts increased for all alternatives. Based on the new data, alternatives WB3 and WB4 were realigned to minimize impacts to wetlands, and all the western bypass alternatives that passed Level 1 screening were re-evaluated against the updated information. Although Alternatives WB3 and WB4 have greater wetlands impacts compared to other alternatives, they also provide additional mobility benefits and will be carried forward for detailed evaluation. The outcome of the screening process did not change as a result of the new data or alignment shifts. None of the alternatives that passed through screening are seen as being un-permittable due to aquatic resource impacts or unselectable due to Section 4(f).

The final report includes new appendices to document the notification for the draft screening report release, presentations given to stakeholders and local councils, and the comments received during the alternatives screening comment period.



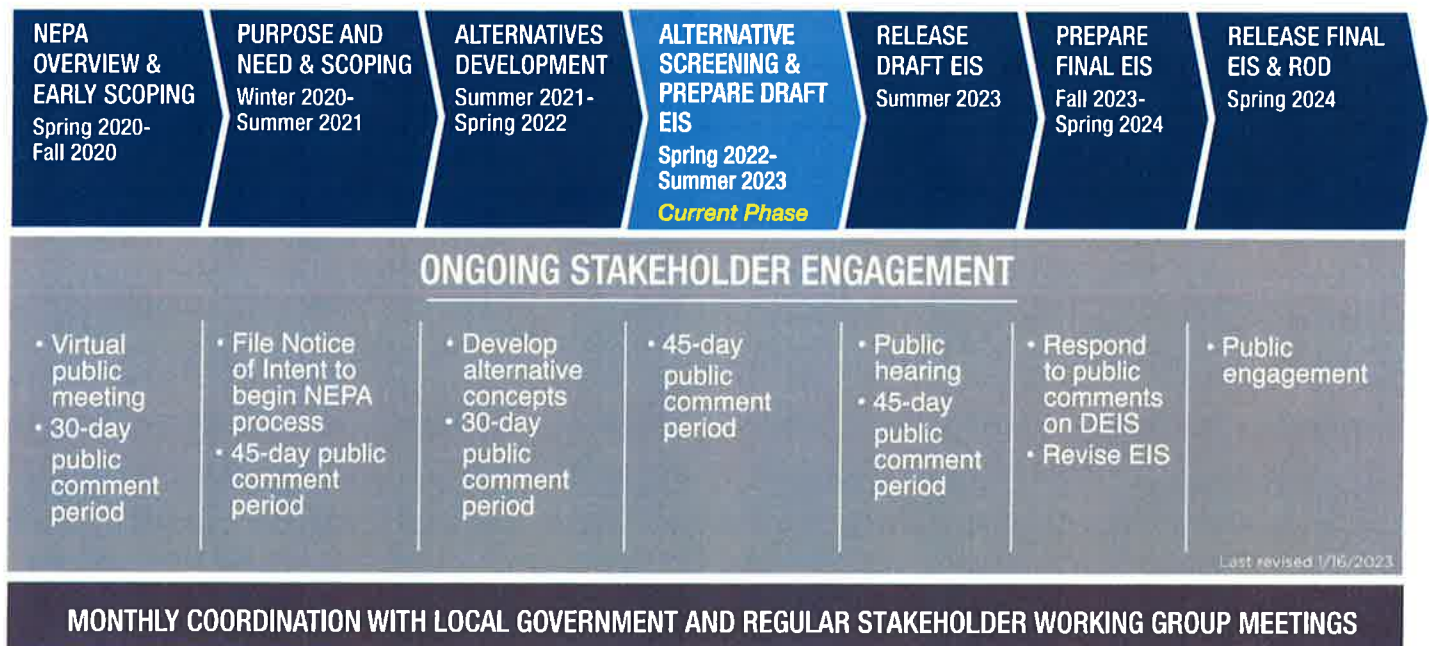
# REVISED LEVEL 2 SCREENING RESULTS

ALTERNATIVE	Level 1 Screening						Level 2 Screening				
	Local Mobility PM peak hour operations (5-6pm) on Heber City Main Street			Meets Heber City Vision Impacts to downtown valued places/historic buildings	Regional Mobility Traffic operations between SR-32 and US-189		Residences and Businesses (#) Potential full acquisitions	Section 4(f)		Aesthetic Resources (Acres Impacted) Canals, ditches, perennial streams, wetlands	Cost (millions) High level project cost estimate
	Intersections with IUS F Five intersections on US-40 in downtown Heber City	Southbound Segments with IUS F	Southbound Queue Length at 500 North (feet)		Local Travel Time on US-40 SR-32 to US-189/US-40 Intersection (m:s)	Regional Travel Time on SR-32 to US-189/3000 South (m:s)		Historic Buildings (#) Potential adverse effects	Prime River Restoration Project (Acres of PRRP land impacted)		
US-40 Existing Conditions (2019)	0	2	375	No	8:20	10:40 (on US-40)	-	-	-	-	-
US-40 No-Action (2050)	3	2	13,100	No	17:40	19:05 (on US-40)	-	-	-	-	-
West Bypass Limited-Access Grade-Separated (WAI) Freeway with North US-40 (WAI)	0	1	1,600	Yes	11:05	9:10	18	8	0	12.4	\$244.9M
West Bypass Parkway At-Grade (WB1) Highway with North US-40 (WB2)	0	1	1,500	Yes	11:00	10:25	17	8	0	8.9	\$178.6M
West Bypass Parkway At-Grade with Realigned US-189 (WB2) Highway with North US-40 and Realigned US-189 (WB2)	0	0	400	Yes	9:30	10:05	18	8	0	8.9	\$184.0M
West Bypass Parkway At-Grade with Northern Extension (WB3) Highway to SR-32 (WB3)	0	0	375	Yes	8:55	8:10	8	2	2.4	39.3	\$204.5M
West Bypass Parkway At-Grade with Northern Extension and Realigned US-189 (WB4) Highway to SR-32 and Realigned US-189 (WB4)	0	1	400	Yes	8:55	7:45	9	2	2.4	39.3	\$209.4M

## WHAT NOTABLE REVISIONS WERE MADE BETWEEN THE DRAFT AND FINAL SCREENING REPORT?

Level 2 Screening Data	Draft Screening Report	Final Screening Report
Wetlands delineation	Relied on National Wetlands Inventory (NWI) data north of 1200 North	<ul style="list-style-type: none"> <li>Aquatic Resource delineation completed in the summer and fall of 2022 to encompass all alternatives that passed Level 1 screening</li> <li>Delineation shows more wetlands impacts than NWI data for all alternatives</li> <li>Alignment shifts for Alternatives WB3 and WB4 to minimize wetlands impacts</li> <li>Update wetlands impacts for all alternatives in Level 2 screening</li> </ul>
Historic buildings survey	Relied on desktop research of available data from agency databases, historical topographic maps and aerial photographs, and online archival sources	<ul style="list-style-type: none"> <li>Reconnaissance-level historic structures inventory conducted in 2022 for alternatives that passed through Level 1 screening</li> <li>Updated Section 4(f) historic building impacts in Level 2 screening</li> </ul>
Provo River Restoration Project (PRRP)	PRRP not identified as a Section 4(f) resource	<ul style="list-style-type: none"> <li>Determination that PRRP should be considered a Section 4(f) wildlife refuge and included in Level 2 screening</li> </ul>

## EIS PROCESS & TIMELINE



The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being or have been carried-out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated May 26, 2022, and executed by FHWA and UDOT.



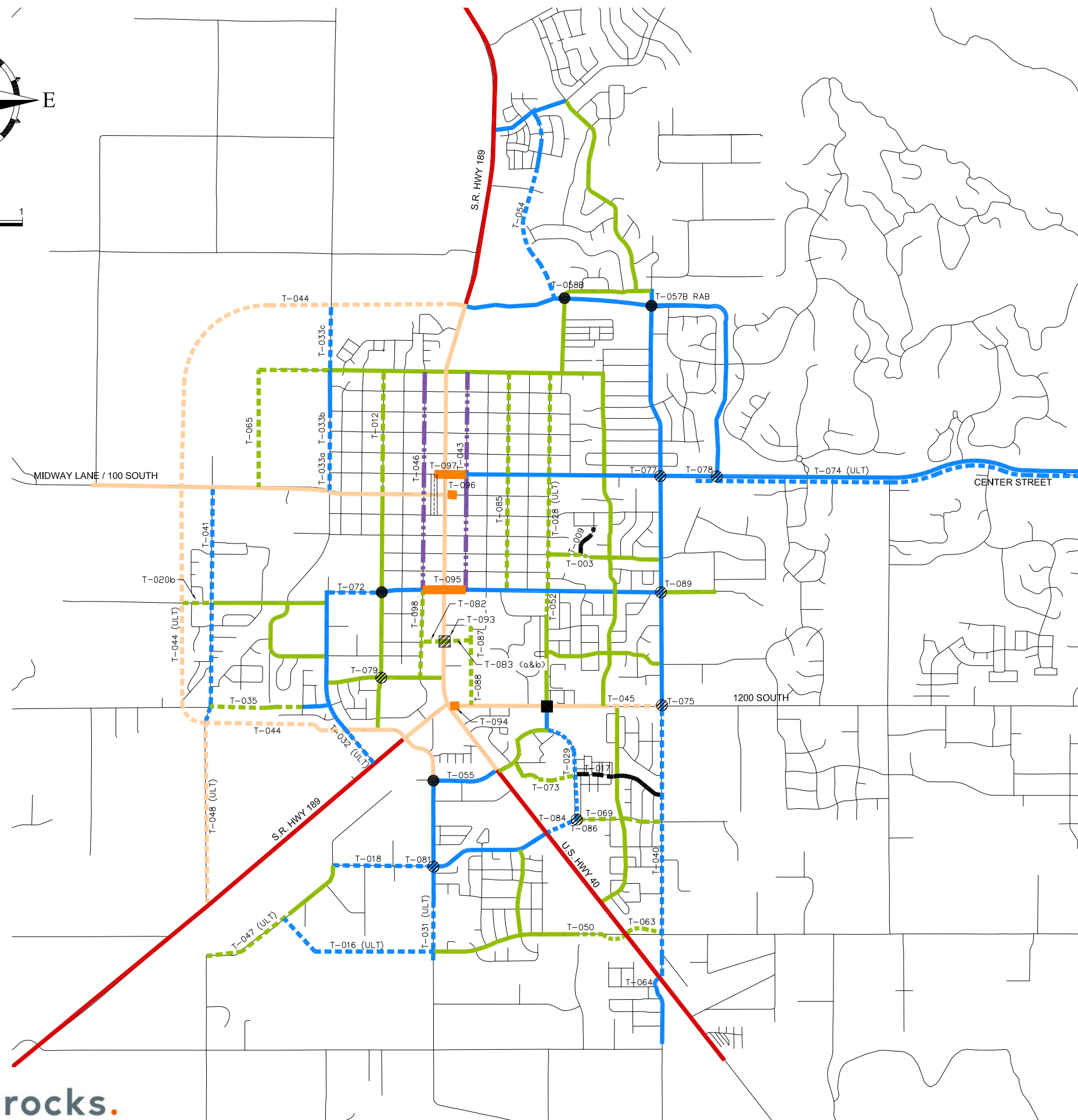
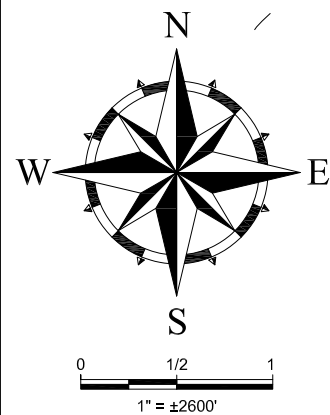


















FIGURE 6-1

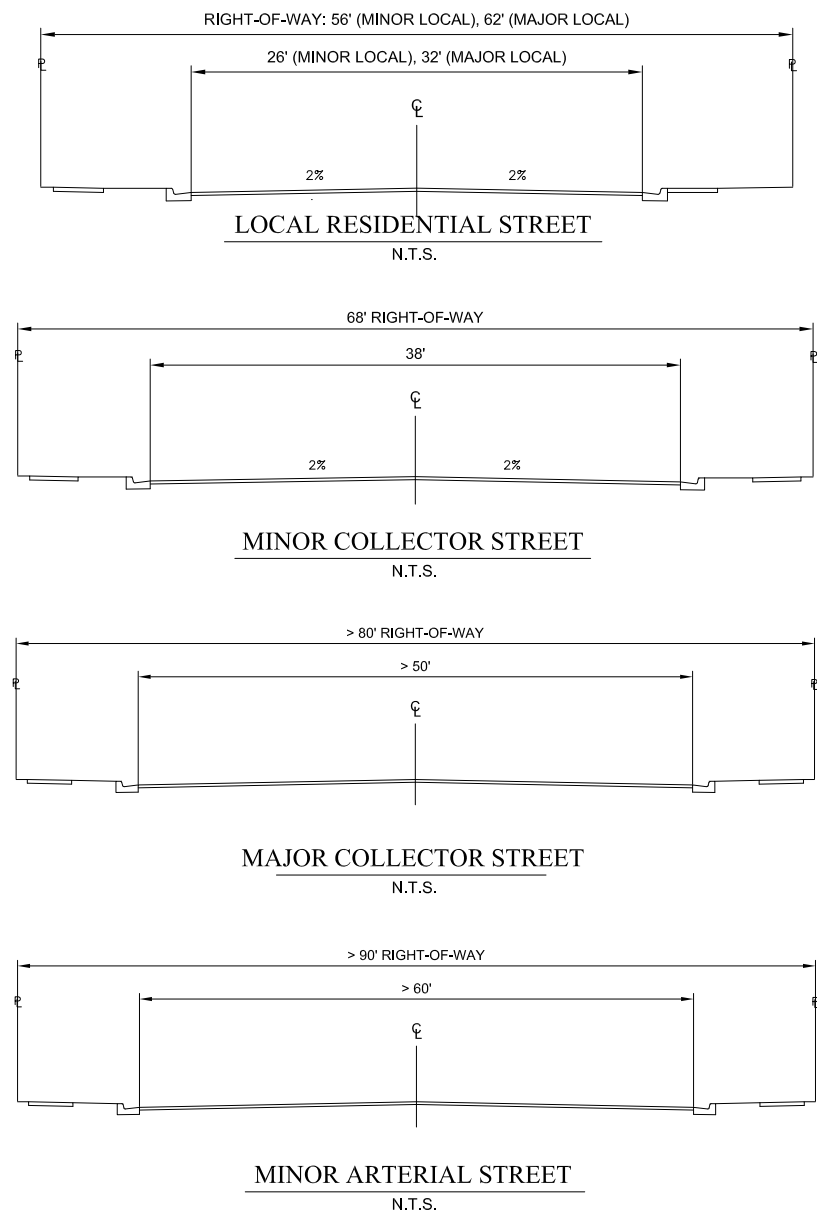
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HEBER CITY

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STREET SYSTEM  
MASTER PLAN

- |   |                                    |
|---|------------------------------------|
|  | EXISTING LOCAL STREET              |
|  | EXISTING MINOR COLLECTOR           |
|  | EXISTING MAJOR COLLECTOR           |
|  | EXISTING MINOR ARTERIAL            |
|  | EXISTING PRINCIPAL ARTERIAL        |
|  | NEW OR UPGRADED LOCAL STREET       |
|  | NEW OR UPGRADED MINOR COLLECTOR    |
|  | NEW OR UPGRADED MAJOR COLLECTOR    |
|  | NEW OR UPGRADED MINOR ARTERIAL     |
|  | NEW OR UPGRADED PRINCIPAL ARTERIAL |
|  | NEW OR UPGRADED MINOR ARTERIAL     |
|  | MEDIAN AND OTHER ROAD IMPROVEMENTS |
|  | EXISTING ROUNDABOUT                |
|  | FUTURE ROUNDABOUT                  |
|  | EXISTING SIGNAL                    |
|  | FUTURE SIGNAL                      |





## 204 TOWNHOMES

# PHASE 1

# PHASE 2

**NOT A PART**



**Satar**

## CHURCH ACCESS???

## WHERE IS POWERPOLE?

## future pond by others

## INES FOR PLAT





# Heber City Council Staff Report

**MEETING DATE:** 1/6/2026  
**SUBJECT:** Resolution 2026-01 to Adopt an Artificial Intelligence (AI) Policy  
**RESPONSIBLE:** Lainee Meyers  
**DEPARTMENT:** Administrative  
**STRATEGIC RELEVANCE:** Administrative

---

## SUMMARY

The proposed Artificial Intelligence (AI) Policy establishes clear guidelines for the responsible use of AI within Heber City operations. The policy promotes transparency when AI materially contributes to public-facing or decision-making documents, preserves human accountability for all decisions and work products, protects sensitive information, and centralizes oversight of AI tools through existing information technology and procurement processes. The policy aligns with the City's Employee Handbook and provides a consistent framework for managing emerging technologies across departments.

## RECOMMENDATION

Staff recommends that the City Council approve the Artificial Intelligence (AI) Policy as presented and authorize its inclusion in the City's Employee Handbook, to be implemented and administered in accordance with existing City policies and procedures.

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## BACKGROUND

Artificial intelligence (AI) tools are increasingly embedded in software platforms and vendor products used by local governments, often as integrated features rather than standalone applications. As these technologies continue to evolve, cities across Utah and nationally are establishing baseline governance policies to ensure responsible use, protect sensitive information, maintain public trust, and clearly define accountability.

The proposed Artificial Intelligence (AI) Policy establishes clear guidelines for the responsible use of AI within Heber City operations. The policy promotes transparency when AI materially contributes to public-facing or decision-making documents, preserves human accountability for all decisions and work products, protects sensitive information, and centralizes oversight of AI tools through existing information technology and procurement processes. The policy does not mandate the use of AI, nor does it create new disciplinary standards; instead, it applies existing Employee Handbook expectations to a new category of technology.

The City Council previously discussed the need for an AI policy and directed staff to develop a policy framework in advance of the 2026 City Council Retreat. This policy was developed in response to that direction, incorporates staff feedback, and is structured to align with the existing Employee Handbook by placing AI guidance alongside other technology-related policies, such as email and internet usage.

## **DISCUSSION**

Artificial intelligence tools are increasingly present in workplace software and third-party platforms used by local governments, creating both opportunities and risks for municipal operations. Without clear guidance, AI use may become inconsistent across departments and raise concerns related to transparency, data protection, accountability, and procurement oversight.

The proposed Artificial Intelligence (AI) Policy addresses these issues by establishing a clear framework for responsible use while maintaining flexibility to adapt as technologies evolve. The policy aligns with existing Employee Handbook standards for professional conduct, confidentiality, and accountability, extending those expectations to AI-enabled tools and platforms. It does not mandate the use of AI or impose additional documentation requirements for routine internal work; rather, it emphasizes proportional transparency, centralized oversight of AI tools, and preservation of human decision-making authority.

During discussion, Council may wish to consider whether the policy appropriately balances innovation with risk management, whether its placement within the Employee Handbook is clear and logical, and whether the standards for transparency, privacy, and oversight meet the City's expectations. Council may also discuss how the policy supports ongoing evaluation and refinement as AI technologies continue to develop.

## **FISCAL IMPACT**

There are no fiscal impacts.

## **CONCLUSION**

The proposed Artificial Intelligence (AI) Policy provides Heber City with a clear framework for responsibly managing emerging technology within City operations. The policy aligns with existing Employee Handbook standards, preserves human accountability, protects sensitive information, and establishes consistent oversight of AI tools across departments. Adoption of this policy will support thoughtful, consistent, and transparent use of AI while allowing for future discussion and refinement as technologies evolve.

## **ALTERNATIVES**

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

## POTENTIAL MOTIONS

### Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

### Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

### Alternative 3 - Continue

I move to **continue** the item to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### Alternative 4 - Denial

I move to **deny** the item with the following findings.

---

## ACCOUNTABILITY

**Department:** Administrative  
**Staff member:** Matt Brower, City Manager

---

## EXHIBITS

1. Resolution 2026-01 Adopting an AI Policy
2. Heber City Artificial Intelligence Policy Draft
3. 2025 Employee Handbook of Policies Procedures
4. Heber City Artificial Intelligence (AI) Policy Presentation

## **RESOLUTION 2026-01**

### **A RESOLUTION ESTABLISHING GUIDING PRINCIPLES FOR THE USE OF ARTIFICIAL INTELLIGENCE WITHIN THE CITY'S PERSONNEL POLICY**

**WHEREAS**, the City Council of Heber City, Utah recognizes that Artificial intelligence (“AI”) technologies are increasingly used by public and private entities to improve efficiency and communication; and

**WHEREAS**, the State of Utah has recommended that all governmental entities implement an AI Policy to establish best practices; and

**WHEREAS**, the Heber City Council approved the implementation of an AI Policy within their 2025 Budget and Policy Priorities; and

**WHEREAS**, Heber City recognizes that AI tools may offer benefits to municipal operations, including administrative efficiency, data analysis, public engagement, and service improvement, when used responsibly; and

**WHEREAS**, Heber City also recognizes that the use of AI presents potential risks, including concerns related to transparency, accountability, data privacy, bias, public trust, and compliance with applicable laws; and

**WHEREAS**, the Heber City Council wishes to establish clear principles to guide the responsible, ethical, and lawful use of AI technologies by City departments, officers, employees, and contractors while maintaining transparency with the public; and

**WHEREAS**, Heber City remains committed to maintaining human oversight over governmental decisions and ensuring that AI tools do not replace the judgment, discretion, or authority of elected or appointed officials where such judgment is required by law or policy.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Heber City, Utah, that Resolution 2026-01 is hereby adopted, approving the inclusion of an AI Policy within Section 14.8 in the Heber City Personnel Policy as set forth in Exhibit A.

**BE IT FURTHER RESOLVED THAT** the inclusion of this AI Policy within the Personnel Policy shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of January 2026, by the Heber City Council, State of Utah.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Morgan Murdock	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____

APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_  
RECORDER

Date: \_\_\_\_\_

EXHIBIT A



## **Artificial Intelligence (AI) Policy**

A. Purpose. This policy guides the responsible, transparent, and ethical use of artificial intelligence (AI) technologies in delivering services to the public. The use of AI is intended to support City operations by increasing efficiency and cost savings, improving decision-making, and enhancing community engagement.

B. Transparency. The City supports transparent, responsible use of AI to improve productivity and service delivery while maintaining public trust.

Disclosure of AI use is required only when AI materially contributes to the substance of a City deliverable that is intended for (a) elected officials, (b) the public, or (c) a decision-making record (e.g., staff reports, formal letters, public notices, policy drafts, or public web content).

When disclosure is required, staff may use a brief statement such as: “Prepared with support from generative AI and reviewed and edited by City staff.” No additional narrative documentation is required.

Routine internal use of AI for drafting, editing, proofreading, brainstorming, formatting, or summarizing for internal coordination (e.g., an internal email or draft notes) does not require documentation or disclosure.

Regardless of AI use, City staff remain fully accountable for the accuracy, integrity, tone, legality, and content of all materials submitted, relied upon, or published.

C. Accountability. AI systems will not replace final decision-making by humans in critical areas (e.g., public safety, eligibility for services, etc.).

City leadership remains responsible for all outcomes resulting from AI use within their respective departments.

D. Privacy & Data Protection. AI systems must comply with all relevant local, state, and federal data protection laws.

City staff shall not enter confidential, protected, or personally identifiable information into AI tools unless the tool is approved for such use and the use is authorized.

E. Procurement & Use. The City will prioritize AI tools that are transparent, explainable, and secure.

Vendors providing AI technologies or services must demonstrate compliance with applicable ethical, security, and technical standards as required by the City.

The City’s Information Technology (IT) Manager, or a designee, must review and approve all AI technologies and software prior to procurement. A log will be maintained by the IT Manager of all AI technologies and software procured by the City.

No department may request or procure AI tools using City funds unless first reviewed and approved by the IT Manager, or their designee.

F. Training & Capacity. Staff are encouraged to pursue appropriate training on approved AI tools to use them effectively, responsibly, and in alignment with City standards.

Training should focus on understanding:

1. Appropriate use cases and workflow integration
2. Tool limitations, including the potential for incorrect or incomplete information and the need to identify and mitigate bias
3. Data privacy, records considerations, and security requirements

The City may provide guidance, resources, or optional training opportunities as AI tools are adopted, updated, or expanded.

G. Evaluation & Review. Approved AI tools and applications may be periodically reviewed by City leadership and the IT Manager, or their designee, to ensure continued alignment with City goals, security standards, and applicable legal requirements.

Reviews may consider:

1. Whether the tool continues to meet operational needs
2. Data security and privacy compliance, including vendor terms and retention practices
3. Any identified risks, limitations, or unintended operational impacts
4. Staff feedback and training needs

At a minimum, review should occur (1) when a new AI tool is proposed for City use, (2) after a material change in vendor terms or functionality, (3) following a security/ privacy incident involving AI, or (4) when directed by City leadership.

H. Enforcement. Violations of the City's AI policy may result in disciplinary action, including termination.



Heber City Corporation

# Heber City Policies & Procedures

Amended August 6, 2024

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## **Article 1**

### **ESTABLISHMENT OF PERSONNEL SYSTEM**

#### **Sections:**

- 1.1 Provisions Established
- 1.2 Administration
- 1.3 Personnel Committee
- 1.4 Records
- 1.5 Definition of Terms

#### **Section 1.1 Provisions Established**

A personnel system for the City of Heber has been established in Title 2 of the City Municipal Code. This Ordinance established the following basic provisions in the personnel system:

- 1. A system free from political and personal considerations;
- 2. Equitable employment without illegal discrimination;
- 3. Incentives and conditions of employment;
- 4. Positions classified and compensated on justifiable and uniform basis;
- 5. Establishment of merit principle;
- 6. Equal administration of policies and procedures; and
- 7. A formal plan of adopted policies and procedures.

#### **Section 1.2 Administration**

The City Manager shall administer the personnel system as provided by Title 2 of the Municipal Code and as provided by these policies and procedures.

#### **Section 1.3 Personnel Committee**

The Personnel Committee, consisting of two members of the legislative body appointed by the Mayor (one being a non-voting member), the City Manager (as a non-voting member), Human Resources Manager, City Attorney, Chief of Police and Public Works Director the year even/odd year nonvoting, and four (4) merit employees shall serve as a review committee of the provisions of the Personnel Ordinance and the policies and procedures promulgated thereunder. The four classified employees shall consist of one representative from the Police and Animal Control Departments, one representative from the Public Works Department, one representative from the Parks/Cemetery Departments, and one representative from the Administrative, Justice Court, Planning, Airport, Building and Engineering Departments. The department representatives shall be elected by the full-time and part-time employees from the departments they represent. Terms for committee members will commence on July 1 and end June 30. The Committee shall make recommendations to the governing body concerning most policies and benefits of all City employees. Provisions that are governed by State and Federal law, pay range, wage compensation policies and working hours are not within the scope of authority of the Personnel Committee. Amendments to these personnel policies may be adopted by the City Council upon recommendation from the Personnel Committee. Any employee can propose an agenda item and related information to the Personnel Committee.

## **Section 1.4     Records**

A.     The official personnel record, which may be electronic of each employee shall be kept in the office of the Human Resource Manager and shall contain, as appropriate:

1.     Record of application for employment;
2.     Reference to transcripts of academic preparation;
3.     Personnel Policy Acknowledgment Form;
4.     Performance evaluations;
5.     References to any disciplinary action or commendation filed in the individual's personnel record;
6.     Records of actions affecting employee pay rate, status or standing; and
7.     Other applicable items.

B.     If a disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel record within thirty days by or under the direction of the City Manager.

C.     Personnel records shall be private data and available for review only to the employee and users authorized by law, or as determined by the City Manager, to have a legitimate “need to know.” A record of those reviewing personnel records and information shall be maintained, together with the reasons for access to the records. This record shall be maintained and appropriately indexed by the Human Resource Manager in a separate file titled Authorized Reviews of Personnel Records.

D.     Human Resource Manager, upon request, will supply the employee with a copy of any document placed in the employee’s file.

E.     An employee has the right to review the contents of his/her personnel record in the Office of the Human Resource Manager or the department as governed by law.

F.     An individual personnel record may be kept in the department to contain copies of items recorded in the official record and other materials as required by department management. Any such individual record shall be considered a supplement to the official record and shall be subject to the rules governing personnel records.

G.     Requests for confirmation of employment, dates of employment, job descriptions, and salaries (other than withholding information) will be treated as public information.

## **Section 1.5     Definition of Terms**

All terms, phrases and words used in these policies and procedures shall have the meanings as defined in this section or as defined by common usage.

**Appeals Hearing Officer.**   The Appeals Hearing Officer shall be a member of the Utah State Bar who is appointed by the Mayor. The Mayor may appoint one or more alternate Appeals Hearing Officers to handle appeals in the event the primary Appeals Hearing Officer has a conflict of interest or is unable to timely hear the appeal. *See Utah Code § 10-3-1106.*

**Applicant.** One who appears in person at the City Office Building or place designated and is received by a representative of the City. This individual must have completed an employment application form that designates preference for a particular position and may attach a resume that contains pertinent required data. The person must meet minimum legal requirements for the position being sought.

**Appointing Authority.** An official or group of officials having the authority legally to make appointment to positions in the City.

**Class.** A group of positions sufficiently similar with respect to their duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same minimum qualifications may be required, and that the same schedule of compensation may be made to apply with equity.

**Merit Employee.** All full-time and part-time employees which have successfully completed their Trial Service Period. Merit employees, unlike non-merit employees, have the right to appeal adverse employment decisions.

**Demotion.** Any action taken by a supervisor, City Manager, Mayor, and City Council governing body which results in a reduction in pay or position.

**Disabled.** One who (1) has a physical or mental disability that, for such individual, constitutes or results in a substantial disability to employment and (2) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. Also, one who is disabled means one who (1) has a physical or mental impairment that substantially limits one or more of one's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A disabled individual is substantially limited if he is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability. Utah Code § 34A-5-102. and 42 USC 12102

**Employee.** A person legally holding a position, under any appointment or contract to hire, in the public service of the City.

**Exempt Employee.** Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes, shall be exempt from mandatory overtime payment regulations.

**Full-time Employee.** An employee who works at least 30 hours per week and has been lawfully retained in his/her position after successful completion of the trial service period, providing such position shall have been approved by the City Council.

**Governing Body.** The Mayor and the City Council of Heber City.

**Grievance.** A grievance is a dispute regarding the interpretation or application of any rule, regulation, policy, or procedure which exists under the personnel system of the Heber City Corporation, filed by any employee, alleging a violation of the terms, provisions, and/or conditions of his/her employment, except for issues dealing with wages, salaries, benefits, or other financially remunerative matters.

**Human Resources Manager.** The person who is appointed by the City Manager to be primarily

responsible for handling human resources related issues.

**Intermittent Employee.** A person who works unscheduled periods, on a non-classified service status, but accrues fringe benefits on a pro-rate basis.

**Management.** Management includes all supervisory personnel of Heber City.

**Non-Grievance.** A non-grievance is any matter or action taken by the City or any of its representatives for which relief is provided under the statutes of the State of Utah, or any matter specifically excluded from this set of procedures by provisions included herein, such as wages and salaries, or any policy decisions made by the City Council.

**Part-Time “As Needed” Employee.** A part-time “as needed” employee is hired on an “as needed” basis and is not eligible for any benefits regardless of the number of hours worked. This designation is an at-will position.

**Performance Evaluation.** Performance evaluations will be conducted annually, or more often as requested by the City Manager. The evaluation will be given by the supervisor of the individual, or by a designate named by the supervisor. Each employee will be evaluated in an objective and equitable manner.

**Personnel Committee.** An eight (9) member committee, composed of the City Manager (as a non-voting member) and two elected officials appointed by the Mayor and confirmed by the city council (one as a non-voting member), 1 member as either the Police Chief or Public Works Director, the HR Manager, and four (4) employees elected at large by the employees.

**Part-Time Employee.** A part-time employee is hired without a pre-determined terminal point of employment and is scheduled to work less than full time.

**Position Description.** A written description of a position, consisting of a title, a description of duties, the essential functions of the job, and minimum qualifications as approved by the City Council.

**Promotion.** Movement of an employee from one class or position to another class or position having a higher salary range, and a greater degree of responsibility and difficulty.

**Temporary Full-Time Employee.** A temporary full-time employee is hired with a pre-determined terminal point of employment usually for a period of less than six months.

**Temporary Part-Time/Seasonal Employee.** A temporary part-time/seasonal employee is hired for a specific period of time usually for a period of less than six months.

**Transfer.** Movement of an employee from a related class or a related position with the same salary range, or the movement of an employee with his/her current position to another location within the City.

## **Section 1.6 Employee Code Of Ethics**

- A. Employees will respect the civil and legal rights of all who are served by the city.
- B. Employees, while on duty, shall be respectful, courteous and civil with the public, and each other,

- and shall not use course, indecent, profane or unnecessarily harsh language in any public space.
- C. All employees shall perform their duties as required or directed by law, city rule, policy, or supervisor. All lawful duties required or directed by competent authority shall be performed promptly as directed.
  - D. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
  - E. Employees shall meet standards established in their individual performance plans and report conditions or circumstances that would prevent them from performing their job effectively or completing their assigned tasks. Employees should bring to their supervisor's attention unclear instructions or procedures.
  - F. Employees are expected to make prudent and frugal use of city funds, equipment, buildings and supplies.
  - G. Employees shall observe workplace rules.
  - H. Employees shall not, while on duty, engage in religious discussions or debates to the extent it impacts the good working environment, nor speak disparagingly of the nationality, race or beliefs of any person.
  - I. No employee shall engage in any act or conduct which violates federal, state, or local laws or ordinances.
  - J. No employee shall ridicule, mock, deride, taunt, or belittle any person or group of persons, nor willfully embarrass, humiliate, or shame any person.

## **Article 2**

### **EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

#### **Sections:**

- 2.1 General Policy Statement
- 2.2 Disabled Persons
- 2.3 Sexual or Gender Based Harassment or Discrimination

#### **Section 2.1 General Policy Statement**

A. Heber City does not discriminate in hiring and promotion of employees based upon any protected class as defined by federal or state law.

B. Evaluation of full-time employment candidates will be made on the basis of education, skills, experience, and potential for job performance learning, and ability to be successful.

#### **Section 2.2 Disabled Persons**

No qualified disabled person shall, based on a disability as defined in Utah Code § 34A-5-102 be subjected to illegal discrimination in employment under any program or activity sponsored by Heber City covered by the Vocational Rehabilitation Act of 1973 as amended. Heber City's employment decisions will be made to ensure that discrimination based on disability or perceived disability does not occur.

#### **Section 2.3 Sexual or Gender Based Harassment or Discrimination**

**A. GENERAL POLICY.** It is the policy of Heber City that:

1. Heber City does not tolerate sexual harassment in any form.
2. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
3. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
4. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action against the accuser.
5. Records and proceedings of sexual harassment claim, investigations, or resolutions are confidential.
6. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy, respect in the workplace training, and grievances procedures.

**B. PROHIBITED CONDUCT.** The following conduct is prohibited:

1. Any unwelcome or inappropriate sexual behavior, sexual or gender-based remarks or jokes, physical touching, physical advances, or use of implicit or explicit sexual overtones.
2. The implicit or explicit granting, withholding or conditioning of job benefits based on or in exchange for sexual favors or sexual conduct.
3. Repeatedly or inappropriately asking or requesting that a person go on a date or interact outside of work unless the person has clearly indicated a willingness to do so.
4. Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:
  - i. Sex role stereotyping.
    - (A) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
    - (B) Comments or written material reinforcing traditional historic perceptions regarding gender.
  - ii. Gender harassment/discrimination.
    - (A) Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.
    - (B) Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender or nonbinary individual.
  - iii. Targeted or individual harassment.
    - (A) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.
    - (B) Offensive conduct may be verbal, visual, or physical; including unwanted physical touching of a non-criminal nature.



- iv. Touching.
  - (A) The intentional unwanted touching of the breasts, buttocks, or genitals of another.
  - (B) Forcible sexual abuse.

**C. TYPES OF CORRECTIVE ACTION:** Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

1. Informal Action.
  - a. Employees may choose to address unwelcome behavior/conduct informally by notifying the Human Resources Manager of the behavior or conduct. The victim may:
    - (A) Ask the Human Resources Manager for assistance in determining what to say and how to approach the offending employee.
    - (B) Request the Human Resources Manager accompany the victim when the victims give the offending employee notice.
    - (C) Ask the Human Resources Manager to give notice to the offending employee, either accompanied by the victim or alone.
2. Formal Action.
  - a. Formal complains should be in writing to the Human Resources Manager and specify:
    - i. The identity of the victim.
    - ii. The identity of the offending employee.
    - iii. The offensive behavior that the employee engaged in.
    - iv. The frequency of the offensive behavior.
    - v. Damage the victim suffered as a result of the offensive behavior.
    - vi. How the victim would like the matter settled, or what the victim would like to see happen.
  - b. The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.
  - c. The victim should submit formal written complaints to the Human Resources Manager. If the Human Resources Manager is the employee engaging in the offensive behavior, the formal complaint should be submitted to the City Manager.
3. Disciplinary Action. Employees found guilty of sexual harassment may face disciplinary action up to and including termination.

**D. MAINTAINING COMPLAINT FILES.**

1. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment investigative files. This information shall not be placed or maintained in any employee's personnel file.
2. Information contained in the sexual harassment investigative files shall be released only with the written authorization of the victim and the City Manager, or designee.
3. Participants in any sexual-gender or nonbinary harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

**E. VICTIM PROTECTION.**

1. Individual complaints, either verbal or written, are confidential.
2. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.
3. The accused shall not contact the victim regarding the alleged harassment.
4. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
  - a. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
  - b. Retaliation is an additional and separate disciplinary offense.
  - c. Retaliation may consist of, but is not limited to, any of the following:
    - i. Open hostility.
    - ii. Exclusion or ostracism.
    - iii. Special or more closely monitored attention to work performance.
    - iv. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

### **Article 3**

#### **HEBER CITY DRUG-FREE WORKPLACE POLICY**

##### **Sections:**

- 3.1 Policy Statement
- 3.2 Definitions
- 3.3 Prohibited or Required Conduct
- 3.4 Drug Testing
- 3.5 Drug Testing-Sample Collection
- 3.6 Discipline
- 3.7 Self-referral

##### **Section 3.1 Policy Statement**

A. The Governing Body of Heber City finds that a healthy and productive workforce within the city, safe working conditions free from the effects of alcohol and drugs, and high-quality services rendered to the public are important. These circumstances are vital to the functioning of Heber City, the safety of its government employees, and the well-being of the general public.

B. The Governing Body of the City finds that the abuse of drugs creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, decreased employee morale, and a decline in the quality of services rendered to the public.

C. In balancing the interests of the city and its employees and volunteers with the interest and welfare of the general public, the Governing Body of the City finds that implementation of drug free workplace policies, in accordance with state statute, is in the best interest of all parties.

D. In adopting this policy, it is the intent and object of the City Council to be as

comprehensive as possible in addressing the issues of safety, confidentiality, privacy, drug use education, treatment, and the appropriate use of drug testing as described in this policy.

### **Section 3.2 Definitions**

The following definitions shall apply to this Article 3:

A. “Act” means the Local Government Entity Drug-Free Workplace Enabling Act (Section 34-41-101, et seq., U.C.A. 1994, as amended).

B. “Drug” means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or a supplement to any of those compendia. (See appendix)

C. “Drug testing” or “drug test” means the scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this chapter.

D. “Employee” means any person or officer in the service of Heber City for compensation.

E. “Periodic testing” means pre-selected and pre-announced drug testing of employees or volunteers conducted on a regular schedule by Heber City’s designated Medical Review Officer (MRO).

F. “Prospective employees” means any person who has made a written or oral application to become an employee of Heber City.

G. “Random testing” means the unannounced drug testing of an employee or volunteer who was selected for testing by using a method uninfluenced by any personal characteristic other than job category.

H. “Reasonable suspicion for drug testing” means an articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this policy.

I. “Rehabilitation testing” means unannounced but pre-selected drug testing done as part of a program of counseling, education, and treatment of an employee or volunteer in conjunction with this policy.

J. “Safety sensitive activity” means any employment position involving duties which directly affect the safety of government employees or the general public, or positions where there is access to controlled substances, as defined by state law, during the course of performing job duties.

K. “Sample” means any sample of urine, blood, breath, saliva, or hair, to be used for drug testing.

L. “Volunteer” means any person who donates services as authorized by Heber City without pay or other compensation except expenses actually and reasonably incurred.

### **Section 3.3 Prohibited or Required Conduct**

A. Employees and volunteers shall not use, possess, distribute, sell, or purchase any illegal drugs or controlled substances.

B. Employees and volunteers shall not use or possess prescription drugs unless such drugs are properly prescribed by a licensed physician and are being properly used for the treatment of an illness or injury. As to any such prescription drugs, the employees or volunteers shall inform the department head or designee and/or City Manager of such medication if it impairs in any manner the employee's or volunteer's performance.

C. No employee or volunteer shall report for a regularly scheduled shift or be on a shift of duty while under the influence of any drug which renders the person incapable of safely and adequately performing job duties or while under the influence of any illegal drug or controlled substance.

D. No employee or volunteer, while on duty, shall operate any vehicle under the influence of any drugs which renders the person incapable of safely and adequately operating the vehicle.

E. Employees and volunteers shall not refuse to submit a sample for drug testing purposes when that sample is requested pursuant to the provisions of this policy.

F. Employees and volunteers shall not engage in off-duty drug use which violates the laws of the United States or the State of Utah or engage in any off-duty drug use which could compromise the employee's or volunteer's ability to safely and adequately perform job duties.

### **Section 3.4 Drug Testing**

A. Pre-hire Testing: All prospective employees shall be given a drug test as part of the pre-employment medical examination. Any prospective employee who is found to be a user of an illegal drug or controlled substance, uses a prescription drug without an authorized prescription, or refuses to take the drug screening test shall be disqualified.

B. Post-accident Investigation: In any circumstances in which an employee or volunteer causes or contributes to the cause of an accident in which damage appears to exceed one thousand dollars (\$1,000) or in the case of a motor vehicle accident, a reportable amount, and/or in which a third party is involved or in which personal injury results, he/she shall be given a drug screening test as part of the accident investigation. Notwithstanding the above criteria, an employee may volunteer to take a drug screening test, at the City's expense, for his/her own or for the City's legal protection no matter the results of the accident. The presence of drugs or other metabolites discovered in the drug screening test, or the employee or volunteer's refusal to submit to the drug screening test, shall result in appropriate disciplinary action.

C. Reasonable Suspicion Testing:

1. The department head, after discussion with the City Manager and Human Resources Manager, may direct that an employee or volunteer submit to a drug screening test under circumstances in which the supervisor has a reasonable suspicion that the employee or volunteer is under the influence of drugs or otherwise in violation of this policy.

2. Circumstances which may constitute a basis for determining a reasonable

suspicion include but are not limited to: a pattern of abnormal or erratic behavior (i.e. a significant change in absenteeism); the direct observation of the employee or volunteer using drugs, possession of drugs at the work site, or the noticeable presence of physical symptoms of drug use (i.e. dilated or pinpoint pupils, unusual changes in speech pattern, restlessness, rapid mood swings, bloodshot eyes, odor of alcohol, unusual euphoria, “nodding off”, needle marks, unusual aggressive or bizarre acts, or hallucinations).

D. Rehabilitation Testing: Employees who agree to enter a drug rehabilitation program, either in addition to or in lieu of disciplinary action, shall agree, as a condition of rehabilitation, to submit to such periodic or random drug testing as may appear appropriate. Such drug testing shall be conducted upon the advice of the rehabilitation treatment provider and shall be used to determine if the employee is making adequate progress towards successful rehabilitation.

E. Random Testing of Safety Sensitive Personnel: Employees who work in the following safety sensitive positions shall be subject to random drug tests as a condition of employment: police officers, public works employees, building inspection employees, parks and cemetery employees, and animal control officers. The directors of each department which employs safety sensitive personnel shall follow the random drug testing policies of this policy which specifies testing of a reasonable number of employees each year, including all supervisory and management personnel in those particular job positions.

F. Miscellaneous Testing: Employees and volunteers shall be subject to such other drug testing as may be required by appropriate state or federal laws or regulations, including driver’s license examinations and other license or certification requirements. All such drug testing shall be considered a condition of employment.

### **Section 3.5 Drug Testing-Sample Collection**

A. All drug test sample collection and drug testing under the provisions of this policy shall be conducted in accordance with the requirements of the Act and other applicable provisions of state or federal statute or regulation. Sample collection, handling, and transportation procedures shall all be conducted in accordance with the requirements of the law.

B. Any person required to submit to a drug test under the provisions of this policy may, at his option and expense, submit a second drug test sample for further testing in accordance with the provisions of the Act and within two (2) hours of the first test.

C. All drug testing and sample collection procedures under this policy shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested.

D. In all drug testing and sample collection procedures, any transmittal or reporting of test results shall be conducted with due respect for confidentiality. Drug test activities and result reports may be made available only to supervisors and management personnel with an immediate need to know about those procedures and results. Testing procedures and results may be made available and communicated as needed for the purposes of any disciplinary action or criminal investigation or prosecution. Records regarding test results are generally considered protected documents under the provisions of the Government Records Access and Management Act – Utah Code § 63-2-304.

E. Excess Fluid, Temperature Out-of-Range and Adulterated Samples (Negative Dilute Test

Results): To obtain accurate and reliable test results, the employee or prospective employee must not dilute the urine sample by the ingestion of excess fluids (hereinafter referred to as “Excess Fluids Sample”) before providing the sample. A urine sample shall be considered an excess fluids sample if (1) the test results indicated that the urine sample contains creatinine levels less than .2g/L and a specific gravity of less than 1.003 and (2) there is no medically sufficient explanation for such excess fluids, which explanation must be judged as satisfactory to the MRO in his/her sole but reasonable discretion. If a urine sample provided by a prospective employee or an employee is determined after appropriate testing to be an excess fluids sample, the prospective employee or employee shall, at the City’s discretion, be required to provide another urine sample at a time and under conditions and requirements that are within the sole discretion of the City. In the event the second sample is determined after appropriate testing to be an excess fluids diluted sample, the prospective employee shall not be offered employment with the City and the employee shall be subject to disciplinary action.

### **Section 3.6      Discipline**

A.      If a confirmed positive drug test result indicates a violation of this policy or if an individual refuses to provide a sample in accordance with the provisions of this policy, or otherwise violates this policy, that test result, refusal, or violation may be used as a basis for imposing disciplinary action. Any disciplinary action shall be conducted in accordance with the provisions of the Heber City Personnel Policies and Procedures Manual.

B.      Whenever appropriate, rehabilitation of employees who violate this policy should be pursued. The determination whether to proceed with discipline, rehabilitation in addition to discipline, or rehabilitation in lieu of discipline for violations of this policy shall be within the discretion of the department head and/or the City Manager.

C.      Any rehabilitation in lieu of or in addition to disciplinary action should be undertaken in accordance with the terms of a written memorandum of understanding or agreement between the City Manager, department head and the employee. The memorandum should set out the expectations which the employee must satisfy, including successful completion of a rehabilitation program; appropriate waiver of confidentiality to permit communication between supervisors and rehabilitation service providers, as needed; periodic rehabilitation drug testing as determined appropriate; an acknowledgment that failure to successfully complete rehabilitation will lead to appropriate disciplinary action; and such further conditions as may be necessary and appropriate.

### **Section 3.7      Self-referral**

Employees are encouraged to refer themselves for drug rehabilitation services to be provided by a certified rehabilitation service provider. Employees who enter drug rehabilitation as a self-referral are encouraged to communicate this fact to their supervisor to determine whether drug use or rehabilitation activities will adversely affect the employee’s job performance. Supervisors are encouraged to cooperate and work with employees who are undergoing a self-referral rehabilitation to assist in a successful completion of that rehabilitation. The status of employees in safety sensitive positions must be carefully screened to determine that their rehabilitation activity shall have no potential adverse effect on job duties.

## Article 4

### HIRING FOR NEW AND VACANT POSITIONS

#### Sections:

- 4.1 Procedures
- 4.2 Veterans Preference
- 4.3 Nepotism (Hiring of Relatives)
- 4.4 Employee Referral Program

#### Section 4.1 Procedures

A. When a position opens in a department or a need arises to create a new position, the department head shall submit notification of the position vacancy to the Human Resource Manager, who will then notify the City Recorder and City Manager to determine if the position is to be filled.

B. Job openings shall first be posted and opened to all employees within the City for five (5) working days. Openings within Heber City Police Department may be open to any part-time or Holli officers before being open to other departments within the City or to the public. (Part-time and reserve officers of the department have already been tested, been through field training, and required to meet the standards of a full-time officer.)

C. If it is determined that there is a need to consider outside applicants, then the Human Resource Manager shall post the opening with Work Force Service and other job boards, and where all City employees will be made aware of the opening. The appointing authority shall provide, in all cases where practicable, that vacancies shall be filled based on ascertained merit and qualification, thus enhancing the City Classified Service by providing upward mobility.

D. The department head/supervisor will review all applications to see who does or does not meet the qualifications. The department head/supervisor will determine which, if any, of the applicants they want to interview by an interviewing board which is set up by the department head. Upon choosing a finalist, the name and recommended salary will be sent to the City Manager for final approval.

E. Offices whose appointment is governed by State law or existing City ordinances are the City Manager, City Recorder, City Treasurer, Chief of Police, City Attorney, Airport Manager and the Justice Court Judge; the appointment, removal and demotion of these officials shall be guided by City Code Section 2 "Administrative and Personnel." Retention of the Justice Court Judge is subject to Utah State Code 78A-7-203.

F. Upon hiring, an employee shall complete necessary forms including, but not limited to, authorization to work in the U.S, Form I-9, URS certification either ineligible or eligible, W-4 tax forms, and insurance if applicable. These items will be kept in a personnel file in the Human Resource Manager's office. After an offer is made and before commencing employment with the city, new employees must submit a pre-employment drug screening, and may be subject to background checks which may include, at the discretion of the city manager and/or HR manager, criminal activity, and credit information.

## **Section 4.2 Veterans Preference**

Honorably discharged veterans who have served in the armed forces of the United States during a period of conflict, war, or other national emergencies as defined by congress, and any un-remarried surviving spouse of such honorably discharged veterans shall be preferred for employment, either directly or by contract, if they possess equal qualifications to other applicants for that employment and if they are residence of the State of Utah as recorded in Utah Code § 71-10-2, and § 71-10-3.

## **Section 4.3 Nepotism (Hiring of Relatives)**

A. It is the policy of Heber City to comply with the Anti-Nepotism Clause as stated in the Utah Code § 52-3-1, *et seq.*

B. No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as indicated in Utah Code § 52-3-1, *et seq.*

C. No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as indicated in Utah Code § 52-3-1, *et seq.*

D. Heber City will consider employment applications from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. Applicants with relatives will not be hired in the same division if the applicant is to be supervised by one of the relatives listed in 4.3 B. An exception may be offered if the department is a conglomerate, such as Public Works with Water, Sewer, Roads, and Fleet.

## **Section 4.4 Employee Referral Program**

A. Purpose. The Employee Referral Program encourages current employees to refer qualified candidates for open positions within Heber City. By leveraging employees' networks, the City aims to attract top talent and enhance the City's recruitment efforts.

B. Eligibility. All regular full-time, part-time, and seasonal employees are eligible to participate in the referral program. Unpaid volunteers and elected or appointed officials are not eligible. Referring employee may not influence the decision or have any involvement in the final decision to hire the referred candidate.

C. Referral Process.

1. Employees can refer candidates who meet the qualifications for specific job openings described in the job posting or announced via Citywide.
2. Referrals must be declared by the candidate and submitted at the time of application with a brief description of their acquaintance.



3. Referred candidates must not be current employees of our organization or employees from the immediate past two seasons or two years depending on the job type (full-time regular or seasonal).

**D. Referral Bonus Amount.**

1. The referred candidate must accept the job offer and work for a minimum of 30 days before the referring employee is eligible for an initial \$250. Following probationary release, the referring employee will receive an additional \$250 for a total of \$500.
2. Both employees must be active employees for the referring employee to receive the full bonus at the time of payment.
3. For Seasonal employees, the first payment will be 30 days from hire while the second payment will be at the end of the season.
4. Taxes and other deductions will apply as per City policy.

**E. Award of Bonus and Change in Policy.** The hiring manager and Human Resources will review the request for a referral bonus and may approve, reject or modify the referral bonus. The referral program may be modified or discontinued at the discretion of the City Manager.

## **Article 5**

### **PROBATIONARY TRIAL SERVICE PERIOD**

**Sections:**

- 5.1 Trial Services Period
- 5.2 Time Period and Appointment
- 5.3 Release of Trial Service Employee

#### **Section 5.1 Trial Services Period**

The trial service period or working test period shall be regarded as an integral part of the employment process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for rejecting any employee whose performance does not meet the required performance level.

#### **Section 5.2 Time Period and Appointment**

All original and promotional appointments of employees shall be tentative and subject to a trial service period of at least six (6) months but may be extended with City Manager approval. All sworn law enforcement officers are subject to a one (1) year trial service period but may be extended with City Manager approval.

#### **Section 5.3 Release of Trial Service Employee**

During the trial service period an employee may be released at any time by the department head

and/or City Manager without cause and without the right to appeal except where discrimination is alleged. The department head should consult with the City Manager, Human Resource Manager, and the supervisor (if applicable) before terminating the employment of a trial service employee.

## **Article 6**

### **TRAINING AND DEVELOPMENT**

#### **Sections:**

- 6.1 Educational Assistance
- 6.2 Conferences, Seminars and Conventions
- 6.3 Certification Training
- 6.4 Travel Time

#### **Section 6.1 Educational Assistance**

A. Purpose. Heber City recognizes the importance of educational growth of employees for advancing technical and managerial skills. Through the Educational Assistance Program, the City may provide assistance to an employee who undertakes an undergraduate or graduate course of study which is mutually advantageous to the City and to the employee.

B. Employee Eligibility. The employee assistance program is open to all full-time employees who have completed at least six months of continuous service and have completed the Trial Period (formerly known as Probationary Period). Employees must be in good standing, with no formal warnings within the past six months.

C. Programs and Hours. All programs must be directly related to City business or the employee's current or potential future job requirements with the City. All courses must be taken at accredited institutions located in Utah (unless the institution is primarily online and the employee is receiving the equivalent of in-state tuition). Employees cannot be enrolled for more than six credit hours per semester unless approved by the department head; all classes must be compatible with the employee's work schedule.

D. Application Process.

1. Pre-Approval:

a. Employees must submit a formal request for educational assistance to the HR Department, which shall provide the request to the relevant Department Head and the City Manager.

b. The request must be submitted by February 1 each year to be considered in the upcoming fiscal year budget and must be submitted prior to taking the courses.

c. The request shall include details of the courses, the institution, the requested amount for tuition and materials reimbursement, and the relevance of the courses and/or degree to the employee's current or future role at the City.

2. Approval:

a. The City Manager, with the advice of the Department Head and HR Department, may approve the request, partially approve the request, or deny the request. The City Manager may also include any conditions on the approval that the City Manager deems appropriate. The City Manager's decision may be based on any factors that the City Manager deems relevant, including, but not limited to, the amount of budgeted funds, the number of other applicants, the employee's longevity with the City, the employee's work history, and whether the City Manager believes the courses will contribute to the employee's employment with the City.

b. The maximum amount of reimbursement for tuition and materials shall not exceed \$5,250 per semester. If the employee is entitled to Veteran's educational benefits, and/or Pell grants or scholarship funds he/she must first use such benefits in lieu of City reimbursement.

E. Criteria for Reimbursement. To qualify for tuition reimbursement, the employee must receive a grade of B- or better in all classes. Employees must submit proof of completion and detailed, itemized receipts indicating payment amount and purchase. Only approved tuition and course materials are eligible expenses to be submitted to HR and Accounts Payable for reimbursement.

F. Repayment of Tuition Reimbursement. If an employee voluntarily resigns from Heber City or is terminated by Heber City for cause within 12 months of receiving a tuition reimbursement, the employee shall reimburse the City for 50% of the tuition reimbursement. If an employee voluntarily resigns from Heber City or is terminated by Heber City for cause within 18 months of receiving a tuition reimbursement, the employee shall reimburse the City for 25% of the tuition reimbursement. The City may withhold any reimbursements owing to the City from the employee's final paycheck or any other compensation or benefits due and owing to the employee.

## **Section 6.2 Conferences, Seminars and Conventions**

A. Employees desiring to participate in a conference, seminar or convention must complete a Training and Administrative Leave form and submit it for approval to the department head. For out-of-state travel, this form must then be submitted to the City Manager for final approval. The City will pay the cost of registration fees, motel, travel, and per diem on approved leave. The City will follow federal statutes regarding non-discrimination practices in access to training and career development.

B. Employees will be compensated for time spent attending training sessions at conferences, seminars, and conventions. Time allotted for meals during these conferences, etc., will not be counted as time worked.

## **Section 6.3 Certification Testing**

A. On the job study time is allowed for job related or required certifications with the approval of the department head.

B. Heber City will pay the cost of certification test fees a maximum of two (2) times per test per employee. Employees unable to pass a certification test after taking it twice will be required to pay the

fee for any subsequent attempts. Upon passing the test, the City will reimburse the cost of the test with proof of passing and receipt for payment.

#### **Section 6.4 Travel Time**

A. Commuting Time: Commuting time is not paid work time, even when the employee is using an organization vehicle. Travel time from home to a site in response to an emergency call after the regular workday is work time.

B Single-Day Travel: An employee who travels during a workday, such as from one work location to another, is entitled to compensation for his/her travel time. When an employee who normally works at one location is sent out-of-town on a single-day trip, the time spent traveling is work time. Travel to work-related meetings is compensable.

C. Over Night and Weekend Travel: An employee who travels away from home overnight or on weekends is working when he/she is a passenger on an airplane, train, boat, bus, or automobile if the travel is work related.

### **Article 7**

## **PERFORMANCE EVALUATION**

#### **Sections:**

- 7.1 Performance Evaluations
- 7.2 Inspection of Performance Evaluations
- 7.3 Appeal from Performance Evaluation

#### **Section 7.1 Performance Evaluations**

A. The City Manager and department heads shall provide a system of standards of performance in positions, and a method of reporting on the performance of individual employees based on such factors as, for example, ability, quality and quantity of work, reliability, discipline and attendance. The system shall provide:

1. For maintenance of reasonable standards of physical fitness for performance of the duties of the position. Periodic or occasional physical examinations may be required and the results included in the report.

2. For the use of performance reports as a factor in promotions and position evaluation.

B. Performance evaluations shall be obtained for each employee at least once each year at an annual review. Additional evaluations will be completed as requested by the City Manager or Governing Body. Performance evaluations will be conducted in a non-discriminatory manner.

#### **Section 7.2 Inspection of Performance Evaluations**

Each employee shall receive a complete copy of each evaluation which is completed on their

personal performance. At the time received, the employee shall acknowledge receipt by signing and dating an acknowledgment form or the file copy. The performance evaluation may be inspected by the Mayor, the City Council, or the employee's representative as duly authorized in writing by the City Manager. Evaluations shall not be open for inspection by any other person except for the employee's supervisor or for purposes of inquiry or review as ordered by the City Council.

### **Section 7.3      Appeal from Performance Evaluation**

An employee shall have the right to appeal any unsatisfactory performance evaluation assigned to him/her to the City Manager. The appeal procedure shall follow that prescribed in Section 10.4.C.

## **Article 8**

### **SAFETY AND HEALTH**

#### **Sections:**

- 8.1      Occupation Safety and Health Act Safety Committee
- 8.2      Inspections
- 8.3      Records and Reports
- 8.4      Work Areas and Equipment
- 8.5      General Safety Rules
- 8.6      Proper Use of Heber City Equipment & Tools
- 8.7      Environment free from Recognizable Hazard
- 8.8      Accidents and Near Misses to be Reported
- 8.9      Fit for Duty
- 8.10    Miscellaneous

### **Section 8.1      Occupation Safety and Empowerment**

A.      Safety and health of employees at work is of utmost importance to Heber City. Heber City shall comply with all applicable rules, regulations and standards pertaining to the Federal and State Occupational Safety and Health Act. Heber City shall furnish each of its employees an employment environment free from recognized hazards that are causing or are likely to cause death or physical harm and does hereby require that each employee comply with the occupational safety and health standards, order, rules, and regulations promulgated under the Occupational Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupation safety and health program as outlined herein.

Heber City has established a Safety Committee that shall convene at least once monthly to discuss preventative measures, incidents, and near misses in the workplace. All employees are required to report unsafe conditions and encouraged to report potentially dangerous practices. In addition to the Utah Occupational Safety & Hazard requirements, Heber City requires employees to report 'Near Miss' incidents. A Near Miss is defined as, 'No property or internal damage, but with a slight shift in time or position would have resulted in significant injury or damage. The situation could have a correction factor if the employee ignored the obvious signals and signs or was negligent in actions or omissions. For example, a damaged hose was replaced without notification of the damage, 'tag out'. Consequently, the next employee to use the damaged hose experienced chaotic water spraying under high pressure that

resulted in a laceration under his eye.

B. The Human Resource Manager shall provide employees with OSHA rules and regulations. The Human Resource Manager and department heads are responsible for alerting employees about safety and health rules, procedures, and guidelines. The Human Resource Manager and department heads must see that requirements are posted in the workplace, understood, enforced, and revamped to comply with governmental regulations, and to meet employee needs. Worker's Compensation insurance provides medical benefits, as well as payment for lost hours from work, for individuals injured while on the job. See Utah Code § 34A-6.

## **Section 8.2 Inspections**

The City Manager shall designate a Safety Officer who, in working with the safety committee, will frequently inspect and document for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. Accidents in the workplace will be discussed and reviewed during the Safety Committee meetings. All employees are required to immediately report an unsafe condition. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. Signage of 'Do Not Use' shall be placed on any equipment to prevent accident or injury until the equipment can be repaired or replaced. All employees are expected to warn all other employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.

## **Section 8.3 Records and Reports**

A. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether time is lost. These records shall, at all reasonable times, be available to the Utah Occupational Safety and Health (UOSH) or to its representatives upon request. Other records shall be kept as requested by UOSH.

B. The Employee's First Report of Injury or Illness MUST be submitted to Heber City's insurance carrier, per Sections 34A-2-407 and 34A-3-10B, R612-200-1 Utah Code Annotated (U.C.A.) 1997. Each employee or immediate supervisor shall file the report no later than the end of the shift or workday. If the injury or illness results in medical treatment by a physician and first aid R612-100-2, loss of consciousness, loss of work, restriction of work, or transfer to another job. Heber City requires the injured employee or the immediate supervisor to report immediately or within eight hours of occurrence. Heber City shall file a subsequent report with the UOSH commission of any previously reported injury; or occupational disease that later resulted in death. Section 34A-6-301 (3)(b)(ii) states that each employer shall, within eight hours of occurrence, notify the Division of Occupational Safety and Health, at (801) 530-6901 or (800) 530-5090, of any; work-related fatality; disabling, serious, or significant injury; or occupational disease incident. A serious injury includes: amputation, fractures of major bones (both simple and compound), and hospitalization for medical treatment. All information requested on the First Report of Injury form is of vital importance. Please answer ALL items in detail to avoid delay and additional correspondence or the return of this report for completion. A report of any on-the-job injury resulting in disability or compensable lost time shall be submitted by the department head, or designee, to the Human Resource Manager who will send copies to the Industrial Commission of (UOSH) and to the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or

gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of City employees or tend to increase the hazards thereof, the department head or Human Resource Manager shall notify the Industrial Commission of Utah UOSH of Utah immediately. A report to Utah Occupational Safety and Health (OSHA) should be made as well. Such notification must be made whether any actual injuries result from the above occurrences or changes of conditions.

C. The Human Resource Manager shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such list shall include:

1. Responsible supervision (supervisor or equivalent)
2. Hospital
3. Poison Control
4. Ambulance
5. Fire Department
6. Police Department

D. All fatal, potentially fatal, and serious accidents shall be reported immediately to the Utah Occupational Safety and Health (UOSH) within 8 hours.

#### **Section 8.4 Work Areas and Equipment**

A. All supervisors and workers shall be required to ensure safe work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied as soon as possible after the discovery is made. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics or any hazard of a similar nature, the City shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good sanitary working condition at all times.

B. Employees will receive thorough information on the possible hazardous materials they handle. Each employee will receive training on correct handling and disposal of such materials.

C. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse to follow and obey reasonable orders that are issued by a supervisor, for the protection of health, life, safety, or welfare of employees.

D. Should an employee refuse or neglect to follow and obey reasonable safety orders issued by a supervisor, the employee will be subject to dismissal.

#### **Section 8.5 General Safety Rules**

The following general safety rules will apply in all City workplaces. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.

B. Employees will be provided and required to use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, safety vests, and hard hats, if required or appropriate to the work performed.

C. Employees will avoid wearing loose clothing or accessories that could cause become caught, creating a hazard while working on or near equipment and machines. Long hair will be properly secured.

D. All accidents and near misses, regardless of severity, personal or vehicular, shall be reported as soon as possible, but no more than by the end of the shift to the supervisor/manager and the designated safety officer.

E. Defective equipment will be reported immediately in writing to the supervisor or City Manager. Signage indicating damage such as 'do not use' will be posted immediately to prevent operation of the equipment by anyone else until the equipment is repaired or replaced.

F. Employees will not operate equipment or use tools for which licensing and training has not been received.

G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

#### **Section 8.6 Proper use of Heber City Equipment & Tools**

The use of Heber City equipment, tools, or facilities for private purposes is strictly prohibited. However, reasonable use of Heber City tools and equipment to protect property and preserve life is authorized.

A. Employees must receive the proper training including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.

B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. Employees must renew their commercial driver's license at four-year intervals.

C. Operators and passengers in a business use vehicles equipped with seat belts, which must be worn when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

D. Employees shall keep the city owned vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.



## **Section 8.7      Environment free from Recognizable Hazard**

For the safety and welfare of employees, it is the policy of Heber City to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees.

Heber City will post all required UOSH notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Safety Officer when they have questions about any of the standards which are provided under UOSH.

All employees should follow the procedures listed below in the event an inspector from UOSH presents themselves on the job site.

A.      If an UOSH inspector arrives on the job site, an employee should understand that he/she is not authorized to offer any information requested by the inspector.

B.      The employee will inform the UOSH inspector that the employee will contact the City Manager, Supervisor, or designee, who will accompany the inspector during any inspection.

C.      The City Manager or designee should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSH inspector shows up on the job site.

D.      If the UOSH inspector does not reveal the appropriate credentials at the onset of the inspection, the City Manager, or designee, should ask the inspector to reveal his credentials and should then examine them before allowing an inspection of the job site.

E.      The City Manager, or designee, will not refuse an UOSH inspection of the job site.

F.      If the credentials are appropriate, and before beginning the inspection, the City Manager, or designee, should ask the UOSH inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the UOSH inspection was due to an employee complaint, the City Manager, or designee, should request a copy of the complaint. This will help Heber City correct any safety problems, (Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law).

G.      The City Manager, or designee, should accompany the UOSH inspector during the entire inspection of the job site.

H.      The City Manager, or designee, should take notes throughout the entire inspection. The City Manager, or designee, should note every comment and observation made by those participating in the inspection. The City Manager, or designee, accompanying the UOSH inspector should not volunteer any unsolicited information.

## **Section 8.8      Reporting Accidents and Near-Misses**

Accidents should be reported in the following manner:

- All employees are required to report any injuries or accidents to their manager or supervisor and Human Resources.
- With input from the employee, managers will complete an Employee Accident Investigation Form.
- The completed form must be submitted to Human Resources within 24 hours of the incident to ensure a claim is submitted to our provider within their guidelines.
- If an employee is in need of medical treatment, they should be referred to 5 Minute Clinic 1200 South Heber City, UT or Urgent Care facility (*See* Section 13.9).
- If there is an emergency situation involving serious injury, profuse bleeding, head injury, inability to breathe, etc. immediately call 9-1-1 and/or have the employee visit the nearest Emergency Room located at the Heber Hospital.
- All paperwork regarding treatment received by the employee for a worker's compensation injury/incident must be submitted to Human Resources within 8 hours or by the end of shift/work day of treatment.
- Under no circumstances should a team member suffer from any form of retaliation due to a work-related injury.

In some cases, an employee will be placed on restricted duty due to their injury. This will be revealed in the paperwork received from the care provider. As the employer, we are required to follow all restrictions to assist in the team member's recuperation and avoid any additional injuries. If we are unable to meet the parameters, the employee will be released from work until all restrictions can be accommodated or the individual is released, by a medical provider, to full duty. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify their supervisor, Safety Committee Chair, Human Resources or the City Manager, who will ensure prompt and qualified medical attention is provided and all required UOSH reports are completed.

B. The Safety Committee Chair, or designee, will investigate the job-related injury to determine the cause of the injury. The injured employee and anyone directly involved in the incident will report to the Safety Committee courses of action that could have been avoided or safety failures.

C. Heber City shall contact UOSH within eight (8 hours) of any job related death, disabling, serious, or significant injury, and/or any occupational disease.

D. Heber City shall file the required report with UOSH within seven (7) days after first knowledge or notification of any injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSH if they require only minor first-aid treatment.

E. Heber City shall keep a copy of the UOSH report in the UOSH File.

F. Heber City shall give the employee a copy of the UOSH report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.

G. If an employee later dies from a work-related injury, Heber City shall file a report with UOSH within seven (7) days of first knowledge or notification of the death.

## **Section 8.9 Fit For Duty**

The city recognizes that physical or mental ability issues may impact an employee's ability to perform his or her job duties. It is in the best interest of the city and the employee to identify factors impacting the workplace.

**1. Procedures:**

- A. A supervisor may refer an employee for a fitness-for-duty evaluation. The supervisor will make a written request to the City Manager or Human Resource Manager when referring an employee for an evaluation. The request will include a brief description of the employee's work history and any work-related problems.
- B. The evaluation will be conducted by a private contracted provider.
- C. The city will notify the employee in writing of the required evaluation date, time and location.
- D. The city will place the employee on paid administrative leave during the evaluation period.
- E. Evaluation costs are paid by the city.

**2. Fitness for Duty Evaluation:**

- A. The provider's written evaluation will include:
  - a. reasons for the referral;
  - b. a diagnosis including expected duration and required medical or psychological plan;
  - c. a statement indicating whether the employee can perform the job;
  - d. identification of any tasks the employee cannot perform; and
  - e. a statement indicating whether the employee needs a reasonable accommodation to perform the essential job duties and the recommended accommodation.
- B. Upon completion of the fitness for duty evaluation, the city will notify the employee of the results.
- C. The department head, in consultation with the city manager and HR manager, will determine whether the employee may return to work, be placed on qualifying leave, or be separated from employment.
- D. An employee who refuses to submit to a fitness for duty evaluation or fails to make progress towards completing the evaluation plan may be disciplined in accordance with the city's disciplinary policies.

**3. Confidentiality and Records**

- A. Records obtained under this policy that contain medical, psychiatric or psychological data about an employee will be classified as protected in accordance with the Government Records Access and Management Act (GRAMA).
- B. Evaluation information may only be released for employment-related purposes and will

- be limited to persons with a work-related concern.
- C. Fitness-for-duty evaluation records will be kept in a locked file by the HR manager and will be made available only to qualified medical personnel upon written release from the employee and in accordance with applicable state or federal laws relating to medical records.
  - D. Any employee involved (including as a witness) in a serious accident resulting in hospitalization will be required to undergo a mental health counseling session provided by a certified mental health professional. The City will pay for the cost of the services as well as regular wages of the employee if scheduled during a regular shift.

## **Section 8.10 Miscellaneous**

In addition to the rules and regulations specified above, the following shall apply:

- A. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect the safety of themselves, or of other employees.
- B. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.
- C. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.
- D. Wrist watches, rings, accessories or other jewelry shall not be worn on the job where they constitute a safety hazard.
- E. No employee shall carry, consume, or possess liquor in a place of employment unless required to do so by the employee's normal job duties.
- F. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed, or operate any vehicle or equipment owned by the city or used for city purposes.

## **Article 9**

### **TERMINATION OF EMPLOYMENT**

#### **Sections:**

- 9.1 Protections and Procedures
- 9.2 Appointed Employees
- 9.3 Classified Merit Employees
- 9.4 Elimination of Position
- 9.5 Transfer from Classified to Exempt Status
- 9.6 Reduction in Workforce

#### **Section 9.1 Protections and Procedure.**

Employees shall only be vested with the specific protections set forth in this Personnel Policy, protections provided by federal or state law, or provisions in a written contract between the City and the employee. Due to the unique circumstances that may be involved in different types of disciplinary actions, variations from the procedures in this Personnel Policy or the City's failure to strictly comply with the procedures in the Personnel Policy shall not be grounds for overturning a disciplinary action if the employee was provided an adequate opportunity to respond to the disciplinary action.

## **Section 9.2. Appointed Employees**

Except as otherwise provided by law, ordinance or a written employment agreement, positions established in Title 2 of City Code such as City Manager, Chief of Police, City Recorder, City Treasurer, Airport Manager and City Attorney can be terminated at any time by the Mayor with the advice and consent of the City Council. Retention of the Justice Court Judge is subject to Utah Code § 78A-7-203.

## **Section 9.3 Classified Merit Employees**

No merit employee employed by the City may be terminated from service as a result of a change in the elected administration of the City or for the political expediency of elected officials.

## **Section 9.4 Elimination of Position**

If a circumstance should arise requiring the abolition of a certain position(s), job security shall be maintained by:

- A. The employee shall be returned to a previous position if such position is open, but may receive a reduction in pay as determined by the department head and the City Manager;
- B. The employee may be promoted based on merit and qualifications;
- C. The employee may be transferred to another division or department to fill an open position of equal pay for which he/she is qualified; or
- D. If none of the above alternatives are available, the employee will be separated.

## **Section 9.5 Transfer from Hourly to Exempt Status**

A. If a circumstance should arise where an hourly employee is promoted to a position and it is the desire of either the employee or the City for the employee to resign from that position within six months of the promotion date, the employee shall have the following options:

- 1. The employee shall be returned to his/her previous position but shall receive a reduction in pay to his/her rate of pay before the promotion; or
- 2. The employee may be transferred to another division or department to fill an open position for which he/she is qualified with the pay rate of the new position.

- B. Any employee hired to replace an employee promoted in this situation shall be notified of

this policy and that his/her position may not be available should the incumbent return within the six-month period.

## **Section 9.6      Reduction in Workforce**

Should it become necessary to undergo a reduction of the workforce, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of Heber City, the city will utilize the following sequence as far as practicable to achieve the required reduction-in-force:

- A.      Temporary employees (may be separated or reduced in work hours).
- B.      Part-time employees (may be separated or reduced in work hours).
- C.      Full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated or reduced, administration will determine which positions are affected based on such factors as, but not limited to, longevity, performance, and city needs.

An employee laid-off as a result of business conditions (mentioned above) will have the right to be recalled to their former position, seniority and pay for up to a period of 6 months following the date of their lay-off. After that point/date, the former employee has no recall rights.

## **Article 10**

### **DISCIPLINARY PROCEDURES**

#### **Sections:**

- 10.1    General Policy and Causes for Disciplinary Action
- 10.2    Types of Disciplinary Action
- 10.3    Disciplinary Due Process

#### **Section 10.1    General Policy & Causes for Disciplinary Action**

##### **A.      General Policy.**

1.      It is the policy of Heber City that employees shall be informed about what is expected at work, what constitutes employee misconduct, and the employee's rights.

2.      It is the responsibility of all employees to observe rules of conduct for the necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.

3.      Disciplinary action, up to and including termination of employment, may be imposed for any of the causes set forth in Section 10.1.B.

4.      Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

5. The Human Resource Manager is to be consulted during the disciplinary process, and if necessary, be present at disciplinary hearings.

B. Causes for Disciplinary Action.

1. It is the responsibility of all employees to observe policies and appropriate regulations necessary for the proper operation of City government functions. Administrative procedures have been established for the handling of disciplinary measures including, but not limited to, reprimand, suspension, demotion, and termination. Disciplinary action, up to and including termination of employment, may be imposed for any of the following reasons:

- a. Violation of the laws of the state of Utah, the law of the United States, or any City regulations, official policy, or departmental orders, other than minor traffic offenses;
- b. Refusal to comply with a lawful instruction unless such instruction is injurious to the general public health or safety;
- c. Insubordination;
- d. Conviction of a felony while an employee of the City;
- e. Indulging in offensive conduct or using offensive language towards the public or in public toward City officers or employees;
- f. Deliberate or careless conduct endangering the safety of the employee, other employees, or the general public;
- g. Inducing or attempting to induce any employee in the service of the City, to commit an unlawful act, violation of City regulations, official policy, or departmental orders;
- h. Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a City employee;
- i. Incompetency and inefficiency in the performance of job duties;
- j. Carelessness or negligence with City monies, equipment, or property;
- k. Theft or intentional destruction of City property beyond regular duties;
- l. Intentional falsification of personnel records, pay and time reports, inaccurate receipts or reimbursements or other City records;
- m. Being under the influence of alcohol or illegal drugs while on duty;
- n. Sleeping while being compensated or clocked in;
- o. Unjustified interference with work of other City employees;

- p. Misconduct, malfeasance, misfeasance, nonfeasance;
- q. Unauthorized or excessive absences or tardiness;
- r. Violation of or failure to comply with any section or provision in this Personnel Policies;
- s. Falsifying City records;
- t. Fighting or arguing (verbal or physical), threatening physical conduct, or physically intimidating another on City premises, or while on City business or in a City uniform;
- u. Conduct that creates a hostile work environment, including, but not limited to:
  - i. Derogatory remarks about another employee.
  - ii. Visual messages (e.g., posting of cartoons) that are demeaning to an employee.
  - iii. Jokes that stereotype or make fun of an employee.
  - iv. Unwelcome or inappropriate nicknames for an employee.
  - v. Verbal or nonverbal (e.g., mimicking or imitating) innuendoes that have a negative connotation for an employee.
  - vi. Excessive gossip about other employees or spreading rumors about other employees.

## **Section 10.2 Types of Disciplinary Action**

### **A. Verbal Warning**

Whenever grounds for disciplinary action exist, the supervisor may immediately verbally communicate to the employee the supervisor's observation of the issue at the time of the action and documentation made of the reprimand. Documentation of the verbal warning shall include date, time, unacceptable action, and a commitment from the employee to correct the behavior as soon as possible. Whenever possible, sufficient time for improvement should precede additional disciplinary action. However, the level of severity may require more serious action.

### **B. Written Reprimand**

The City Manager, a department head, or designated supervisor may issue a written reprimand to an employee. Such reprimand shall be in writing, shall be addressed to the employee, and shall detail the specific causes for the written reprimand. A copy signed by the supervisor shall be delivered to the Human Resource Manager for inclusion in the employee's personnel file. Failure to sign the written reprimand may be grounds for additional disciplinary action, including termination of employment.

### **C. Suspension**

A department head or supervisor, with the written approval of the City Manager, may suspend, with or without pay, a merit employee for up to, but not exceeding, thirty (30) calendar days as discipline for cause. On or before the effective date of any suspension without pay, the employee shall be furnished with a written copy of the statement setting forth reasons for suspension.



#### **D. Demotions**

A department head or supervisor, with the approval of the City Manager, may demote any merit employee in his/her department for a disciplinary measure for cause.

#### **E. Termination**

A department head or supervisor may, with the approval of the City Manager, may terminate the employment of an employee of any merit employee in his/her department for cause by delivering a written statement of reasons for termination to the employee concerned, with a copy to be placed in the employee's personnel file.

### **Section 10.3 Disciplinary Due Process**

#### **A. Conducting an Investigation**

1. The City Manager, or designee, may conduct an investigation into the allegations which form the grounds for disciplinary action.

2. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Manager, or designee, may place an employee on administrative leave.

3. An independent third party may be used to conduct an employee investigation.

#### **B. Imposing Disciplinary Action**

1. The City Manager, or designee, shall conduct disciplinary action in a consistent manner. The procedure need not be elaborate but only fair and reasonable.

2. Each employee shall be afforded access to Heber City rules, policies and procedures.

3. In determining the type of severity of the disciplinary action, the City Manager, or designee, may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on City operations; and/or the potential of the misconduct to harm person(s) or property.

4. For disciplinary action, other than a verbal reprimand or suspension with pay, the City shall, within five (5) business days of the disciplinary action, provide a written notice of disciplinary action. The written notice may be delivered by mail, email or hand-delivery. If the City is unaware of the current location of the employee, delivery by the means that the City decides is most likely to reach the employee shall be adequate. The written notice of disciplinary action shall generally include:

a. The grounds for disciplinary action, including a description of the misconduct for which the disciplinary action is being imposed;

b. Any prior disciplinary action imposed;

c. The effective date and duration of the disciplinary action; and

d. The corrective action necessary, if any, for the employee to avoid further disciplinary action.

5. The City Manager, or designee, may note the disciplinary action on their personal notes

at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.

6. Any documentation made of disciplinary actions should be signed by both the employee and the supervisor. A copy of this documentation will be kept with the employee's file. Refusal to sign the form may be the basis for further disciplinary action, including termination of employment.

7. The U.S. Supreme Court has ruled that in an internal investigation conducted solely for administrative purposes, the employee being questioned will be required to answer all questions. The Garrity warning must be read to all suspects prior to questioning in an administrative investigation when the suspect is required to answer under threat of disciplinary action. This warning will only be used by an assigned internal affairs investigator.

8. Garrity Warning: I advise you that you are required to testify or provide evidence as part of an official investigation of Heber City. This inquiry involves the \_\_\_\_\_ (incident involved) and is in accordance with City policies and procedures. This is not a criminal investigation. You must answer questions related to your knowledge of the facts surrounding this incident. The information or evidence you provide for this administrative investigation cannot be used against you in any criminal proceeding. However, your statements may be used against you in a subsequent administrative action. Refusal to answer questions or to testify to matters related to this incident implies that you have violated City policies and such refusal is cause for disciplinary action, including termination.

#### **Section 10.4 Appeals**

- A. Probationary period employees have no appeal rights.
- B. Employees have no "verbal warning" appeal rights.
- C. Any merit employee who receives a disciplinary action in excess of a verbal warning (i.e. written reprimand, suspension with or without pay, involuntary transfer, or discharge) may request an informal meeting with the City Manager to discuss the disciplinary action within five (5) business days of the written notice of the disciplinary action. The meeting request shall be made in writing to the Human Resource Manager. The City Manager may request that the City Human Resources Manager, City Attorney or any other person be present at the meeting. The employee may have an attorney or other individuals invited by the employee present at the meeting. The City Manager shall provide written notice to the employee that the City Manager has either upheld the disciplinary action or has amended the disciplinary action. The City Manager's written notice does not require any justification for the City Manager's decision or any other findings of fact or conclusion of law.
- D. In accordance with Utah Code § 10-3-1106, an employee, other than an employee described in Utah Code § 10-3-1105(2), who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason shall have the right to appeal the disciplinary action imposed to the Appeals Hearing Officer.
  - 1. An employee must submit their written notice of appeal to the Human Resources Manager within ten (10) calendar days of the original disciplinary action or the City Manager's written notice (if the employee timely requests an informal meeting with the City Manager) or an employee will be deemed to have waived all appeal rights.
  - 2. The Appeals Hearing Officer shall conduct a hearing in which both the City and the employee shall be entitled to present evidence and arguments. The Appeals Hearing Officer may allow or require briefing by the parties.
  - 3. The City shall have the initial burden to establish by a preponderance of the evidence that

the disciplinary action was reasonable and justified in accordance with Section 10.1. Whether the disciplinary action was reasonable and justified shall be reviewed under an abuse of discretion standard. *See State v. Larsen*, 865 P.2d 1355, 1361 (Utah 1993) ("Under [the abuse of discretion] standard, we will not reverse unless the decision exceeds the limits of reasonability.").

4. If the appeal board or hearing officer finds in favor of the employee, the appeal board or hearing officer shall provide that the employee shall receive:

- (i) the employee's salary for the period of time during which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or
- (ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration

## **Article 11**

### **GRIEVANCE PROCEDURE**

#### **Sections:**

- 11.1 Policy Statement
- 11.2 Purpose & Objective
- 11.3 Procedures
- 11.4 Immunity

#### **Section 11.1 Policy Statement**

A. It shall be the policy of Heber City to respond to grievances of employees in a prompt, forthright, and professional manner. Within the framework of existing laws and regulations, every effort shall be made to respond to grievances in a manner mutually satisfactory to employees and management. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment over which he/she has no control but desires remedial action and is desirous of filing an appeal for relief of that condition. Employees who have grievances created by work situations shall have the right to submit such grievances for orderly disposition according to the procedures as outlined in this Article. The grievance process shall not include an appeal from a disciplinary action.

B. Grievances shall include, but are not limited to, such matters as employee-supervision relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and similar matters. Grievances shall not include issues dealing with wages, salaries, benefits, budget items or other financial matters. Only the grievance presented originally shall be considered on appeal as the process progresses.

C. Similar grievances may be consolidated and processed together as a single issue. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.

#### **Section 11.2 Purpose & Objective**

The purpose of this Article is to establish a grievance procedure which will provide all merit employees with a clearly defined and organized communications system through which employees may

present complaints or grievances to their supervisor(s). The objective of these procedures is to provide employees and management with a system of grievance resolution which is free from discrimination, coercion, intimidation, restraint, or reprisal, and which will also enable employees to receive fair and equitable treatment and adjustments to those grievances which they may have.

### **Section 11.3 Procedures**

A. All grievances shall be handled in the following manner:

Step 1. The employee with a complaint or grievance shall either report in writing or discuss the issue with his/her immediate supervisor. If the grievance is with the individual's immediate supervisor, he/she may skip this step and move to the next step.

Step 2. If no mutually agreeable settlement is reached under Step 1, the grievance shall be filed in writing with the Human Resource Manager, specifying which term(s) or condition(s) of employment he/she feels has been violated or might require relief.

Step 3. If no mutually agreeable settlement is reached under Step 2, the parties involved may petition in writing to the City Manager for his/her review.

Step 4. If no mutually agreeable settlement is reached under Step 3, then those involved may petition in writing to the City Council for a closed session by filing the petition in writing to the Human Resource Manager. The decision of the City Council shall be made within 60 days and shall be final.

### **Section 11.4 Immunity**

If any employee is denied the opportunity to present a grievance as prescribed by this Article, or if the employee is threatened or subjected to duress when presenting the grievance, the employee may notify the City Council in writing. The City Council shall authorize an investigation of such complaint and, based upon findings, act in accordance with disciplinary procedures as outlined herein.

## **Article 12 - DELETED**

## **Article 13**

### **COMPENSATION AND BENEFIT PLAN**

#### **Sections:**

**13.1 Eligible Employee**

**13.2 Compensation**

**13.3 Establishing Salary Grade**

**13.4 Total Compensation**

**13.5 Classification and Allocation**

**13.6 Appointments, Reinstatements, Promotions and Transfers**

- 13.7 Merit Salary Adjustment**
- 13.8 Salary Range Adjustment**
- 13.9 Overtime and Compensatory Time**
- 13.10 Special Assignment Pay**
- 13.11 Supervisory Compensation for Emergencies**
- 13.12 Holidays**
- 13.13 Vacation**
- 13.14 Sick Leave**
- 13.15 Sick Leave Incentive Policy**
- 13.16 Long Term Disability Insurance**
- 13.17 Family and Medical Leave Policy**
- 13.18 On-Call Policy-Public Works/Animal Control/Public Safety**
- 13.19 Worker's Compensation**
- 13.20 Bereavement Leave**
- 13.21 Military Leave**
- 13.22 Court Leave**
- 13.23 Administrative Leave**
- 13.24 Leave Without Pay**
- 13.25 Lactation/Breastfeeding**
- 13.26 Retirement**
- 13.27 Insurance**
- 13.28 Payment of Wages**
- 13.29 Instant Award Policy**
- 13.30 Time Off for Election (Voting)**
- 13.31 Call-out Pay**
- 13.32 Wage Advancement**
- 13.33 Employee Assistance Plan (EAP)**
- 13.34 Vehicle Allowance**

#### **Section 13.1 Eligible Employee**

A. Only the full-time employees of Heber City, as defined by ordinance, shall be eligible for and subject to compensation and benefits described in this Article.

B. Elected Officials and members of boards and commissions shall be subject to applicable sections of state law and local statute. Unless otherwise specifically stated, elected officials and members of boards and commissions shall not be covered by the provisions of this Article.

C. Volunteer personnel and personnel appointed to serve without pay, contract employees, consultants and council rendering temporary professional service, and temporary, seasonal, part-time "as needed", or emergency employees, unless otherwise specifically stated, shall not be covered by the provisions of this Article.

#### **Section 13.2 Compensation**

A. The Compensation Plan of the City of Heber shall consist of a steps within paygrades awarded to employees based on experience, skills, years of service, and merit for all positions as prepared by the City Manager and approved by the City Council.

B. Each grade shall include nine (9) steps assigned to the appropriate range in the Compensation Plan.

The rules for interpreting and administering the Compensation Plan are outlined herein.

### **Section 13.3 Establishing Salary Grade**

In recommending which salary grade each position shall be assigned to, the City Manager shall give appropriate consideration to the following factors:

A. Maintenance of equitable relationships between grades based on the relative duties and responsibilities;

## **Section 13.6 Appointments, Reinstatements, Promotions and Transfers**

A. Initial appointment to positions shall be made at the entrance rate for the grade. Any exceptions must be approved by the City Manager upon written justification by the department head and/or supervisor.

B. For purposes of definition, a promotion shall take place whenever an employee moves from one position to another position with a higher salary range. When an employee is promoted, he/she shall be entitled to the appropriate salary range for that position with a minimum increase of 5%. A promotion to a supervisory position can merit above a 5% wage increase at the department head's request, and subject to the approval of the City Manager. When the employee is promoted, he or she will be on probationary status for a period of six (6) months since he/she will be performing a new job function. When an employee's pay grade is changed from one pay grade to a higher pay grade as a result of certifications, training, experience, etc., a probationary period will not be required if his/her job duties have not changed significantly.

C. An employee who is demoted or voluntarily transfers to a job in a lower salary range than the class to which he/she was previously assigned, shall have his/her salary reduced according to the decision of the City Manager after discussion with the department head.

D. If an employee transfers to a position in another department to which the same salary range is applicable, he/she shall be entitled to the corresponding step that will provide the same rate of pay.

E. An employee whose position is reclassified from one salary range to another shall be paid at the same rate for which he/she was paid in the previous salary range or the lowest step in the new salary range, whichever is greater.

## **Section 13.7 Merit Salary Adjustment**

A. All employees shall be eligible for consideration of a salary adjustment on their anniversary date each year and at any other period deemed appropriate by the City Manager or by the City Council.

B. For the purpose of determining eligibility for advancement, the supervisor of the employee shall indicate on the employee evaluation of the preceding year. An employee who has been demoted or suspended during the preceding year shall not be eligible for a salary adjustment until the following year unless an interim written appraisal has been performed by the supervisor more than 90 days after the demotion or suspension which shows a significant improvement in performance.

C. The following shall not be considered as breaks in qualifying service for salary adjustments:

1. Authorized military leave provided the person is reinstated within ninety (90) days following honorable discharge from the military service;
2. Authorized educational leave;
3. Time during which an employee is receiving compensation for injury, or disease arising out of and in the course of his/her employment;
4. Authorized leave of absences without pay of fifteen (15) calendar days or less within any calendar year;
5. Authorized leave of absence with pay.
6. FMLA

D. When a salary adjustment is delayed solely through administrative or clerical error, the adjusting shall be made effective as of the date it was properly due.

### **Section 13.8 Salary Range Adjustment**

In order for employees in hourly or exempt service to maintain constant buying power in the face of either economic inflationary or recessionary periods, the hourly and exempt salary ranges within the Compensation Plan shall be reviewed annually and adjusted if deemed appropriate. The City Council may implement a Cost of Living Adjustment for all employees effective on the first full pay period of the fiscal year.

### **Section 13.9 Overtime and Compensatory Time**

A. Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act, as amended, and the Utah Code where applicable. Overtime is defined as work in excess of forty (40) hours during any one work week. A work week is a regularly recurring period of 168 hours, or seven consecutive 24-hour periods. A work week begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday. Overtime for POST Certified Public Safety Employees is defined as hours worked in excess of 84 hours during the bi-weekly pay period. Public Safety employees must work a minimum of 20 hours per week to qualify for retirement benefits.

B. If an employee needs to make up hours, the missed hours must be made up during the work week in which the hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime.

C. In emergency situations only, supervisors may request an employee to accept extra work on an overtime basis. Department determination of overtime needs is subject to review and approval by the City Manager. An emergency situation will be defined by the supervisor.

D. Overtime is intended to be used in emergency situations or under very unusual circumstances and shall be kept conservative commensurate with the best interests of the City.

E. An employee's claim on overtime exists only when management imposes requests or demands which cannot reasonably and customarily be satisfied within a normal work week. If an employee cannot accomplish necessary work in a given work week, the employee should inform the supervisor for a decision of whether overtime should be permitted.

F. An employee may not voluntarily work overtime; i.e., remain at the job and do work, take work home, or do any other type of work that the employee would be compensated for if their supervisor had requested such work to be done. In essence, wage and hour employees are not to work before, beyond, or outside their normal hours or are not to work overtime unless authorized. Supervisors shall prevent employees from engaging in such activities.

G. The amount of time given an employee for paid vacation, sick leave, holiday, or bereavement will not be included in calculating hours for overtime payment. Employees may choose to



accept compensation for scheduled vacation in situations where vacation hours and hours worked exceed 40 hours at a straight time rate (when called out).

H. Overtime shall be paid at the rate of 1.5 times the hourly rate of pay for the employee. Employees may not sign agreements to work at straight time.

I. All exempt positions are exempt from overtime pay.

J. Employees have the option of either receiving pay or compensatory time for any overtime worked. An employee must indicate which choice they prefer when time sheets are turned in for each pay period applicable. Employees may not change the option once the time sheet has been submitted.

K. Employees may accrue compensatory time not to exceed 80 hours. If compensatory time is not taken within 60 days of being earned, the employee is to be paid at the current rate received by such employee.

L. Upon termination of employment, unused compensatory time shall be paid at the current rate received by such employee.

M. Employees shall be permitted to use compensatory time within a reasonable period after making a request if the department head or City Manager determines that the use of the compensatory time will not unduly disrupt department operations.

N. In situations where the Mayor and City Council have declared a "Disaster Emergency", employees who are called in to assist during the designated disaster period, regardless of the number of actual hours worked prior to the designated disaster period, will be paid at time and one-half for any emergency hours worked outside of, or in addition to, their normal schedule. Hours worked under those conditions must be paid hours and cannot be accrued as comp time.

M. In rare cases, under conditions designated by the Mayor and City Council as a declared "Disaster Emergency", exempt employees may be eligible for overtime pay as approved by the City Manager.

#### **Section 13.10 Special Assignment Pay**

A. An employee may be paid additional salary, upon the approval of the City Manager and with the consent of the City Council for performing duties not specified in the job description.

B. An employee required to assume his/her supervisor's duties for any period in excess of ten (10) working days shall be paid an additional rate of 5% or the lowest step of the supervisor's scale, whichever is greater, for the entire period he/she performs such duties.

C. Employees who are fluent in ASL and Spanish and regularly communicate with ASL or Spanish-speaking customers are eligible to receive a minimum pay stipend per paycheck of \$100 as recommended by the department head. Upon changing this amount, the employee must be notified.

#### **Section 13.11 Supervisory Compensation for Emergencies**

The City Manager and the City Council shall have the right to authorize compensation for salaried supervisors for any and/or all time worked during an emergency. Said compensation shall be a straight time rate, or upon approval, time off with pay, and shall be strictly at the discretion of the City Manager and City Council.

### **Section 13.12 Holidays**

A. Employees of Heber City shall receive holiday pay at their current base rate of pay. Because employees work various work schedules, the City Council will adopt a holiday schedule on an annual basis that takes into consideration the varying schedules. Below is a list of holidays that will typically be observed by the City:

New Year's	January 1 <sup>st</sup>
Civil Rights Day	3 <sup>rd</sup> Monday in January
Lincoln-Washington Birthday Memorial Day	3 <sup>rd</sup> Monday in February
Juneteenth	Last Monday in May per Utah legislature
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Columbus/Indigenous People's Day	Monday, October 12
Veteran's Day	November 1
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

B. When an employee works a holiday prescribed in this section, the City shall provide compensation based on one and one-half times the number of hours worked that day times the employee's regular hourly rate of pay plus their allowed holiday pay. Police Officers will be paid one and one-half times their regular hourly rate for hours worked on the actual day of the holiday which may be a different day than is observed by other employees, plus their allowed holiday pay.

C. If an employee (with the exception of public safety) works an alternate work schedule and a holiday falls on an unscheduled work day, the employee can either:

1. Take another day off during the same week
2. Adjust the number of hours they work, not to exceed 40 hours, during the same work week

D. To adjust to varying schedules and provide all team members with 130 hours of holiday time, float holiday hours will be awarded based on the annually approved holiday schedule. Float holiday hours must be used by December 31 of the same year or be forfeited.

### **Section 13.13 Vacation**

A. The purpose of vacation benefits is to allow each employee time away from the job for rest, recreation and pursuit of non-employment objectives. The time when vacations shall be taken will be determined by the department head after considering the needs of the service and the seniority and wishes of the employees.

B. Vacation credits for hourly and full-time exempt service employees shall accrue as follows:

<b>YEARS OF SERVICE</b>	<b>ACCRUAL RATE</b>
Hire date - 5 years	3.08 hrs./pay period
5 - 10 years	4.62 hrs./pay period
10 + years	6.16 hrs./pay period

C. On the employee's anniversary date, a maximum of (240 hours), vacation may be accrued by a full-time employee. If work demands do not allow for time off, an exception may be made to allow the employee additional time to utilize at a maximum of 90 days. The department head must approve this Vacation.

D. Full-time hourly employees will use accrued vacation hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued vacation hours in increments of one-half of a workday. A workday would be considered eight or ten hours, depending on the department.

E. Vacation leave in each department may be scheduled annually by the department head and shall be granted when it shall be convenient to the conducting of City and departmental operations. In the scheduling of such vacation leaves, department heads shall give due regard to seniority and the wishes and desires of employees. In no event shall vacation leave be denied any employee for longer than twelve (12) months from the date of his/her last vacation leave or the completion of his/her probationary period.

F. Upon termination of employment, the employee shall be entitled to any accrued vacation leave paid at the current base rate unless the time has been deferred as in C.

G. Upon death of an employee of the City, a lump sum payment for vacation time accrued to his/her credit will be made to the employee's beneficiaries or estate.

H. Vacation benefits shall be considered only to be time off with pay. Payment for time accrued in lieu of vacation time will not be allowed (only as mentioned upon the death or termination of an employee).

I. Employees may donate vacation hours to be used as sick leave to other employees in any given year if the other employee has exhausted his/her sick leave. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any anniversary year. Donated hours may not be included in calculating over time.

J. In order to attract new employees during the hiring process, additional vacation credits can be given to hourly and full-time exempt service positions when the selected candidate has prior years of experience in the related job field being filled by the employee. The credits may only be granted if the new team member provides proof of past employment in the form of a W-2, or official verification from past employer of accrued vacation. The credits may be given year for year, in accordance with the current vacation accrual policy, subject to review by the Department Head and approval of the City Manager. This policy may also be extended to employees who are employed by the City as of July 1, 2017.

#### **Section 13.14 Sick Leave**

A. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall only be allowed upon approval of the supervisor in the case of necessity and actual sickness, to meet medical appointments, or sickness prevention. Sick leave with pay can only be granted (upon approval of the supervisor) in the case of a bona fide illness of an employee or a member of the employee's immediate family as defined in Section 13.20.B.

B. A full-time employee shall be entitled to 3.7 hours of sick leave for each two weeks of full-time employment.

C. Full-time hourly employees will use accrued sick leave hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued sick leave hours in increments of one-half of a workday. A workday would be considered hours typically worked, depending on the department.

D. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated on the same terms and conditions as are applied to other temporary disabilities.

E. Evidence in the form of a physician's certificate or certificate of illness, executed by the employee and his/her supervisor, may be furnished as proof of adequacy of the reason of the employee's absence during the time which sick leave was requested. Certificates may be requested by the department head, supervisor, or City Manager when there is an absence in excess of three (3) days or more or whenever there is a reason to believe sick leave privileges are being abused.

F. Employees may, upon approval of the City Manager, be granted leave with pay when extraordinary personal circumstances arise. This policy may be granted on a case-by-case basis depending on individual circumstances and duration of time employed with the City.

G. Upon retirement or termination, accumulated sick leave will be paid at the current pay rate, for one quarter of the accumulated hours if the employee has been employed by Heber City for at least five (5) years. If the employee has been employed by Heber City for at least ten (10) years or more, 50% of the accumulated sick leave hours will be paid at the employee's current pay rate.

### **Section 13.15 Sick Leave Incentive Policy**

A. There is a direct benefit to Heber City when employees minimize the use of sick leave. It is the desire of the City to encourage the appropriate use of sick leave benefits and reward employees who minimize the use of this benefit. Accordingly, all employees who have accrued 480 hours of sick leave shall be paid (upon the employees written consent) annually on the first payroll of December, twenty-five percent (25%) of unused sick leave for the previous twelve-month period ending November 30 or nearest pay period following November 30. The remaining 75% of unused Sick Leave during the previous twelve months shall be added to the accumulated total. If an employee has accumulated over 600 hours of Sick Leave, they may be paid (upon the employee's written consent) for 24 hours of Sick Leave regardless of hours used.

B. Sick leave benefits are intended solely to provide income protection in the event of illness or injury. This benefit may be used in addition to vacation and funeral leave in the event of the death of an immediate family member up to the maximum of three days or for extended family and friends up to a

maximum of one day. No other use is permitted in addition to illness or injury.

### **Section 13.16 Employee Leave Donation Policy**

A. Request for Donations. In the event of a medical emergency or an employee is unable to work due to either their own health or the health of an immediate family member, an employee may ask Human Resources to request donations from other employees for sick leave hours. The employee shall inform Human Resources what information, if any, shall be included in the request. Employees may also request hours from the anonymous donation pool. Receiving employees must have a zero balance of both sick and vacation hours to accept donated sick leave.

B. Donation by Employees. Eligible employees may donate accrued sick hours from their unused balance to another employee either in response to a request or prior to a request. Employees may also donate accrued sick hours to an anonymous donation pool to be utilized by employees requesting donated sick leave. The donating employee may not donate more than 50% of their own accrued sick bank and employees must have a remaining balance of 40 hours post-donation.

C. Additional Donation Terms. All donations are subject to the following terms:

1. The donation of hours is strictly voluntary.
2. Donated time will go into a leave bank for use by the designated recipient. If no recipient is designated, or if the recipient does not utilize all the donated time, the donated time will go into the anonymous donation pool to be utilized by other persons requesting donated leave.
3. The donating employee's identity will not be disclosed to the recipient.
4. The donation of time is on an hourly basis, without regard to the dollar value of the donated or used leave.
5. Employees who are currently on an approved leave of absence cannot donate sick/personal time.
6. Any balance of sick or vacation time must be used by the recipient prior to any added donated time.
7. Donated time may only be used for time off related to illness, medical or health-related circumstances. The Human Resources department may require proof of such circumstances.
8. Employees who receive donated time may receive no more than 480 hours (12 weeks) within a rolling 12-month period.
9. Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

### **Section 13.16 Long Term Disability Insurance**

A. Subject to terms and conditions established and controlled by the disability plan provider, the City sponsors Long Term Disability Insurance coverage for eligible employees for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding 90 days.

B. Only full-time employees are eligible for coverage.

C. The City pays the premium costs associated with the Long-Term Disability Plan and policy provisions for covered employees. More information about the respective coverage or plan participation may be obtained through the Human Resource Manager.

D. Eligible employees may use any available sick or vacation leave after becoming eligible for Long Term Disability to make up any shortage of wages paid, not to exceed 100% of their regular monthly salary.

### **Section 13.17 Family and Medical Leave Policy**

As a supplement to its other leave policies, the City offers family and medical leaves of absence as provided by the federal Family and Medical Leave Act of 1993 (“FMLA”). In the event of any conflict between the FMLA and this Section, the FMLA shall control.

A. General Leave Provisions. Under the FMLA, an eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for (1) the employee’s own serious health condition, (2) the birth or placement for adoption or foster care of a child or (3) care of a child, spouse, or parent who has a serious health condition.

1. A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.

2. An employee must have been employed by the City for at least one year and have worked at least 1,250 hours within the previous 12-month period to be eligible for the FMLA leave.

3. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.

4. If leave is taken for care of a new child or for care of a spouse, child, or parent with a serious health condition, an employee may elect, or the City may require the employee, to substitute any accrued paid vacation leave and/or sick leave as part of the 12-week leave as provided for in the FMLA.

5. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy “when medically necessary.” Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree on that arrangement.

6. If an employee requests intermittent leave or a reduced leave schedule because of a serious health condition that is foreseeable based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring period of leave.

7. “Intermittent leave” is leave that is not taken consecutively. A “reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek or hours per workday.

B. Notice. If the need for leave is foreseeable based on an expected birth or placement of a child, the employee should give at least 30 days notice, before the leave is to begin, that the employee intends to take leave. If the situation requires leave to care for a child to begin in less than 30 days, the

employee should provide such notice as is practicable.

1. If the need for leave is foreseeable based on planned medical treatment, the employee should (1) make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the City, and (2) give at least 30 days notice, before the leave is to begin, that the employee intends to take leave. If the situation requires that leave begin in less than 30 days, the employee should provide such notice as is practicable.

C. Benefits and Employment Status. At the end of an FMLA leave under this policy, an employee is entitled to return to his or her previous position or to an equivalent position with no loss of benefits.

1. FMLA leave taken under this policy will not result in loss of any seniority or employment benefits accrued prior to the leave. No seniority or benefits will accrue during the leave, however.

2. An employee on FMLA leave under this policy will receive health benefits while on leave under the same terms and conditions as when he or she was on the job.

### **Section 13.18 On-Call Policy-Public Works/Animal Control/Public Safety**

A. In order to properly handle emergencies and other non-scheduled workloads, the Public Works Department, the Animal Control Department, and the Public Safety Department will be required to designate an on-call person who can be contacted during non-working hours to provide the necessary assistance.

B. The Public Works director and the Chief of Police will be responsible for scheduling this position on a weekly rotating basis for their individual departments. This person will be required to carry a cell phone.

C. The on-call person shall be compensated for a minimum of 2 hours of overtime. Compensation for the monitoring of the City culinary water system on weekends and holidays is included in the weekly on-call compensation amount.

D. If called out and the situation requires more than one person to be present for health and safety purposes, it is the responsibility of the on-call person to contact those individuals necessary to assist in correcting the situation.

### **Section 13.19 Workers' Compensation**

An employee injured during the performance of duty at work is covered by Workers' Compensation as provided by State law. An employee is eligible to receive Workers' Compensation payments and to supplement those payments with accrued sick leave, and/or vacation time to bring total compensation equal to the employee's present salary.

#### **A. If An Injury Occurs**

An employee who is injured on the job, no matter how slightly, must report the incident to their supervisor immediately. Employees may lose their right to worker's compensation benefits if they fail to report injuries promptly. Supervisors must contact the Human Resource Manager immediately if the



injury is serious or if time off work is prescribed by the doctor. An “accident/incident” report must be filled out online by the employee and the Human Resource Manager on all reported injuries by the next business day. Any time spent obtaining medical care on the day of the accident will be counted as “hours worked” on the employee’s timecard.

B. Medical Treatment.

Employees requiring medical attention for an on-the-job injury that occurs during regular business hours must report, when practical, to:

**Heber Valley After Hours Clinic**  
(inside Heber Valley Medical Center)  
1473 S. Hwy 40, Suite F  
Heber City, UT 84032  
435-657-4400

Hours: Weekdays 6:00 p.m. - 9:00 p.m.  
Weekends 10:00 a.m. – 2:00 p.m.

**5 Minute Clinic**

150 N. Main St., Suite 105  
Heber City, UT 84032  
435-654-1377

Hours: M, T, TH, F, Sa, Su, 10:00 a.m.-10:00 p.m.  
Wed. 5:00 p.m. – 10:00 p.m.

For injuries occurring after these hours, the employee should go to:

**Heber Valley Medical Center Emergency Room**

1485 S. Hwy 40  
Heber City, UT 84032  
435-654-2500

Employees exposed to blood or having sustained a serious (life or limb) threatening injury should go to the emergency room at Heber Valley Medical Center. Serious injuries include compound fractures, pelvis and femur fractures, unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Call 911 in these instances and the paramedics will direct the care of the employee.

Urgent situations are those requiring immediate care but are not life threatening. Examples include bone fractures other than those listed above, or injuries requiring stitches. These types of injuries can be treated at the above-listed clinics. Follow-up visits can be scheduled with the employee’s primary care physician.

C. Special Medical Procedures

Procedures such as surgery, MRIs, CT scans, physical therapy, and chiropractic sessions require prior approval from the City’s Workers’ Compensation Third Party Administrator. If an employee fails to obtain prior approval, the employee may be required to pay the entire bill for the unauthorized services.

D. Restricted/Light/Transitional Duty

Whenever possible, Heber City will accommodate restricted duty jobs for workers injured on the job. The Workers Compensation Coordinator (WCC) will work with the supervisor to design a work strategy that meets the injured employee’s restrictions and accomplishes the City’s goals. The injured employee’s supervisor and the WCC will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending his/her medical appointments, complying with the restrictions and that any restricted duty assignments are helping the employee move closer to

his/her regular job duties.

E. Failure to Follow

Failure to follow the City's Workers' Compensation policies may result in disciplinary action.

**Section 13.20 Bereavement Leave**

A. It is the policy of Heber City to grant bereavement leave to employees who suffer the loss of a member of the immediate family.

B. The immediate family shall include any of the following persons:

Husband	Mother	Step-Mother	Son-in-law
Wife	Father	Step-Father	Father-in-law
Son	Step-Son	Sister-in-law	Mother-in-law
Daughter	Step-Daughter	Brother-in-law	Grandparents
Brother	Step-Brother	Daughter-in-law	Grandchildren
Sister	Step-Sister		

C. In the event of death in any of these instances, the employee will be paid the regular base pay for scheduled work time not to exceed five days or 40 hours. If additional time off beyond this allowance is required regular vacation or sick leave must be used. Use of sick or vacation time may substitute for paid work time up to one day/shift. For individuals not included in the definition of immediate family, above, time off for funeral services may be granted using sick or vacation time.

D. Time off under this policy will not count as time worked in the computation of overtime for that week.

**Section 13.21 Military Leave**

A. Employees are entitled to one hundred and twenty (120) hours of military leave per year without loss of regular pay or other fringe benefits. Any employee requesting such leave must provide the department head with a copy of the military orders or a copy of the military paycheck prior to the leave being approved as soon as practical at the conclusion of the leave.

B. Except in an emergency, employees who are members of reserve units of the military shall notify their department head within one week of receipt of an activation notice, and shall indicate in writing their intention and anticipation with regard to participation periods of active duty. Such written notification shall be made part of the individual employee's personnel file.

**Section 13.22 Court Leave**

Any employee requested to appear in court or before a grand jury as a juror, as a witness in a criminal case, or as a witness in a civil case with the purpose of giving testimony, shall receive full compensation as though he/she were actually on the job during such time. The employee shall claim any jury, witness, or other fee to which he/she may be entitled by reason of such appearance and pay the same over to the City Treasurer to be deposited in the General Fund. An employee appearing in court for the

above stated reason on scheduled days off shall retain such use of compensation as may be authorized for such appearance. Notation will be made on the time and attendance report for the days of court leave granted to the employee while serving. This court leave does not apply when appearing in court as a defendant when charged with a crime.

### **Section 13.23 Administrative Leave**

A. An hourly or exempt service employee may, upon approval of the City Manager, be granted leave with pay to perform legitimate duties in connection with City business, to attend trade or professional meetings which relate to official duties, or to participate in recognized and authorized training programs.

B. Expenses relating to administrative leave must be within the budget and authorized by the City Manager.

C. Employees who wish to be considered for such leave must complete a Training and Education Leave form. Costs must be within the budget and must be approved by the City Manager.

D. All higher educational training courses must be pre-approved by the office of the City Manager. A Training and Education leave form must be completed for each class attended.

### **Section 13.24 Leave Without Pay**

Upon recommendation of the department head and approval of the City Manager, an employee of the City may be granted leave-without-pay for a specified period of time. Leave without pay is granted under extenuating services and must have the initial approval from the manager and/or department head as well as the City Manager. The request must be made in writing signed and dated indicating the approval. Leave without pay should No leave-without-pay shall, however, be more than ninety (90) calendar days. A leave of absence without pay, as granted herein, may be terminated prior to the expiration date thereof with the consent of the City Manager. Failure of an employee to report for duty promptly at the expiration of the leave, or a violation of any agreement of understanding entered into by the same employee thereto, shall be just cause for discharge. Such leaves shall not be regarded as an acquired right by employees and shall be granted only when the service to the City will not be adversely affected. Request for such leaves shall be made in writing to the City Manager and, if approved, shall be filed with the same. No seniority, vacation or benefits will accrue during the leave.

### **Section 13.25 Lactation/Breast Feeding**

This policy outlines the reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk.

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. The city has designated a room at each location for this purpose. Refrigeration units are available in all work locations. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to

express milk must coordinate a schedule for breaks, the location and use of the room, and the need for alternative refrigeration equipment with their program manager. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

### **Section 13.26 Retirement**

A. The City will pay 100% of the Public Employees Non-Contributing Retirement and 100% of the Public Safety Retirement contributions to the State Retirement System. In addition, the City may contribute additional monies to the Public Employees Non-Contributory 401(K).

B. There is no age requirement for retirement from the City. Employees can continue to work until such time as they are physically and/or mentally unable to perform their duties.

C. Full-time students are exempt from the City's retirement system.

D. Tier I and Tier II Public Employee Retirement Systems Retirement Eligibility Requirements

Employees qualify for retirement and must be certified eligible if they meet **one** of the following:

Their employment, contemplated to continue during a fiscal or calendar year, normally requires an average of 20 hours or more per week and they receive at least one of the benefits approved by the Utah Retirement Board.

They are Tier 2 elected or appointed officials whose positions have been declared full time by their employers.

They are in a probationary service status and meet eligibility requirements.

E. Exceptions to Immediate Coverage

When the job is scheduled to be completed in six months or less, these temporary and seasonal employees (not probationary service) are ineligible. If they are still employed by the beginning of the seventh month, and if they meet eligibility for retirement coverage, their status must be changed and contributions reported beginning the first period end date in the seventh month.

F. Eligibility Requirements for Appointed Officials

Tier 1 appointed officials who meet the minimum earnings requirement for retirement, and are not entitled to merit protection, may be certified as either eligible for, or exempt from, retirement coverage.

Appointed officials whose position is full time, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. All Tier 2 participants must make an election to

participate in either the Tier 2 Hybrid Retirement System or the Tier 2 Defined Contribution (DC) Plan within the first 12 months of employment. For the first 12 months of employment, regardless of the employees' election, Heber City must report contributions into the Tier 2 Hybrid System. At the end of 12 months, URS will transfer funds for all employees who have chosen to participate in the Tier 2 DC Plan.

G. Eligibility Requirements for Elected Officials

Elected officials whose position is full time, as certified by the participating employer, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. (Elected officials are only eligible to participate in the Tier 2 Defined Contribution (DC) Plan.) Part-time elected officials may participate in the DC Plan only, as they are not eligible for other coverage.

H. Tier I and Tier II Public Safety Retirement Systems Retirement Eligibility Requirements

Employees qualify for retirement in a public safety retirement system if their life or personal safety is at risk and their employment normally requires an average of 2,080 hours of regularly scheduled employment per year as a law enforcement officer according to Utah Code Ann. § 53-13-103.

Employees must have completed Peace Officer Standards and Training (POST). A POST certificate must be filed with the URS office for anyone certified eligible since January 1, 1984. An employee has one year from the date of hire to a public safety covered position to complete POST. If POST is not completed within one year, the employee's retirement account is transferred to either the Tier 1 or Tier 2 Public Employees Retirement System effective retroactive to the date of hire to the public safety position. Employees who separate from employment prior to obtaining a POST certificate may not be eligible to retain their service credit in a public safety system.

## **Section 13.27 Insurance**

A. **Group Health/Dental/Vision and Accident Insurance:** All full-time hourly and exempt employees are eligible for participation in the City's Group Health/Dental/Vision and Accident Insurance plan. Annually Heber City will determine the premium percentage that will be paid by the City and the employee for health, dental and vision insurance.

B. **COBRA Continuation of Group Health Plan:** Employees of Heber City covered by the city group health plan have a right to choose COBRA continuation coverage if he/she loses group health coverage because of a reduction in hours of employment, retirement, or the voluntary or involuntary termination of employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee covered by Heber City's group health plan, has the right to choose COBRA continuation coverage for said spouse if he/she loses group health coverage under the group health plan for any of the following reasons:

1. The death of the spouse;
2. A voluntary or involuntary termination of spouse's employment (for reasons other than gross misconduct);
3. Reduction in spouse's hours of employment;
4. Divorce or legal separation from spouse; or
5. Spouse becomes entitled to Medicare or Medicaid.

In the case of a dependent child of an employee covered by the group health plan, he or she has the right to COBRA continuation coverage if group health coverage under the group health plan is lost for any of the following reasons:

1. The death of a parent;
2. The voluntary or involuntary termination of a parent's employment (for reasons other than gross misconduct);
3. Reduction in a parent's hours of employment with Heber City;
4. Parental divorce or legal separation;
5. A parent becomes entitled to Medicare or Medicaid; or
6. The dependent ceases to be a "dependent child" under the group health plan.

The employee or family member has the responsibility to inform the personnel department of a divorce, legal separation, or a child losing dependent status under the group health plan. Heber City has the responsibility to notify the plan administrator of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.

When the personnel department is notified that one of these events has happened, the same will in turn notify the employee that he/she has the right to choose COBRA continuation coverage. He/she has at least sixty (60) days from the date he/she would lose coverage because of one of the events described above to inform the personnel department that he/she wants COBRA continuation coverage.

If the employee does not choose COBRA continuation coverage, the group health insurance coverage will end.

If the employee chooses COBRA continuation coverage, the City will offer coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. Employees may be afforded the opportunity to maintain COBRA continuation coverage for 18 (eighteen) to 36 (thirty-six) months depending on the loss of coverage event. However, COBRA continuation coverage may be cut short for any of the following reasons:

1. Heber City no longer provides group health coverage to any of its employees;
2. The premium for COBRA continuation coverage is not paid;
3. The employee becomes covered under another group health plan;
4. The employee becomes entitled for Medicare or Medicaid;
5. The employee was divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health plan.

The employee does not have to show that he/she is insurable to choose COBRA continuation coverage. However, the COBRA participant is obligated to pay the health plan premium. For qualified COBRA participants receiving the 11-month disability extension, the COBRA premium for those additional months will increase to 150% of the plan's total cost of coverage. No dental or life insurance coverage is included. Upon exhaustion of the COBRA continuation coverage period, the employee will be allowed to enroll in an individual conversion health plan provided by the carrier of the group health plan.

C. Continuation of Group Health Plan through COBRA Continuation Coverage—Retired Employees - Insurance Coverage for Early Retirement. **This section 13.27.C. shall only apply to employees that were hired on or before September 19, 2023.**

1. Any City employee who has 25 years of service with Heber City, and is eligible for retirement, or is 60-61 years of age with 20 years of service with Heber City, or is 62-64 years of age with 10 years of service with Heber City, and retires before reaching age 65 shall, upon request, receive health insurance coverage as follows:

a. Remain on the group insurance plan as a COBRA participant with regular group health benefits until exhausting COBRA continuation coverage at which point the retiree may enroll in an individual conversion health plan as provided by the carrier of the group health plan. Similarly, if the employee retires prior to age 60, group benefits will be available for a maximum of 18 months with the option to enroll in an individual conversion policy upon exhaustion of COBRA continuation coverage or until the employee becomes eligible for insurance benefits through a new employer. After the COBRA period, the City will provide premium assistance up to an additional 42 months provided the retired employee does not become eligible for insurance benefits through a new employer or turn age 65. The premium assistance will be paid directly to the retired employee and will be taxed as wages.

b. The premium paid on behalf of the retired employee by the City is the amount equal to the contribution made for a single actively employed individual.

c. The retiree would then be responsible to pay any additional amount required for spouse, or for dependent coverage if applicable.

2. The premium of this coverage shall be paid by the employee except as described in Section 1-13-26(A).

**D. Life Insurance.**

All full-time hourly and exempt employees shall be eligible for participation in the City's Group Life Insurance Policy. Life insurance coverage in the amount of \$50,000 is provided by the City, and additional coverage is available for employees to purchase if they so desire and meet the requirements set forth by the life insurance company.

**E. Payment in Lieu of Medical, Dental and Vision Insurance.**

Full-time employees who are covered under an immediate family member's insurance policy will receive a payment equal to half of the premium cost had they been covered by the City's insurance.

**Section 13.28 Payment of Wages**

Payment of wage shall be by direct deposit. The direct deposit shall be made so that the funds are available no later than 8:00 a.m. on the morning of the Friday following the end of the pay period.

**Section 13.29 Instant Award Policy**

A. The Mayor shall be granted the authority to award \$100 bonuses to employees who have represented the City well through the performance of their duties. The bonuses can be granted based on written or verbal feedback/compliments from the public, elected officials, supervisors or other City



employees. The Mayor shall have sole discretion in the granting of the bonuses, but it is anticipated that recognized employees will have exhibited superior customer service skills, exemplary performance of duties and/or going the extra mile to make sure a job is completed properly. This award is to be presented in City Council meeting if the employee agrees to allow for formal recognition of the employee. Notice of the award will also be published in the City Newsletter if desired by the employee.

- B. The elected body, the City Manager, or department heads may recommend that an employee receive one day off with pay for exemplary service in the performance of their job duties. Department heads must receive approval from the City Manager.

### **Section 13.30 Time Off for Election (Voting)**

In accordance with Utah State Code, any voter is allowed to be absent from service or employment for up to two (2) hours to vote on election day between the time the polls open and close. The City reserves the right to specify the hours during which employees may be absent and may not deduct from an employee's usual salary or wages because of the absence.

Time off to vote does not apply to an employee who has three (3) or more hours between the time polls open and close during which the employee is not employed on the job. Employees are encouraged to take advantage of early voting when and where possible to avoid conflicts with work schedules.

### **Section 13.31 Call-out Pay**

When an employee is called out to work, outside their normal work hours, that employee shall be compensated a minimum of two (2) hours, regardless of how much time the employee works, and the hours worked shall be compensated at time and a half. Employee shall have the option of crediting back these hours to any compensated time off previously requested for the same pay period.

### **Section 13.32 Wage Advancement**

#### **A. Wage Advancement**

Employee would be eligible to advance to any point within the pay plan step range with the approval of the City Manager. To be eligible, employee must:

- Be a full time or part time employee;
- Be in good standing with his or her department head;
- Have three (3) consecutive years of average or above average evaluations, and
- Have not had a letter of reprimand or higher discipline within the last three (3) years.

#### **B. Career Ladder Wage Advancement**

For employees who have the ability to control their advancement from pay grade to pay grade (e.g. Police Officer I to Police Officer III, Utility Maintenance Worker I to Utility Maintenance Worker III, etc.) it is the goal of Heber City, based on employees obtaining certain required skills and certifications, exhibiting acceptable performance and years of service/experience that employees advance to the next step annually based on hire date anniversary.

C. New Certification Wage Advancement

Employees are encouraged to increase their knowledge and abilities by taking additional training. Certifications must be approved before the training and the wage increase is approved at the time of the approval for the certification course.

**Section 13.33 Employee Assistance Plan (EAP)**

The city offers an Employee Assistance Plan to all employees and their families. The purpose of an EAP is to help employees and their families balance personal lives with work and to provide support to during tough times. The details of this program are outlined in the city's annual benefit guide.

**Section 13.34 Vehicle Allowance**

A. Eligible Employees. City employees who are routinely required to travel as part of their employment may request a vehicle allowance instead of using a City-owned vehicle. The City Manager may approve a vehicle if the employee's Heber City duties require frequent and regular business usage of a personal vehicle, which may include usage after normal business hours, and an appropriate source of funds must be available.

B. Reimbursement Amount. Employee's may receive an amount not to exceed \$800 per month. For employees that utilize their vehicles on a less frequent basis, the amount shall be reduced to \$400 per month. The determination on usage and reimbursement amount is in the sole discretion of the City Manager.

C No Mileage Reimbursement and City Vehicle Use. An employee approved for a vehicle allowance cannot submit mileage for reimbursement as a travel expense unless the distance is more than 50 miles from Heber City (for example, a conference or meeting outside typical traveled area). Employees receiving a vehicle allowance are expected to utilize their own vehicle instead of a City owned vehicle for normal work related travel, but may utilize a City owned vehicle for travel more than 50 miles from Heber City.

D Approval Procedure:

1. The employee seeking initial approval of a vehicle allowance will complete the Vehicle Allowance Request and Approval and submit it to their Manager for review and approval.
2. The form, with appropriate Manager signatures, is then forwarded to the City Manager for their review and approval.
3. The application must include justification and the recommended monthly vehicle allowance amount (not exceeding the maximum allowed under this policy).
4. Upon receiving the approved request, the City Manager shall forward it to Human Resources for processing.
5. The typical start date for an approved vehicle allowance is the fiscal year to allocate funding to the respective department.

E Employee-Owned Vehicle Requirements. Any employee receiving a vehicle allowance must comply with the following:

1. Employee must have a valid Utah driver's license in good standing.
2. Employee must promptly notify their supervisor and Human Resources of any

adverse matters regarding their driver's license status.

3. Employee must maintain their vehicle in good working order.
4. Employee must maintain at least minimum insurance coverage in accordance with Utah requirements, at the sole responsibility of the employee.

## **Article 14**

### **MISCELLANEOUS POLICIES**

#### **Sections:**

- 14.1 Residency Requirement
- 14.2 Travel Reimbursement
- 14.3 Working Hours
- 14.4 Breaks and Rest Periods
- 14.5 Use of City Vehicles
- 14.6 Vehicle Identification Policy
- 14.7 No Smoking Policy
- 14.8 E-mail and Internet Usage Policy
- 14.9 Employees' Conflicts of Interest and Ethics
- 14.10 Political Activity
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#### **Section 14.1 Residency Requirement**

Heber City does not maintain a residency requirement for employment other than for police officers, which is identified in the Heber City Police Department Policy and Procedure Manual. All employees, regardless of residential location, have the responsibility of being to work on time. Department heads, supervisors, and those employees on standby, must live within a reasonable distance in order to respond to emergencies.

#### **Section 14.2 Travel Reimbursement**

A. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process. Any trip which is not anticipated and reported in the budget must have the approval of the City Manager, regardless of the amount of travel account in the department's budget.

B. After an employee completes a Travel Reimbursement Form for authorized travel by private vehicle, he/she will be reimbursed at rates not to exceed those approved by the IRS. If the employee is not provided with a per diem for the trip, the employee will be reimbursed for all other travel

expenses (i.e., room and board) after presenting proof of such expenses to the accounting clerk. Proof should be in the form of expense receipts.

C. All travel expenditures should be recorded and receipts collected. These receipts must be submitted to the accounting clerk at the end of each trip along with the employees' record of expenditures. Claim for travel pay not supported by an approved travel request and corresponding expense receipts will not be paid.

D. Mileage allowance shall be paid per the IRS approved reimbursement rate when using a privately owned vehicle (POV) when a City vehicle is not available. If using a POV and a City vehicle is available, the rate for mileage will be half of the IRS approved reimbursement rate.

Per diem will be paid for travel at the following rates unless meals are provided through the training, convention or conference registration. If an employee's special (medical or religious related) dietary needs cannot be accommodated by the training, convention or conference, per diem will be paid to the employee for those meals that are provided in the registration. Per Diem rate will not be withheld for registrations that offer a continental breakfast.

E. Per Diem will be paid at the U.S. General Service Administration (G.S.A.) rate. The rates can be found at [GSA.gov](http://GSA.gov) – Per Diem Rates and Meals & Incidental Expenses Breakdown (M&IE). For training that does not require overnight travel, only per diem for lunch will be provided.

F. Partners may accompany elected and appointed officials and other regular full-time and part-time employees on City-assigned trips requiring overnight lodging and the City will not pay the costs for the partner.

G. Work-related travel time is compensable time if it exceeds 30 minutes. Training

### **Section 14.3 Working Hours**

The work shifts for each department are as determined by the department head with the approval of the City Manager. All employees are to be working on City matters during their work shift. Employees are expected to be ready to work and punctual with their shifts. If an employee is unable to report to work on time they are expected to notify their direct supervisor as soon as possible.

Because the nature of city employment necessitates the ability to provide emergency services to the City and its citizens, employees may be scheduled to work any shift deemed necessary by the City and may be subject to emergency and/or unexpected call-outs related to health and safety issues; i.e. snow removal, water/sewer main problems, police enforcement, declared disasters, etc. Non-exempt employees shall be compensated for all hours worked as provided under the Federal Fair Labor Standards Act. The failure of an employee to work assigned shifts or respond to emergency and/or unexpected call-outs, as set forth in this and other pertinent policies, may be grounds for disciplinary action, up to and including termination, unless prior arrangements have been made with their supervisor.

City Office Hours are from 7:30 a.m. to 6:00 p.m. with a half hour lunch period Monday through Thursdays. The City Office building will be closed on Fridays.

The Public Works Department will have one member of their department on call at all times to

respond to emergency situations.

The Police Department will provide continuous patrol coverage.

#### **Section 14.4 Breaks and Rest Periods**

All employees of the City will be allowed 2 (two) 15 (fifteen) minute breaks during a 10 (ten) hour work period. Breaks may not be moved to the beginning or the end of the day to allow the employee to arrive or leave later.

#### **Section 14.5 Use of City Vehicles**

A. When traveling on City business, employees shall use City vehicles whenever practical and available.

B. Employees assigned City vehicles shall use the vehicles for City business. Employees working “on-call” shifts are required to take City vehicles home at the department head’s discretion.

C. Public Safety employees assigned vehicles may use the vehicles within the policies and guidelines established by the Chief of Police.

D. Other employees with assigned vehicles and employees who use City vehicles during the course of their employment shall generally use the vehicles for business travel and work activities; however, employees may use the vehicle for incidental personal business. Such incidental use shall be limited to lunch near the employees' current work area or stops incidental to the employees travel. Employees must use good judgment when using the vehicle for such incidental trips. Questions regarding the appropriate limitations of this policy should be directed to the employees' department head.

E. When using a City vehicle to attend training that requires overnight travel, employees may have family members accompany them with supervisor approval. Employees may also use City vehicles for personal travel not to exceed 10 miles per day per 100 miles traveled during the period they are away from home (Example: An employee traveling approximately 600 roundtrip miles to St. George would be allowed 60 personal miles for the trip). Personal travel in excess of the allowed personal mileage will be charged to the employee at the current IRS mileage reimbursement rate.

#### **Section 14.6 Vehicle Identification Policy**

It is the policy of Heber City that all vehicles and heavy equipment, except public safety vehicles which are unmarked by policy, shall display an approved City logo and shall be assigned an identification number.

#### **Section 14.7 No Smoking or Vaping Policy**

By virtue of State law, it has been determined that tobacco smoke, or smoke from any other plant, in enclosed places is harmful to the health of non-smokers, and therefore, the regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort and environment of nonsmokers and non-vapers. It has likewise been determined that smoking and vaping in Heber City buildings and facilities will have an adverse effect on the health and productivity of City employees.

Pursuant to this, Heber City hereby declares all City buildings and facilities as no smoking or vaping areas. City employees and non-employees shall not smoke or vape inside any of the City's buildings or facilities.

The Utah Clean Air Act of 1995 further prohibits smoking within 25 feet of an entrance, exit, air intake or window which can be opened.

Smoking and vaping are not permitted in City vehicles.

## **Section 14.8 E-mail, Internet and Cellular Phone Usage and Reimbursement Policy**

### **1. E-Mail and Internet Usage**

A. The City encourages employees to only use e-mail and Internet systems for City-related business (in accordance with the guidelines in paragraphs B-D). The employee should understand that the City reserves the right to inspect the contents of any equipment, e-mail file, or calendar that it provides to the employee. Internet use must comply with applicable laws and City policies including but not limited to all federal and state laws, and City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of City resources, information and data security.

Reasons for a data inspection include, but or not limited to:

1. System, hardware or software problems
2. General system failure
3. A lawsuit against the City
4. Suspicion of a crime or violation of policy
5. The need to perform work or provide a service when the employee is unavailable.

B. Encouraged City business uses for e-mail and Internet systems within the City of Heber include the following:

1. To facilitate performance of job functions
2. To facilitate the communication of information, both internally and externally, in a timely manner.
3. To coordinate meetings of individuals, locations, and City resources.
4. To share work-related ideas and information.
5. To recruit for open City positions such as employment or committee membership
6. To encourage employee innovation.

C. The following is a non-exclusive list of **prohibited uses** of the Internet and email:

1. The use of the Internet to send messages or other content that is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers;

2. The use of the Internet for political purposes, except as authorized by law;
3. The use of aliases or transmission of anonymous messages;
4. The release of untrue, distorted, or confidential information regarding City business;
5. Accessing, viewing, distribution, downloading any pornographic sites or sexually explicit material;
6. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
7. Excessive use of, posting, or viewing of social media, news sites, entertainment sites or other internet sites to the extent that such use interferes with or limits the employees job duties;
8. Use of the internet or email for other regular commercial purposes of the employee (i.e. the employee responds to emails or uses the internet related to outside employment).

D. Computer System Use Policies.

1. The City's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of City business. Employees are prohibited from gaining unauthorized access to another employee's email messages or sending messages using another employee's password.
2. To prevent potential City liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the City.
3. The City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The City may disclose all such information to any party (inside or outside the City) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system—with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of the City for any purpose, as well as the public if a proper request is made for public records.
4. Good judgment should always be employed in using the City's email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Emails inconsistent with the City's policies are to be avoided. Accordingly, employees should create and send only courteous, professional, and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.
5. Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the City. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email



cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

6. The safety and security of the City's network and resources must always be considered when using the Internet.

7. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from an employee's direct supervisor and without being properly scanned for viruses. Employees are not to share or reveal individual passwords to anyone or change their computer's password without permission from a direct supervisor.

8. Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes. The City Council has the right to restrict or prohibit any employee from Internet access or computer use for violation of these policies. Any employee who fails to comply with these rules is subject to disciplinary action, up to and including termination. In addition, violation of this Manual may subject employees to civil or criminal liability.

D. Employees using the e-mail, Internet, and other related systems within the City will be responsible for reimbursing the City for any expenses incurred from that use, such as the costs of printing or long-distance calls.

## **2. Phone Usage and Reimbursement Policy**

A. City owned cellular phones may provided for the convenience of the City and employees in the performance of their official duties.

B. Employee Eligibility. A cell phone will be issued to an eligible employee or the City will provide reimbursement for use of a personal cell phone for City business when his/her job description requires the employee to:

1. Be reachable immediately
2. Be on call outside of normal business hours, or
3. Be away from a fixed workstation for a substantial portion of his/her work day.

C. Determination. Determination of cell phone issuance or reimbursement is up to the department director and City Manager. Employees that are issued a City-owned cell phone, or paid a monthly reimbursement, must be reachable on their cell phone both during and after regular business hours.

D. Tracking and Usage. An employee receiving phone reimbursement must provide the City with their cell phone number.

E. Personal Use. Personal use of City-owned cell phones is permitted for incidental calls during the time when the City is assessed minutes for usage. Personal usage on weekends and evenings will be unlimited as long as the City plan allows unlimited minutes on nights and weekends. Employees that have opted to use their personal cell phone and receive reimbursement from the City for business use should equally limit the amount of time they use their phone for personal use while on City time.

F. Cell Phone Care. Employees issued a City owned cell phone are responsible for its use and treatment. If a City-owned phone is damaged, lost or stolen, the employee is required to notify

his/her supervisor immediately. The City will not be responsible for personal cell phone that get damaged, lost or stolen even if the event occurs whole on City time.

G. Reimbursement Amount. Employees that have been approved for reimbursement shall receive the following amount: (a) part-time employees will receive a monthly reimbursement of \$20 per month. Full-time employees will receive a monthly reimbursement of \$40 per month. Employees shall be responsible for all data usage fees, text message fees or other costs associated with the cell phone. Employees shall automatically receive the reimbursement amount in their regular payroll direct deposit at the request of the supervisor and are not required to submit their cell phone bills or expense requests.

H. GRAMA. Employees that received a City owned cell phone or a reimbursement may be required to provide records, including call data and texts, in response to a request under the Governmental Records Access and Management Act (GRAMA). In order to receive a City owned phone or a reimbursement, Employees agree that the City may be required to access their phone, including personal information, to comply with GRAMA.

## **Section 14.9 Employees' Conflicts of Interest and Ethics**

A. All employees and elected officials shall review and comply with the Utah Municipal Officers' and Employees' Ethics Act – Utah Code §§ 10-3-1301 – 10-3-1312 (the “Ethics Act”). If employees have any questions or concerns regarding the Ethics Act, it is the responsibility of the employee to discuss their questions or concerns with their department head or the city manager. The department head or city manager may seek guidance from the City’s human resource department or the city attorney with respect to any questions or concerns.

B. Nothing in this Section 14.9 shall be construed to limit or reduce any requirements of the Ethics Act.

C. Supervisors may not engage in romantic relationships with subordinates within their department.

D. Employees must disclose any outside employment relationship with any organization that conducts business with Heber City Corporation in accordance with Utah Code § 10-3-1307.

E. Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity. Utah Code § 10-3-1307.

1. The disclosure statement shall be entered in the minutes of the meeting.

2. Disclosure by municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Utah Code §§ 10-3-1305 and 10-3-1306.

F. City employees and officers shall not accept compensation or other consideration or favors from anyone other than the City for the performance of an act which they would be required or

expected to perform in the regular course of their duties; nor shall such persons accept any gifts, except as defined in the State's Gift and Gratuities Policy, gratuities or favors of any kind which be perceived or interpreted as an attempt to influence their actions with respect to City business.

G. Use of office for personal benefit prohibited. Utah Code § 10-3-1304.

1. As used in this section, "economic benefit tantamount to a gift" includes:

a. a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

b. compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

2. It is an offense for an elected or appointed officer or municipal employee, under circumstances not amounting to a violation of Utah Code § 63G-6-1001 or § 76-8-105, to:

a. disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for the officer or employee or for others:

b. use or attempt to use the officer's or employee's official position to:

i. further special privileges for the officer's or employee's personal economic interest;

ii. secure special privileges for the officer or employee, or for others; or

c. knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

i. would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

ii. the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

3. Subsection 2C does not apply to:

a. an occasional non-pecuniary gift having a value of less than \$50;

b. an award publicly presented in recognition of public services;

c. any bona fide loan made in the ordinary course of business; or

d. a political campaign contribution.

H. Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, or a potential customer, or of a financial institution in connection with any transaction or business that Heber City Corporation may have with that the customer, potential customer, or financial institution.

I. No employee shall represent either the City or any outside public interest before any other agency, public or private, except with the express authorization or at the direction of the Heber City Mayor, City Council and/or City Manager.

J. Employees may not disclose inside information, confidential or personnel information to anyone, either inside or outside the organization, who does not have a legitimate business need to know it. No employee shall disclose to others, or use to further his/her own personal interests; confidential information acquired by said employees in the course of performing his/her official duties. City Employees and officers shall not use confidential information acquired by or available to them in the course of their employment with the City for personal gain or for personal, non-City business related reasons.

K. Employees who are designated in the City's Conflict of Interest Policy shall file the appropriate disclosure statement form required by the City each year as indicated in Section D above.

L. Compliance and Enforcement:

In the event a complaint is initiated against an employee for a conflict either disclosed or not disclosed, the process of adjudication shall be pursuant and consistent with Utah Code § 10-3-1311.

#### **Section 14.10 Political Activity**

A. No person shall be denied the opportunity to complete an application for a position with Heber City by virtue of political opinion or affiliation.

B. No person employed by the City may be involuntary terminated from service as a result of political opinion or affiliation. Any City employee may voluntarily contribute funds to political groups.

C. Any City employee may become a candidate for any public office.

D. Such employees who run for public office should be aware that, if the City Council determines a potential conflict of interest exists, the City Council may ask the employee to terminate their position as a City employee if the employee wins the election to hold a public office seat. The employee's position will not be held for the employee after his/her stay in office is ended.

E. No City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any officer or employee to pay, lend or contribute part of his/her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No City officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency or person engaged in a political activity.

F. No officer or employee may engage in any political activity during the hours of

employment nor shall any person solicit political contributions from city employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contributions by a City employee to the party or candidate of the employee's choice.

G. Nothing contained in this section shall be construed to permit partisan political activity of any city employee who is prevented or restricted from engaging in such political activity.

#### **Section 14.11 Indemnification**

A. Except as set forth herein and in Paragraph B, in the event of any personal liability suit filed against employee, elected official, member of a city board, commission, council or committee, the City shall save, hold harmless and indemnify such individuals so long as that employee's or person's activities were in conformance to the work assigned as stipulated in the employee's job description, applicable statute, Council, or management directive or other municipal document setting forth the functions of the individual's performance on behalf of the City. The City further agrees to pay any and all damages, settlements, and/or legal fees which may result from such actions filed against such an individual or individuals duly authorized to represent the City. This does not inure to the benefit of an independent contractor or one perceived by the City to be an independent contractor.

B. An officer or employee of the City, whether elected, appointed, or employed, shall be personally liable and the City shall have no liability if it is determined:

1. That the act or omission in question did not occur;
  - a. during the performance of the employee's duties; or
  - b. within the scope of his employment; or
  - c. under color of authority; or
2. That the injury or damage resulted from the fraud or malice of the employee; or
3. That the injury or damage on which the claim was based resulted from:
  - a. the employee driving a vehicle, or being in actual physical control of a vehicle:
    - i. with a blood alcohol content equal to or greater than the established legal limit; or
    - ii. while under the influence of alcohol or any drug to a degree that rendered the person incapable of safely driving the vehicle; or
  - b. the employee being physically or mentally impaired so as to be unable to reasonably perform his job function because of the non-prescribed use of a controlled substance as defined in Utah Code § 58-37-4, or because of the combined influence of alcohol and a non-prescribed controlled substance as defined by Utah Code § 58-37-4.

C. The provisions of this section shall not apply to those persons named as defendants in actions brought against them by the City.

#### **Section 14.12 Driver's Licenses**

A. Employees involved in the performance of their duties, operating a City owned vehicle or a private vehicle, must possess a valid driver's license with the appropriate class specification, if applicable. Employees must comply with the Commercial Driver's License Standards as established by state law.

B. Any employee performing duties in operation of a City or private vehicle with a suspended, revoked, or lapsed license shall be subject to disciplinary action which may include possible termination.

C. An employee must notify their supervisor immediately upon suspension or revocation of their driver's license.

### **Section 14.13 Benefits for Part-Time Employees**

#### **Schedule of Benefits:**

A. A part-time employee is eligible for pro-rated vacation, sick and holiday pay in proportion to time worked (1/2 time – 3/4 time). Health Insurance coverage is available if the individual works over 30 hours per week. The City will pro-rate its contribution towards health insurance based on hours worked. Persons who work under 20 hours per week on a regular basis with no pre-determined separation date are not entitled to any fringe benefits such as paid time off. He/she is paid for the actual hours of work he/she completes. Part-time "as needed" employees are not eligible to receive any benefits regardless of the number of hours worked.

B. A temporary full-time employee is eligible for all holidays during his/her time of employment. He/she is not eligible for annual leave or sick leave, retirement or health insurance.

C. A part-time employee is not eligible for any fringe benefits. He/she is paid for the actual hours of work he/she completes.

### **Section 14.14 Violation of Personnel Rules and Regulations**

Violations of the provisions of these policies and regulations shall be grounds for disciplinary action up to and including termination. Any person terminated for violation of the provisions herein shall, for a period of three (3) years, be ineligible for employment with Heber City.

### **Section 14.15 Legal Counsel Benefit**

If an employee is involved in an on-duty fatality or a life-threatening incident, the City agrees to provide legal counsel of the City's choosing to represent the employee with legal advice and preliminary proceedings limited to the initial criminal and internal investigations. Said representation shall terminate and not extend beyond the termination or completion of the initial investigations, without written approval of the City. This representation shall not be made available for civil litigation defending the employee, or suit against the City. Once the investigations (criminal or internal) are completed, representation ends. Nothing in this policy is intended to compromise, alter or effect independent indemnification or coverage by our insurance carrier. If any provision is found to do so, said provision or policy is null and void.

## **Section 14.16 Funeral Benefit**

If an employee is killed while in the performance of his or her duties, the City agrees to provide the deceased a grave plot in the Heber City Cemetery, and will pay for a reasonable funeral plan approved by the City Manager. For the purposes of this provision, the death of an employee by natural causes does not trigger this policy.

## **Section 14.17 Social Media Policy**

Each employee is responsible for whether they participate in social media and what they post online, even while not at work if they identify themselves as a city employee, either explicitly or implied. No employee posting shall imply that they are speaking on behalf of Heber City or that their opinions are those of Heber City unless they have express authority from the City Manager to speak on behalf of the City.

## **Section 14.18 Telecommuting Policy**

This policy outlines the telecommuting program and the rules and guidelines under which it operates. This policy further establishes the criteria by which qualified employees, in authorized positions, may perform their assigned responsibilities at a remote location. Heber City recognizes that a carefully planned telecommuting program is a viable work option and expects to benefit from a telecommuting program in the following ways:

- Improve employee effectiveness, productivity, and morale;
- Reduce absenteeism;
- Enhance employee recruitment and retention;
- Improve energy efficiency and air quality; and
- Effectively resume business as part of a disaster recovery or emergency plan.

### **A. General Policy**

1. Telecommuting is not an employee right nor is it a universal employee benefit. Participation in the telecommuting program is at the discretion of, and subject to, the prior written approval of a department director. Heber City may modify or terminate the *Telecommute Agreement* at any time.

2. Employee participation in the telecommuting program is voluntary.

3. An employee may initiate a request to participate in the telecommuting program at any time.

4. An employee's participation in the telecommuting program should be transparent to any other entity interfacing with the telecommuter and may not adversely affect the performance of other employees. The decision to allow an employee to telecommute may not put a burden on staff remaining in the office. An equitable distribution of work must be maintained and methods implemented to ensure that employees working in the office do not have to handle the telecommuter's work.

5. A telecommuting agreement shall identify the number of days required in the office. For weeks with a holiday, the telecommute day(s) may need to be eliminated in that week.

6. Telecommuting employees shall comply with all applicable Heber City policies and the Government Records Access and Management Act (GRAMA), Utah Code §63G-2-101, *et seq.*

7. An employee authorized to telecommute shall maintain proper security of the telecommuting environment to protect City information in accordance with GRAMA and authorized city record retention schedules. Unauthorized disclosure of City information subjects the employee to disciplinary action, criminal prosecution as provided by law, or both.

8. An employee authorized to telecommute shall perform official duties during their department's regular business hours at the alternate worksite.

9. An employee authorized to telecommute shall not provide care for children, elders, or others who would otherwise require a provider's care.

10. To telecommute, the employee shall, upon 24 hours' notice, allow Heber City to make inspections of the telecommuting worksite for document and information security, equipment security, safe working conditions, program compliance, and management reviews.

11. No clause in this policy precludes Heber City from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this policy.

12. The employee and supervisor shall determine as part of the telecommute agreement how job performance shall be measured. A copy of the agreement shall be submitted to Human Resources.

13. The participating employee is solely responsible for investigating any individual tax implications resulting from using a part of the home as a telecommuting workspace. Participating employees should consult their tax advisor.

14. No additional expense to the City may be incurred due to a voluntary telecommuting arrangement. If an employee is required to work from home an appropriate agreement will be created to address any expenses that may be incurred.

15. A telecommuting employee shall be available by phone and by online messaging during agreed upon work hours. The employee understands that regular checks of computer/network activity are part of the *Telecommute Agreement*.

16. The number of days worked from home in any week will be determined on a case by case basis and stated in the telecommute agreement. All agreements must be approved by the City Manager or designee.

## **B. Types of Telecommuting**

1. Heber City permits two types of telecommuting arrangements, "regular and recurring" and "ad hoc." Some telecommuting situations require occasional or infrequent arrangements while others are more conducive to longer periods of scheduled arrangements. The intent in offering two types of telecommuting is to provide supervisors and managers with the maximum flexibility to establish a



telecommuting arrangement that is conducive to a particular situation.

2. “Regular and recurring” telecommuting means a continuing arrangement under which an employee works at an alternate worksite for some portion of the work week or pay period.

3. “Ad hoc” telecommuting means an arrangement under which an employee may periodically work at an alternate worksite to complete one-time or unique assignments that can be performed away from the traditional office. This does not include an employee whose work regularly requires off-site work.

### **C. Requests to Participate in the Telecommuting Program**

1. An employee may initiate a request to participate in the telecommuting program.

2. Each request for permission to participate in the telecommuting program shall be evaluated on its individual merit. Before entering into any *Telecommute Agreement*, the employee and manager, with the assistance of the Human Resources department and IT department, will evaluate the suitability of such an arrangement.

3. A copy of the *Telecommute Agreement*, with all necessary signatures, shall be submitted to Human Resources for review and then forwarded to the City Manager’s office.

### **D. Approval Criteria**

1. **Position Criteria:** The determination of whether a position is suitable for telecommuting should be based on job content rather than title. Tasks and functions that are generally suited for telecommuting include, but are not limited to: (a) writing (editing, drafting reports or decisions); (b) analysis (data, program, policy and financial); (c) call center functions; and (d) computer-oriented tasks (programming, data entry, and word processing).

2. Given that the operational needs of the department remain paramount, the department retains sole discretion to deny an employee’s application to telecommute or to rescind a previously granted authorization to telecommute. Due consideration, on a case by case basis, should be given to the following:

a. **Public/City/Agency Contacts:** A position may not be suitable for telecommuting if a substantial portion of the job is devoted to face-to-face contact with the public, city departments, vendors or other agencies, or a combination of these.

b. **Information Security:** A position may not be suitable for telecommuting if the integrity or security of information cannot be maintained in accordance with information security policies, or the level of security cannot be duplicated at the alternate worksite in a cost-effective manner. Consistent with the organization’s expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

c. **Reference Material:** A position may not be suitable for telecommuting if the employee requires access to material that cannot, or should not, be removed from the office.

d. **Resources:** A position may not be suitable for telecommuting if the department does not have sufficient staff causing the employee's absence from the office to adversely affect others left in the office or cause problems for the manager in managing office workload or coverage. Furthermore, a position may not be suitable for telecommuting if appropriate equipment is unavailable.

e. **Task Scheduling:** A position may not be suitable for telecommuting if tasks that can be completed outside the office cannot be grouped and scheduled for telecommuting days, or the employee has insufficient duties or work activities that can be performed in an alternate worksite.

3. **Basic Employee Criteria:** The determination of whether an employee is suited for telecommuting should be based on documented, objective criteria. A Heber City employee is eligible to participate in the Telecommuting Program if:

- a. The employee's current performance evaluation rating is "acceptable," or higher;
- b. The employee is currently not on a performance improvement plan; and
- c. The employee is not being disciplined, or currently subject to a corrective plan, to address violation of employee conduct rules and policies.

## **E. Working Conditions**

1. An employee participating in Telecommuting Program shall receive the same benefits and protections that are provided to other Heber City employees. This includes worker's compensation benefits, as well as defense and indemnification for claims against an employee arising out of the employee's employment, as provided by the Governmental Immunity Act of Utah, Title 63G, Chapter 7.

2. Fair Labor Standards Act (FLSA) rules apply to telecommuters. The amount of time that an employee is required or allowed to work will not change due to participation in the Telecommuting Program.

3. The telecommuter's performance should be monitored in the same manner as the employees working at the traditional office.

## **F. Job Performance and Work Scheduling**

1. A telecommuter and the supervisor should maintain a balance between the telecommuter's scheduling needs and preferences and the department's business needs. A normal telecommuting schedule shall be agreed to at the beginning of the telecommuting arrangement. The schedule shall be documented in the *Telecommute Agreement*. The supervisor and department director must be informed of, and agree to any changes to the agreed upon work schedule in writing.

2. Policies and procedures currently in place for requesting the use of leave or compensatory remain unchanged. The participating employee is responsible for requesting leave in advance from his/her supervisor and informing timekeepers of leave usage.

3. The employee shall be available for contact during the duty hours agreed upon by the employee and the employee's supervisor. There should be no perceived difference in responsiveness or services provided attributable to work location.

4. The employee shall complete all assigned work according to procedures mutually agreed

upon by the employee and supervisor.

5. Documented declines in performance or violations of employee conduct rules and policies are grounds for termination of the *Telecommute Agreement*, initiating corrective or disciplinary action, or both.

## **G. Worksite Requirement**

1. The telecommuter's workspace is considered an extension of Heber City workspace. The City's liability for job-related accidents continues during the understood and approved work hours, but is limited to that approved workspace rather than applying to all areas of the home. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by Risk Management. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by the Safety Committee. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

2. The telecommuting program does not include personal customer contact or interaction with people on official business at the workspace. The City does not cover injuries to third parties at the workspace.

3. An employee may not telecommute if the presence of any third parties in the workspace would limit the employees' ability to protect the confidentiality of any records, physical or electronic, to which the employee has access.

4. The City is not liable for damages to the employee's personal or real property while the employee is working at the telecommuting worksite unless damages are caused as a direct result of malfunctioning City-owned equipment.

5. The City is not responsible for any costs associated with using an employee's home as the telecommuting worksite such as, maintenance, insurance, and utilities.

6. If the telecommuting arrangement involves activities that must be cleared through local zoning ordinances or home association regulations, the employee is responsible for initiating the approval process, complying with the applicable terms and conditions, and paying for all required costs.

7. The workspace must provide an environment similar to the office environment that is conducive to work, and free from distractions or unrelated activities.

## **H. Expenses**

1. Reimbursement to the employee for the use of a personal cell phone for work-related purposes will be based on the City's policy outlined in the *Personnel Policy*, Section 14.8, D-2.

2. Generally, home internet service will not be provided or reimbursed unless the City

requires the employee to work from home.

3. With the Director's prior permission, an employee shall obtain supplies for business use at the alternate worksite from the employee's primary worksite. Generally, out-of-pocket expenses will not be reimbursed. Any exception must be approved by the employee's supervisor in advance of purchase.

4. A telecommuter may not be reimbursed for travel miles or receive compensation for time spent on the commute to the employee's primary worksite on any given day.

5. A supervisor may consider any expense not specifically covered in this policy on a case-by-case basis, considering the appropriateness of the expense reimbursed for similar non-telecommuting positions, and overall budget.

## **I. City-owned Hardware, Software, and Other Equipment Expenses**

1. The provision of computer hardware, software, communications equipment, and other ancillary equipment needed to perform job functions in a telecommuting work environment is left solely to the discretion of the participating employee's director. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute agreement without the express permission of the IT Director.

2. The Information Technology department will establish internal policies pertaining to, but not limited to, ownership, inventory, proper use, modification, control, and maintenance of City-provided equipment. Failure to abide by internal policies governing City-provided computer hardware, software, and other equipment may lead to the termination of the telecommute contract, disciplinary action, corrective action, or a combination of these.

## **J. Employee-owned Hardware, Software, and Other Equipment**

1. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute contract without the express permission of the Information Technology Director.

2. If the Information Technology director grants authorization to use employee-owned computer hardware, software, and/or other equipment, the supervisor shall confirm that the configuration thereof is compatible with the City's information technology infrastructure. The employee must certify that:

a. Up-to-date IT-approved anti-virus software is installed and maintained on employee-owned equipment prior to telecommuting. The IT Department must have full access to employee-owned computer hardware at all times, for inspection and ensure security on hardware is enabled and not compromised.

3. A request to telecommute may be denied based on the failure to certify that IT-recommended safeguards have been installed.

4. Heber City data, especially data categorized as sensitive, private, protected, controlled, or proprietary, may not be downloaded on employee-owned hardware.

5. The employee is responsible for the installation, maintenance, repair or replacement of employee-owned hardware, software, and other equipment. The City may provide technical support for employee-owned equipment on an as needed basis.

6. The participating employee must notify his or her supervisor immediately if the employee-owned equipment malfunctions. In the event of equipment failure, the employee is expected to return to their primary worksite until adequate repairs can be made.

#### **Section 14.18 Secondary Employment - Disclosure**

It is the expectation of the City that employment with the City is the primary employment for all full-time City employees, and the City employees not engage in secondary or outside employment that conflicts with their City employment or the negatively impacts their ability to perform job duties or functions with the City. Accordingly, full-time employees are permitted to engage in secondary or outside employment only under the following guidelines:

A. Types of Employment and Notice.

- (1) Outside employment must not be of a type that would reasonably give rise to criticism or create the appearance or suspicion of conflicting interests or duties.
- (2) Employees are required to provide written notification to the department manager using the Employee's Notice of Secondary Employment within ninety days of adoption of this Section 14.18, or before starting any secondary or outside employment after adoption of this Section 14.18. This notification should include the following information:
  - (a) The employer's name, business name, and business address.
  - (b) A general overview of the type of business engaged in by the secondary employer.
  - (c) The specific duties engaged in by the employee at their secondary employment.

B. Approval Process.

- (1) The department manager shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
  - (a) Whether the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with the City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.

- (b) Whether the secondary employment could create a conflict of interest with employment with the City.
  - (c) Whether the secondary employment involves behavior or conduct that would reflect negatively on the City.
- (2) This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:
  - (a) Shall abide by that decision.
  - (b) May appeal the decision to the City Manager, whose decision shall be final.
  - (c) May voluntarily resign their position and employment with the City.





# Heber City Artificial Intelligence (AI) Policy





## AI Policy

# Artificial Intelligence (AI) Policy

Establishes guardrails for responsible AI use

Aligns with existing Employee Handbook standards

Protects the City, staff, and residents as technology evolves





## Employee Handbook

# Where This Policy Fits in the Employee Handbook

Incorporated into 14.8 Email, Internet, *Artificial Intelligence (AI)*, and Cellular Phone Usage and Reimbursement Policy

Technology use is governed through topic-specific policies



## Why?

# Why This Policy is Needed

AI tools are increasingly embedded in everyday software and vendor platforms

Without guidance, use can become inconsistent or risky

Many cities are adopting basic AI governance policies

This policy ensures Heber City is proactive, not reactive.



## How?

# How This Policy Fits Existing City Policies

This policy:

- Does not create new employee expectations
- Does not change disciplinary processes
- Does not mandate AI use

Instead, it:

- Applies existing handbook standards (accountability, confidentiality, procurement) to AI tools
- Treats AI like any other City technology resources



## What?

# What This Policy Is (and Is Not)

This policy IS:

- A governance and risk-management framework
- A clarity tool for staff and leadership
- A way to maintain public trust

This policy IS NOT:

- A requirement to use AI
- A replacement for human judgement
- A documentation burden for routine work



## Transparency

# Transparency: When it Matters

Disclosure required only when AI materially contributes to:

- Council materials
- Public-facing documents
- Decision-making records

No disclosure required for:

- Internal emails
- Drafting or editing assistance
- Brainstorming or formatting

Simple disclosure statement:

“Prepared with support from generative AI and reviewed and edited by City staff.”



## Accountability

# Accountability Remains with People

AI cannot replace human decision-making

Especially prohibited in:

- Public safety decision
- Service eligibility
- Enforcement actions

Staff and leadership remain fully accountable for outcomes.



## Privacy

# Privacy & Data Protection

AI use must comply with all data protection laws

Staff may not enter confidential or personally identifiable information into AI tools unless:

- The tool is approved
- The use is authorized

This mirrors existing Employee Handbook confidentiality rules.





## Procurement

# Procurement & Oversight

All AI tools must be:

- Reviewed
- Approved
- Logged by the IT Manager (or their designee)

This is consistent with existing IT and procurement controls.



## Training

# Training & Capacity

City staff are encouraged to pursue appropriate training on approved AI tools

Training focuses on:

- Appropriate use cases
- Tool limitations and verification
- Bias awareness
- Data privacy and security

The goal is informed use, not increased use.

# Evaluation & Review

Evaluation refers to tools, not employees

Reviews may occur when:

- A new AI tool is proposed
- Vendor terms or functionality change
- A security or privacy incident occurs
- City leadership requests a review

This supports good governance and adaptability.



## Evaluation



## Enforcement

# Enforcement

Violations handled under existing disciplinary processes

No new penalties or enforcement structures created

This policy integrates into current HR and management practices



## Other Cities

# Comparison to Other Utah Cities

Similar AI governance policies adopted statewide

Common elements include:

- Central IT approval
- Human accountability
- Data protection
- Limited disclosure

Heber City's policy is appropriately scaled and staff-informed

# What Council is Being Asked to Do

Council action requested:

- Approve the AI Policy
- Authorize staff to implement and manage under existing authority

No immediate budget impacts

No staffing impact

No mandate to adopt AI tools



**City Council**



## Takeaways

# Key Reassurances

This policy:

- Protects the City and the public
- Does not slow staff or add paperwork
- Aligns with existing policies
- Allows flexibility as technology evolves