

Mayor
Colten Johnson
City Council
Arlon Chamberlain
Steven Shrope
Chris Heaton
Boyd Corry
Peter Banks



City Manager
Kyler Ludwig
City Attorney
Kent Burggraaf
City Recorder
Celeste Cram
City Treasurer
Danielle Ramsay

**NOTICE OF MEETING
OF THE
KANAB CITY COUNCIL**

Notice is hereby given that the Kanab City Council will hold a regular council meeting on the **10th day of March 2026**, in the City Council chambers at the Kanab City Office, **26 N 100 E, Kanab, Utah**. The Council Meeting will convene at 6:30 p.m. and the agenda will be as follows:

WORK MEETING

- 1) MAYOR AND COUNCIL BUSINESS – LIAISON REPORTS**
- 2) CITY STAFF BUSINESS**

BUSINESS MEETING

- 1) CALL TO ORDER AND ROLL CALL**
- 2) PUBLIC COMMENT PERIOD:** Members of the public are invited to address the Council. Participants are asked to keep their comments to 3 minutes and follow the rules of civility outlined in Kanab Ordinance 3-601.
- 3) CONSENT ITEMS:** (Consent items contain routine, non-controversial items that require City Council action but need little or no City Council deliberation).
 - A) Approval of City Council Minutes:
Regular City Council Meeting – February 10, 2026
 - B) Approval of Accounts Payable Vouchers
Accounts Payable February 10, 2026 \$192,014.40
Accounts Payable February 18, 2026 \$10,892.92
Accounts Payable February 24, 2026 \$59,242.39
Accounts Payable March 2, 2026 \$179,339.52
- 4) BOARD COMMISSION, COMMITTEE APPOINTMENTS:**
 - A) Kevin and Mary Glazier – Heritage Board
- 5) PRESENTATIONS:**
 - A) Presentation from Center for Education Business and the Arts: Kelly Stowell

– A Western Classic –

6) PUBLIC HEARING ITEMS:

- A) Public Hearing and Consideration of a Plat Amendment to Ventana Resort Village Phases 1 & 2 Creating Phase 1A (Applicant M-W Kanab LLC: Parcels K-12-1-Utah-Annex, K-366-43, K-366-44, and K-366-CA2)

7) ACTION ITEMS READY FOR VOTE:

- A) RAP Tax Funding Request – Jacob Hamblin Park Baseball Field Retaining Wall Completion
- B) Impact Fee Funding Request – 1100 S Widening Design and Engineering Services Approval of Task Order

8) ITEMS FOR DISCUSSION:

- A) Discussion Regarding FY2027 City Council Priorities (Tentative Budget May 12).
- B) Discussion Regarding Personnel Policy Updates in Preparation for the April 14, 2026 Council Meeting.

9) REVIEW AND DISCUSSION OF THE APRIL 14, 2026 CITY COUNCIL MEETING AGENDA.

ADDITIONAL NOTICES:

Times listed for each item on the agenda may be accelerated, as time permits, or taken out of order.

The public comment period and public hearings are intended for the public to provide input to the Council or to pose questions individuals believe the Council and City staff should consider. Public hearings are not intended for individual members of the public to engage in conversation. While questions may be posed by a member of the public, the Council and City staff will attempt to refrain from answering or engaging in conversation during the public hearing.

An item listed on the agenda may be discussed in a closed portion of the public meeting, in which the public may be excused, if it meets the criteria outlined in the Open and Public Meetings Act (see Utah Code 52-4-204 and -205).

If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight (8) or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact Celeste Cram at the Kanab City offices.

Kanab City Council Meeting
February 10th, 2026
Kanab City Offices
26 North 100 East
6:30 PM

Work Meeting

1. Mayor and Council Business – Liaison Reports

Councilmember Chamberlain – None.

Councilmember Banks – Library Board has been meeting monthly, and are always doing activities. He is grateful for the staff, and he encourages the public to follow them on Facebook to keep up with new events.

Councilmember Corry – The Beautification Board moved their meeting again and rescheduled for February 16th.

Mayor Johnson – Recreation is wrapping up girls basketball, and will be starting baseball soon.

Mayor Johnson wanted to give Dillon Stubbs a shout-out for taking state in wrestling. Good luck to boys and girls basketball teams.

Councilmember Heaton – They are almost finished with the renovations at the police station. Their new officer is going to post next week. The fire department filled their open position. The Heritage Board had their first meeting of the year. Emily and Joyce are doing a great job.

Councilmember Shrope – He got to meet with Brennan and Jake and went around to see the projects they are working on.

City Staff Business – Reminder of Balloons and Tunes coming up on February 20-22.

The water project by the hospital is almost finished.

Emily Bentley is grateful for everyone that filled out the love notes to Kanab and appreciates what they have written.

Kent – Utah Land Use Institute is coming up if any of the councilmembers want to attend. It will be March 20th. Staff might be having the new appeal authority come host a training.

Business Meeting

- 1. Call to Order and Roll Call – Mayor Johnson called the meeting to order. Councilmember Heaton offered the invocation. Councilmember Corry led the pledge of allegiance.**

41 **In attendance:** Mayor Johnson, Councilmember Heaton, Councilmember Chamberlain,
42 Councilmember Corry, Councilmember Banks and Councilmember Shrope; City Manager Kyler
43 Ludwig; Recorder Celeste Cram and City Attorney Kent Burggraaf.

44 **Not in attendance** – Land Use Coordinator Janae Chatterley

45 **2. Public Comment Period – None at this time.**

46

47 **3. Consent Items: (Consent contain routine, non-controversial items that require City Council**
48 **action but need little or no City Council deliberation).**

49

50 **a. Approval of City Council Minutes:**

51 **Regular City Council Meeting – January 20th, 2026**

52

53 **b. Approval of Accounts Payable Vouchers**

54 **Accounts Payable January 22, 2026 \$759,177.00**

55 **Accounts Payable January 27, 2026 \$5,589.62**

56 **Accounts Payable February 4, 2026 \$99,592.62**

57

58

59 Councilmember Heaton made a motion to approve the consent items as listed in the packet.

60 Councilmember Shrope seconds, unanimous vote. Motion passed.

61

62 **4. BOARD COMMISSION, COMMITTEE APPOINTMENTS: None at this time.**

63

64 **5. PRESENTATIONS:**

65

66 **a. Presentation from Kane County Center for the Arts: Update on Property Hold**
67 **Agreement for Former Electric Plant Property**

68 Mr. Ludwig stated that In February 2025, the Kanab City Council approved a Real Estate Hold Agreement
69 with the Kane County Center for the Arts (KCCA), a local nonprofit organization. The agreement reserves
70 a portion of the former Electric Plant property (approximately 1.5 acres) for the planning and potential
71 development of a community Performing Arts Center. The Council-approved resolution supported
72 KCCA's request to secure this property for a five-year period to explore design, fundraising, and long-
73 term lease options. The project envisions a cultural campus that includes a 500-seat auditorium, art
74 exhibit spaces, classrooms, a healing garden, and enhanced public amenities. Under the agreement, the
75 KCCA is required to provide annual updates to the City, including preliminary design work and
76 fundraising progress.

77 Kanab City continues to move forward with improvements to Jacob Hamblin Park, including grading,
78 access upgrades, and landscaping. The area designated for the proposed Performing Arts Center, near

79 the former Electric Plant, will remain uncompleted and reserved while the Kane County Center for the

80 Arts (KCCA) continues planning and design efforts. As part of the Real Estate Hold Agreement, the KCCA

81 has submitted preliminary design documents outlining the concept for the facility. These include initial
82 architectural drawings and renderings prepared by Mesa Design. In support of ongoing collaboration,
83 the City has also partnered with the KCCA to host their summer concert series, providing space and
84 logistical support for community arts programming during the planning phase. Although the Board is not
85 in attendance, the City has received the necessary documentation to fulfill the agreement's annual
86 update provision.

87
88 **6. PUBLIC HEARING ITEMS: None at this time.**

89
90 **7. ACTION ITEMS READY FOR VOTE:**

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92 **a. Discussion of Proposed Amendments to Chapter 9 – Business Licenses to Update**
93 **Special Event Regulations and Allow For-Profit Special Events**

94 Mr. Ludwig stated that Kanab City has experienced increasing demand for both community-based and
95 private special events. Historically, Section 9-06 of the Business Licenses and Regulations Ordinance
96 permitted only nonprofit-sponsored events, with for-profit events reviewed on a case-by-case basis. This
97 approach lacked clear standards and created inconsistencies in the permitting process. To address these
98 issues, a comprehensive rewrite of Section 9-06 was proposed and presented at the City Council
99 meeting on October 14, 2025. A public hearing was held during that meeting, where staff introduced a
100 tiered permitting framework designed to improve clarity, consistency, and legal defensibility, while also
101 encouraging public events within the city. During the public hearing, concerns were raised regarding the
102 potential cost and insurance requirements for small-scale event organizers. Following Council
103 discussion, a unanimous vote was taken to postpone further consideration of the ordinance.

104 The proposed update to the special events ordinance creates a more structured process for special
105 event permitting. The ordinance introduces a tiered system based on the size and impact of events, with
106 smaller events subject to fewer requirements and larger events requiring more coordination and review.
107 It clarifies definitions for different event types and outlines where and how events may be held within
108 the city. The draft ordinance address insurance, neighborhood notification, fee waivers, enforcement,
109 and appeals. Overall, the intent is to balance public access to spaces with the growing demand for
110 organized events that support tourism, community engagement, and economic activity, while
111 minimizing negative impacts on neighborhoods and city resources.

112 Councilmember Banks asked about the firework restrictions, and who might be able to host an event
113 with fireworks. He also asked if they would be able to do them outside of the already allotted days that
114 fireworks are allowed.

115 City staff clarified that they would have to be licensed or have the ability to hire someone that is
116 licensed to do a professional show. The public wouldn't be able to just light them off for everyday
117 events.

118 Councilmember Heaton made a motion to approve Ordinance No. 2-1-26 O, and Ordinance Amending
119 General Ordinance Chapter 9, Business License and Regulations, and it going into effect beginning April
120 1st, 2026. Councilmember Chamberlain seconds.

121
122

123 Councilmember Shrope – Yes
124 Councilmember Heaton – Yes
125 Councilmember Corry – Yes
126 Councilmember Banks – Yes
127 Councilmember Chamberlain – Yes
128 Motion passed.

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130
131

b. Approval of Municipal Advisory Services Agreement with Zions Public Finance, Inc.

133 Mr. Ludwig stated that Zions Public Finance, Inc., a subsidiary of Zions Bancorporation, has served as a
134 trusted financial partner to Kanab City for numerous major infrastructure and capital projects, including
135 the Downtown Revitalization Project, the City Pool, Wildland Fire Truck acquisition, and the new Police
136 Station. Zions also provides services to Kane County, Kane School District, Kane County Hospital, and is
137 engaged with both Public Infrastructure Districts (PIDs) in the City. To formalize this ongoing relationship
138 and ensure compliance with federal regulations, the City is proposing to enter into a five-year Municipal
139 Advisory Services Agreement with Zions Public Finance, Inc.

140 The proposed agreement outlines a broad scope of municipal advisory services to be provided by Zions
141 Public Finance, Inc. These services include guidance on debt issuance for instruments such as General
142 Obligation Bonds, Revenue Bonds, and Lease Revenue Bonds; assistance in structuring financing terms;
143 support in selecting bond professionals; and preparation of official statements. Zions will also provide
144 ongoing market monitoring, refunding analysis, and compliance assistance. The agreement includes a
145 structured fee schedule based on the type of financing. The City will pay Zions \$2.50 per \$1,000 of
146 proceeds for General Obligation Bonds, \$3.50 per \$1,000 for Lease Revenue Bonds, and \$5.00 per
147 \$1,000 for Special Assessment Bonds. Each bond issuance carries a minimum fee of \$15,000. Additional
148 fees apply for continuing disclosure filings and other optional studies, depending on the scope of
149 services requested. Zions is a registered municipal advisor with both the Securities and Exchange
150 Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB), and the agreement includes
151 all required disclosures of potential conflicts of interest in accordance with federal regulations. Notably,
152 the agreement explicitly excludes Zions from providing advisory services related to any direct
153 commercial banking transactions it may have with the City.

154

155 Councilmember Corry made a motion to authorize the Mayor to enter into a Municipal Advisory Services
156 Agreement with Zions Public Finance, Inc. as presented, for a term of five years. Councilmember Heaton
157 seconds. Unanimous vote, motion passed.

158

c. Discussion and Consideration of Billing and Collection Agreement with Western Kane County Special Service District for Solid Waste and Communications Services.

161 Mr. Ludwig stated that Kanab City has historically assisted the Western Kane County Special Service
162 District (WKCSSD) by including District utility fees (specifically solid waste and broadcast
163 communication) on monthly City utility bills for residential accounts. To improve transparency, define
164 roles, and formalize this collaboration, City staff met with District representatives to draft a written

165 agreement outlining billing and collection procedures, compensation, and administrative
166 responsibilities.
167 The proposed agreement outlines the responsibilities of both parties. The District will continue to
168 provide solid waste and communication services, maintain related infrastructure, and set applicable
169 service rates. The City's role will be limited to billing and collecting District fees for residential accounts
170 that already receive standard City utilities, such as water. Commercial accounts will remain the
171 responsibility of the District unless a separate agreement is made. The City will include District fees on
172 monthly utility bills for qualifying accounts and remit the full amount collected to the District. In return,
173 the District will pay the City a 4.5% collection fee based on the gross amount collected for each fund
174 (solid waste and communications tracked separately). This payment will be due within 15 days of the
175 City's monthly remittance. Before any changes to District rates appear on City bills, the District must
176 provide at least 60 days' written notice, including the updated rates and the date they take effect. The
177 City is not responsible for unpaid charges and may retain any late fees it collects according to its own
178 utility billing policies. District fees will not be billed when a property is vacant or inactive and not
179 receiving any City utilities. The District will manage any opt-out or waiver processes, particularly for
180 communications services, and the City will refer customers or follow agreed procedures. The agreement
181 allows the City and District to share customer and billing data as needed for accurate billing.
182

183 Councilmember Shrope made a motion to approve Resolution 2-1-26 R, A Resolution Approving and
184 Interlocal Agreement for Billing Services between Kanab City and the Western Kane County Special
185 Service District. Councilmember Corry seconds.
186

187 Councilmember Shrope – Yes
188 Councilmember Heaton – Yes
189 Councilmember Corry – Yes
190 Councilmember Banks – Yes
191 Councilmember Chamberlain – Yes
192 Motion passed.
193
194

195 **8. ITEMS FOR DISCUSSION:**

196 **a. Presentation for the Fiscal Year 2026 Second Quarter Financial Report** 197

198 Mr. Ludwig stated that we are at our halfway point through the year. When looking at our revenues, and
199 based on our budget being 52% of the way through it, we are seeing a decrease in the revenues being
200 down about 8%. A large portion of that is building fees. They make up about 74% which is about 2
201 million dollars in revenue. Sales tax is down slightly between 6-12%. Our TRT revenue is up slightly,
202 although it is a small portion of our budget. Our interest income is down as rates have adjusted and
203 changed. Property tax collection is up as a result of the higher compliance. There are some additional
204 fees that aren't shown in our quarter two, so some of these things will adjust between now and the end
205 of the year. Expenditures are up, one of the big things with expenditures being up is that we do have a
206 Fire Capital contribution of \$170,000.00 which is a new thing we are investing in going towards our

207 ladder truck. He still thinks our financials are in a good place regardless of how they may appear right
208 now. Staff will continue to monitor them, and let them know if things are concerning. Overall, the other
209 funds outside of the general fund, the revenues are consistent. Slight increases in utility collections, and
210 a dryer year helps in water sales. The full financials are in the packet, so this was a brief rundown.
211 Mayor Johnson asked if we saw an increase in sales tax from Quarter 1 to Quarter 2. Mr. Ludwig let
212 them know that there was one month that the revenues from our sales tax were down dramatically. It is
213 tough to track, and is better to watch on a 6 month or quarterly bases to get a more reliable view on
214 how it is going.

215
216 **b. Reviewing of Draft Personnel Policy (Anticipated for Consideration at the March**
217 **Meeting)**

218 Mr. Ludwig stated that the City Attorney and Human Resources Manager, have undertaken a
219 comprehensive update of the City's personnel policies. The draft policies are based on the Lexipol
220 system, which provides model personnel policies grounded in current state and federal law. These serve
221 as a uniform and legally sound foundation for municipal operations. The draft document incorporates
222 redlined changes where City-specific provisions were added or existing Lexipol language was modified to
223 reflect Kanab's practices, structure, and organizational needs. These changes are intended to enhance
224 clarity, improve policy consistency, and ensure alignment with applicable law and internal procedures.
225 The updated draft Personnel Policy Manual includes chapters addressing recruitment, employee
226 conduct, evaluation, disciplinary procedures, benefits, leave policies, grievance procedures, anti-
227 retaliation, and workplace safety, among other topics. This agenda item is intended to present the draft
228 to the Council for initial review and discussion. No formal adoption is requested at this meeting. Council
229 members are encouraged to review the policies thoroughly ahead of future formal action. Staff will
230 continue to refine the draft based on Council input, and may bring a final version for consideration and
231 approval at an upcoming meeting. Prior to the February Council meeting we will be seeking feedback
232 from staff and the governing body to make final corrections. The Mayor may vote on this item when it
233 comes forward for adoption, as the policies relate to mayoral roles and responsibilities under the City's
234 structure.

235 Danielle Ramsay let the council know that they have a google document sheet that they are using to
236 keep track to proposed changes and updates as given by staff, and that she will forward it on to them so
237 that they are able to give feedback as well as see what staff is making suggestions on.

238
239 **c. Update on State of Utah Rural Economic Blueprint Program Grant and Upcoming**
240 **Planning Process**

241 Mr. Ludwig stated that In January, Kanab was notified of a grant award through the Rural Economic
242 Blueprint Program, facilitated by the Governor's Office of Economic Opportunity (GOEO). Kanab is one
243 of eight communities selected statewide to participate. The program is scheduled to begin in April 2026
244 and is designed to be collaborative and community-driven, with technical support provided by GOEO
245 throughout the process. We hope this planning process will position Kanab to more effectively compete
246 for state economic development grants in the future.

247 The planning process will start with an assessment phase, which includes interviews with local
248 stakeholders, forming a 15-member steering committee, conducting a community survey, and

249 completing a SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats). GOEO staff will also
250 create a community profile using local input and economic data. The steering committee will help guide
251 the process and review each step. After the plan is adopted, Kanab will begin the implementation phase
252 with ongoing help from GOEO. This support will help the City move forward on projects and apply for
253 funding.
254

255 **9. REVIEW AND DISCUSSION OF THE MARCH 10, 2026 CITY COUNCIL MEETING AGENDA.**

256 Personnel Policy

257 Taverns – Chapter 20

258 Signs

259 Base Contract Language

260 Minor Subdivision Ordinance

261 CEBA Presentation

262

263 Councilmember Corry made a motion to adjourn. Councilmember Heaton seconds. Unanimous vote,
264 meeting adjourned.

265

266

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
02/26	02/10/2026	38819	1080	AMERIGAS PROPANE LP	10-2100	475.68
02/26	02/10/2026	38820	12904	BADGER METER	51-2100	1,719.48
02/26	02/10/2026	38821	1200	C. C. AUTO PARTS	10-2100	72.46
02/26	02/10/2026	38822	1290	CASELLE	51-2100	2,349.00
02/26	02/10/2026	38823	12251	CIVICPLUS	41-2100	5,892.91
02/26	02/10/2026	38824	300	CROSBY HOME & FARM CENTER	10-2100	1,246.53
02/26	02/10/2026	38825	13695	EDMUNDS, SUSAN	10-2100	75.00
02/26	02/10/2026	38826	13208	FREEDOM MAILING SERVICES, INC.	51-2100	1,612.72
02/26	02/10/2026	38827	13760	GAGNER, PAUL	51-2100	13.69
02/26	02/10/2026	38828	560	GARKANE ENERGY COOPERATIVE, I	10-2100	11,118.53
02/26	02/10/2026	38829	13761	JAMESON, ANDREA	51-2100	13.69
02/26	02/10/2026	38830	360	JENKINS OIL COMPANY	51-2100	4,166.47
02/26	02/10/2026	38831	3900	KANAB CITY CORPORATION	51-2100	1,825.98
02/26	02/10/2026	38832	880	KANE CO. SPECIAL SERVICE DIST.	10-2100	31,801.64
02/26	02/10/2026	38833	12788	KANE CO. SPECIAL SERVICE DIST.	10-2100	6,317.78
02/26	02/10/2026	38834	11266	LB 413071	51-2100	432.81
02/26	02/10/2026	38835	13762	MES SERVICE COMPANY LLC	10-2100	1,816.00
02/26	02/10/2026	38836	10647	MOUNTAIN WEST COMPUTERS	10-2100	2,633.00
02/26	02/10/2026	38837	11843	RAMSAY SERVICE INC.	10-2100	1,012.96
02/26	02/10/2026	38838	1240	SCHOLZEN PRODUCTS	51-2100	5,787.85
02/26	02/10/2026	38839	13340	ST. GEORGE CARQUEST	51-2100	251.82
02/26	02/10/2026	38840	8550	THE UNIFORM CENTER	10-2100	156.99
02/26	02/10/2026	38841	1650	UTAH RISK MANAGEMENT AGENCY	10-2100	2,430.00
02/26	02/10/2026	38842	1635	WATERMAN WELDING	10-2100	967.91
02/26	02/10/2026	38843	13104	ZIONS BANK	15-2100	107,823.50
Grand Totals:						<u>192,014.40</u>

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount	
02/26	02/17/2026	38857	990	BLUE STAKES OF UTAH 811	51-2100	.00	V
02/26	02/17/2026	38857		Void Check	02-2131	.00	V
02/26	02/17/2026	38858	12429	CIVIL SCIENCE INFRASTRUCTURE, IN	10-2100	.00	V
02/26	02/17/2026	38858		Void Check	02-2131	.00	V
02/26	02/17/2026	38859	440	DEMCO	10-2100	.00	V
02/26	02/17/2026	38859		Void Check	02-2131	.00	V
02/26	02/17/2026	38860	13480	DEPT OF GOVERNMENT OPERATION	51-2100	.00	V
02/26	02/17/2026	38860		Void Check	02-2131	.00	V
02/26	02/17/2026	38861	13763	ENCOMPASS COUNSELING	10-2100	.00	V
02/26	02/17/2026	38861		Void Check	02-2131	.00	V
02/26	02/17/2026	38862	990	BLUE STAKES OF UTAH 811	51-2100	51.66	
02/26	02/17/2026	38862		Void Check	02-2131	.00	V
02/26	02/17/2026	38863	12429	CIVIL SCIENCE INFRASTRUCTURE, IN	10-2100	2,847.75	
02/26	02/17/2026	38863		Void Check	02-2131	.00	V
02/26	02/17/2026	38864	440	DEMCO	10-2100	105.99	
02/26	02/17/2026	38864		Void Check	02-2131	.00	V
02/26	02/17/2026	38865	13480	DEPT OF GOVERNMENT OPERATION	51-2100	3,646.93	
02/26	02/17/2026	38865		Void Check	02-2131	.00	V
02/26	02/17/2026	38866	13763	ENCOMPASS COUNSELING	10-2100	140.00	
02/26	02/17/2026	38866		Void Check	02-2131	.00	V
02/26	02/17/2026	38867	9010	GLAZIER'S MARKET	10-2100	8.38	
02/26	02/17/2026	38867		Void Check	02-2131	.00	V
02/26	02/18/2026	38868	13765	GROVER, WYATT	51-2100	306.00	
02/26	02/17/2026	38868		Void Check	02-2131	.00	V
02/26	02/17/2026	38869	10877	KANAB AREA CHAMBER OF COMMER	10-2100	500.00	
02/26	02/17/2026	38869		Void Check	02-2131	.00	V
02/26	02/18/2026	38870	13609	MACKELPRANG, JAYDON	51-2100	306.00	
02/26	02/17/2026	38871	5930	PUBLIC EMPLOYEES LONG TERM	02-2100	2,221.47	
02/26	02/17/2026	38872	2030	RIGGINS COLLISION REPAIR	10-2100	98.98	
02/26	02/17/2026	38873	4015	SMITH, RON	10-2100	1.00	
02/26	02/17/2026	38874	2340	UTAH PROSECUTION COUNCIL	10-2100	150.00	
02/26	02/17/2026	38875	1635	WATERMAN WELDING	51-2100	8.80	
02/26	02/17/2026	38876	13481	WILLIAM H. LEIGH, PC	10-2100	500.00	
Grand Totals:						<u>10,892.96</u>	

Report Criteria:
 Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
02/26	02/24/2026	38877	1080	AMERIGAS PROPANE LP	10-2100	1,699.25
02/26	02/24/2026	38878	12904	BADGER METER	51-2100	1,611.61
02/26	02/24/2026	38879	12144	BANKCARD CENTER	10-2100	40,870.89
02/26	02/24/2026	38880	2260	DAT MANAGEMENT, INC	10-2100	442.00
02/26	02/24/2026	38881	9010	GLAZIER'S MARKET	10-2100	13.49
02/26	02/24/2026	38882	615	HONEY'S MARKETPLACE	10-2100	106.31
02/26	02/24/2026	38883	12710	KENDRICK J. HAFEN, P.C	51-2100	1,125.00
02/26	02/24/2026	38884	10411	M.D. AUTO AND DIESEL	10-2100	2,552.40
02/26	02/24/2026	38885	10647	MOUNTAIN WEST COMPUTERS	10-2100	1,885.00
02/26	02/24/2026	38886	13036	PAGE MY CELL	10-2100	600.00
02/26	02/24/2026	38887	5930	PUBLIC EMPLOYEES LONG TERM	02-2100	587.39
02/26	02/24/2026	38888	3245	RAY BROTHERS, INC.	10-2100	6,003.36
02/26	02/24/2026	38889	12677	SG WATER STORE	10-2100	48.65
02/26	02/24/2026	38890	11755	SHERWOODS SEW WHAT	10-2100	12.00
02/26	02/24/2026	38891	12480	UTAH BARRICADE COMPANY	10-2100	1,685.04
Grand Totals:						<u>59,242.39</u>

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
03/26	03/02/2026	38892	12333	AVFUEL CORPORATION	10-2100	390.00
03/26	03/02/2026	38893	13754	CO BUILDING SYSTEMS INC.	39-2100	170,007.75
03/26	03/02/2026	38894	13366	JM PIPING	10-2100	275.00
03/26	03/02/2026	38895	11328	LEXIPOL LLC	10-2100	4,634.35
03/26	03/02/2026	38896	1140	QUILL CORPORATION	10-2100	32.42
03/26	03/02/2026	38897	9210	UTAH PUBLIC TREASURER	10-2100	1,000.00
03/26	03/02/2026	38898	2775	UTAH PUBLIC TREASURER	10-2100	2,000.00
03/26	03/02/2026	38899	2765	UTAH PUBLIC TREASURER	10-2100	1,000.00
Grand Totals:						<u>179,339.52</u>

Mayor
Colten Johnson
City Council
Arlon Chamberlain
Steven Shrope
Chris Heaton
Boyd Corry
Peter Banks



KANAB
—UTAH—

City Manager
Kyler Ludwig
City Attorney
Kent Burggraaf
City Recorder
Celeste Cram
City Treasurer
Danielle Ramsay

DATE: March 10, 2026
TO: Mayor and City Council
SUBJECT: Presentation from CEBA
PREPARED BY: Kyler Ludwig, City Manager

Background:

The Center for Education, Business, and the Arts Interlocal Agency is a collaborative entity established through an interlocal agreement between Kanab City, Kane County, and Dixie State College of Utah (now Utah Tech University). The organization was created to support education, workforce development, entrepreneurship, and economic initiatives that benefit the broader Kane County community.

Analysis:

Kelly Stowell will attend the meeting to provide a presentation to the City Council regarding CEBA's current initiatives, programs, and economic development activities within Kane County. The presentation will provide an overview of ongoing efforts related to small business support, regional economic development initiatives, and collaborative projects involving public agencies, businesses, and community organizations.

Historically, the City Council has supported CEBA initiatives through annual funding contributions in the approximate amount of \$10,000 to support regional economic development programming.

Legal:

This item has not been submitted for legal review

Financial:

Kanab City has traditionally supported CEBA through an annual contribution of \$10,000 which is subject to Council direction during the budget process. This agenda item is informational and does not authorize funding.

— A Western Classic —

Mayor

Colten Johnson

City Council

Arlon Chamberlain

Steven Shrope

Chris Heaton

Boyd Corry

Peter Banks

City Manager

Kyler Ludwig

City Attorney

Kent Burggraaf

City Recorder

Celeste Cram

City Treasurer

Danielle Ramsay

Recommendations/Actions:

Receive and file presentation from CEBA

Attachments:

CEBA Presentation

CEBAIA Statement of Work – FY2026

CEBAIA Bylaws

CEBAIA Interlocal Creation Agreement



– A Western Classic –

Focus Initiatives



Outdoor
Recreation



Economic
Development



Film

Kane County Economic Development

Overall Strategies

Local Business Growth

- Business Friendly Environment, Customer Service
- Support Local Business

Extended Stay Tourism

- Trails, Outfitter businesses, Support Events

Natural Resources

- Timber, Agricultural, Mining

Attract New Business

- Welcome New Possibilities

Infrastructure Development

- Kanab Center, Rec Center, Hospital, Broadband Internet, Jackson Flat,

Kane County
Rural County
Grant Program
(RCGP) Initiatives
for FY 2025-2026:

-Business Training & Skill
Development

-Community Driven
Economic Development
Planning

-Capital Infrastructure
Development

-Small Business Incentive:
Technical Services and
Support, Economic
Gardening, Business Sub-
Grant, Entrepreneur
Mentorship Program



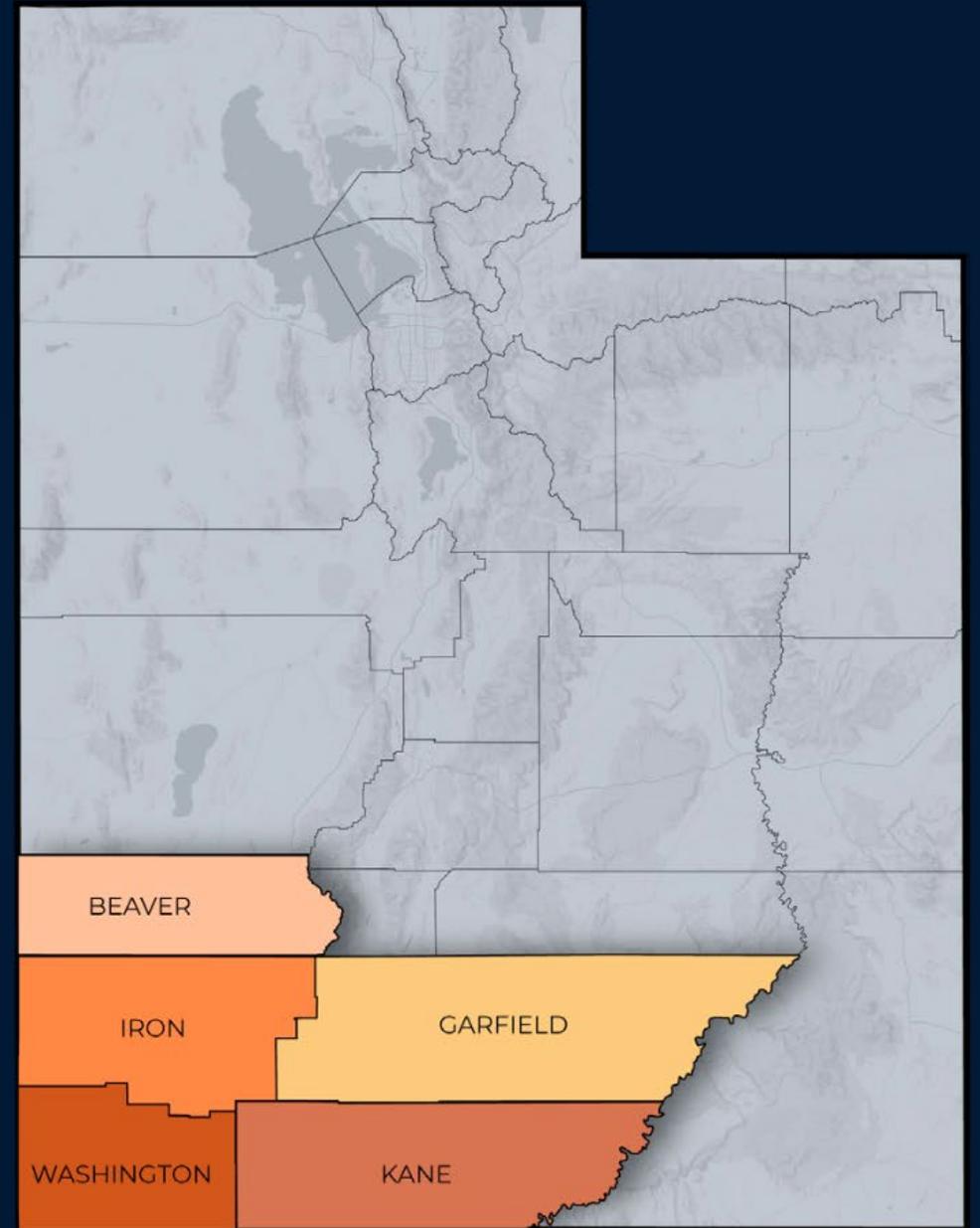
Our regional scope:

So.Utah provides a unified, efficient approach to regional development ensuring project success through coordinated action and local insight.

We serve:

- Beaver County
- Garfield County
- Iron County
- Kane County
- Washington County

So.Utah is a one-stop business development resource.





Regional Director:
Jackie Hobson

(435)900-7332
Jackie.Hobson@USU.edu
www.UtahSBDC.org



Free Counseling



Funded in part through a Cooperative Agreement with the U.S. Small Business Administration



BUSINESS 101

— STRUCTURE, STRATEGY —
& STARTUP ESSENTIALS



Thursday, February 12th
4:00 pm – 5:30 pm
Kanab City Administration Building
Register: https://bit.ly/Business101_Feb12



BUILD A BANKABLE BUSINESS PLAN



Cohort Based (5 Session)
March 12, March 26, April 9, April 23, & May 14
4:00 pm – 5:30 pm
Kanab City Administration Building
Register: https://bit.ly/BBP_March12

Blueprint Process

1

Application and Selection Process

Initial Assessment

- Form steering committee
- One on one interviews with economic development stakeholders
- Gather community input via survey
- Review pre-existing plans and relevant research
- Compile economic data on the community
- Conduct a SWOT analysis
- Steering committee reviews and revises Initial Assessment

2

Strategic Planning

- Develop vision for an ideal future economy
- Identify goals, strategies, and projects for the community
- Steering committee reviews and revises Strategic Plan

3

4

Review and adoption of Blueprint by legislative body

5

Blueprint implementation with ongoing support from regional Outreach Manager



Outdoor Recreation/Trails

- Projects and Grants
 - Jackson Flat Reservoir
 - J Flat Connector Trail
 - Stud Horse Point
 - East Zion
 - Campgrounds on Cedar Mountain
 - Tom's Canyon
 - Tilted Mesa
 - Mansard
 - Coral Pink Sand Dunes
 - Greenhalph Trail
 - Duck Creek Village
 - Kanab and Orderville Baseball Lights
 - Recreation Center
 - Sand Caves and Belly of the Dragon
 - Glendale
 - Gun Range Improvements
 - Big Water Visitor Center
 - OHV Park
 - Utah Trails Network

2015 TO 2021 COUNTY FUNDING NUMBERS

Beaver:	\$326,661.00	Rich:	\$65,000.00
Box Elder:	\$305,139.00	Salt Lake:	\$4,000,462.00
Cache:	\$986,733.62	San Juan:	\$235,741.84
Carbon:	\$637,870.00	Sanpete:	\$523,800.00
Dagget:	\$142,000.00	Sevier:	\$1,394,089.56
Davis:	\$1,432,972.00	Summit:	\$1,195,509.00
Duchesne:	\$279,910.00	Tooele:	\$421,000.00
Emery:	\$748,069.69	Uintah:	\$514,300.00
Garfield:	\$386,058.00	Utah:	\$2,039,178.25
Grand:	\$840,407.60	Wasatch:	\$1,332,881.63
Iron:	\$1,439,028.00	Washington:	\$1,346,344.26
Kane:	\$3,455,596.14	Weber:	\$1,200,040.38
Piute:	\$55,000.00		

- **Kane County Film Strategies**

- [Resource Library](#) Inventory
- [Marketing](#)
- Infrastructure
- Locally Driven Programs
- [State Incentives](#)
- [Economic Impact](#)



Utah in Hollywood

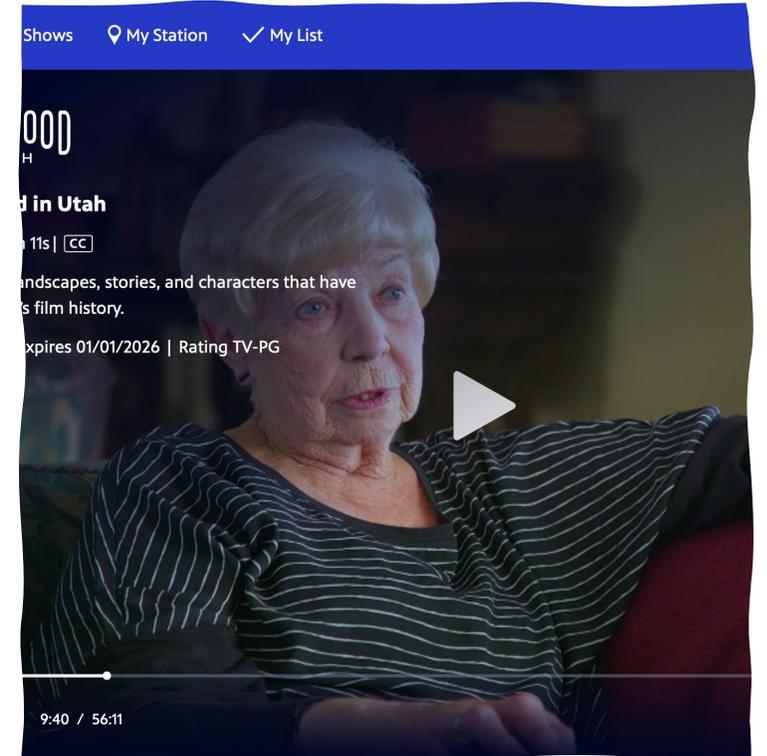
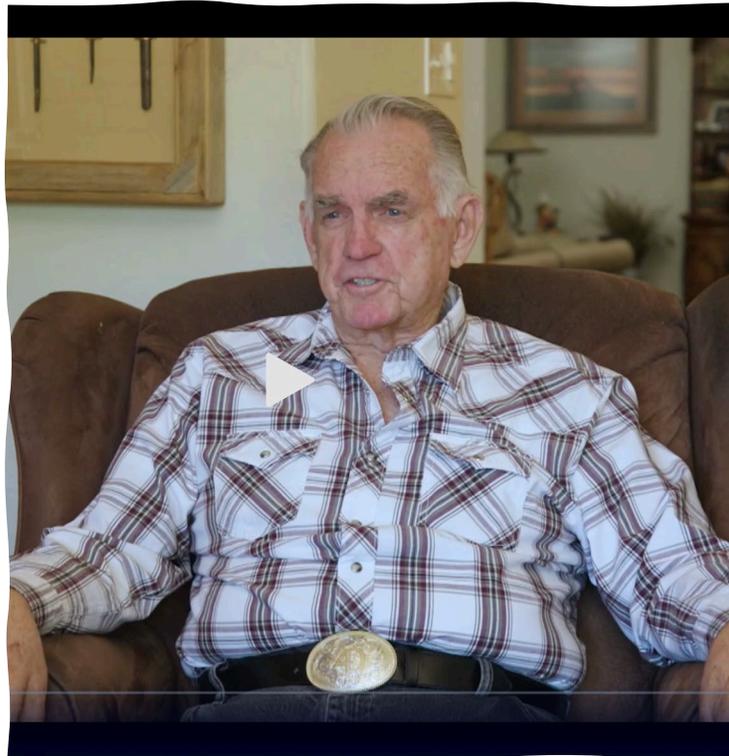


EXHIBIT A

INDEPENDENT CONTRACTOR

STATEMENT OF WORK

The purpose of this document is to outline the scope of this project, the role of Contractor, and the expectations of the Center for Education Business and the Arts Interlocal Agency (CEBAIA) Governing Board for FY 2026.

Overview and Scope of Project:

- Execute the purpose and goals of CEBAIA.
- Serve as an ambassador for the CEBAIA Governing Board.
- Identify and build relationships with corporations, businesses, associations, agencies, community groups, and stakeholders to communicate and implement the long-term vision of CEBAIA.
- Execute strategic economic development initiatives and associated operational activities including budgets, administrative, and organizational development for CEBA's directive to "build a better community" in Kane County.
- Coordinate, organize, promote, and develop activities for economic development, outdoor recreation, and film commission for the benefit of Kane County, Utah.
- Work with CEBAIA Governing Board to continue efforts to grow Kane County's economy and secure partnerships benefiting the area by bringing business and education communities together.
- Create, plan, develop, and implement economic opportunity programs and events including the "Raising Kane" Business Summit, Kane County Growth Strategy, Rural County Grant Program, Outdoor Recreation initiatives, and other community programs and events to promote and financially benefit the area.
- Provide support for the Kane County Economic Opportunity Board along with associated activities and initiatives surrounding the Rural County Grant Program. Develop and execute components of Rural County Grant program for Kane County, Utah. Stay current on available funding and grant programs.
- Develop and implement Kane County Film initiatives for the benefit of the local economy. Facilitate film productions in Kane County. Assist domestic and foreign film productions in Kane County, promoting tourism and increasing dollars spent in the community boosting economic growth.
- Establish and maintain relationships with government agencies, private property owners, production companies, and others to promote Kane County for film and photography projects. Support local film makers and crew.
- Develop and promote Kane County as a film destination. Be current on permitting and usage regulations especially with Federal Land Agencies and Policy.

- Develop, advance, and maintain Film Commission website.
- Co-Chair the Rural Utah Film Coalition and be active with the Utah Film Commission. Maintain Kane County status as a Film Ready Community and participate in Utah Film Commission activities and programs.
- Organize, plan, develop, and manage outdoor recreation and trails projects in Kane County. Coordinate the Kane County Trails Committee and conduct regular meetings, where our mission is to plan, build, promote, and maintain outdoor recreation assets and trails. Plan and execute community programs and outdoor recreation events to promote and financially benefit the area.
- Research, develop, and apply for grants and participate in fundraising efforts to generate support and resources from various sources fostering economic development pursuits, outdoor recreation, and film commission initiatives.
- Cultivate, solicit, and manage prospects and donors to advance goals and mission. Be knowledgeable and maintain database for economic development, outdoor recreation, and other relevant grant funding.
- Government relations and community advocacy efforts representing interests at local, state, and national levels concerning issues affecting the economic conditions of Kane County. Participate in educational and advocacy efforts at the local, state, and federal level to advance CEBAIA, Kane County, and Kanab City goals and mission.
- Organize regular CEBAIA governing board meetings where budgets, activity reports, and action items are presented, discussed along with feedback and direction is given. Ensure compliance with State of Utah, reporting and auditing requirements. Ensure compliance with Money Management Council and other state reporting requirements such as Division of Archives.
- Serve on boards and commissions to advance goals and mission of the organization.
- Work with CEBAIA Governing Board to establish and manage initiatives and committees in the following areas: (1) grants and fundraising; (2) entrepreneurship/small business development; (3) workforce development; (4) arts and culture; (5) retreat center; (6) program development (digital film; visual arts & western literature; physical and life sciences; and natural resource-based technologies; animal sciences; astronomy;) and; (7) others as assigned.

BYLAWS OF THE CEBAIA
AN INTERLOCAL AGENCY OF
DIXIE STATE COLLEGE OF UTAH/KANAB CITY/KANE COUNTY

ARTICLE I

OFFICES

The principal corporate office of Dixie State College of Utah (the “College”)/Kanab City (the “City”)/Kane County (the “County”) Interlocal Agency, (“CEBAIA”) shall be located at 468 East 300 South, Kanab, Utah 84741.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

Section 1.1 Meanings and Constructions. The terms defined in this section, for all purposes of these Bylaws and any amendments hereto, shall have the meanings herein set forth:

- (1) “Governing Board” shall mean the CEBAIA Governing Body, and its successors.
- (2) “Bylaws” shall be defined and adopted in accordance with applicable Utah state law.

ARTICLE III

PURPOSE

The purpose for which CEBAIA is created is to acquire, construct, equip, operate and maintain educational, cultural, tourist, and conference facilities and to finance their costs in accordance with the procedures and subject to the limitations of the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Act”), in order to more efficiently provide governmental facilities, services and improvements to the general public.

The specific objectives of CEBA are to:

- (1) Deliver post-secondary and continuing education courses in an effort to educate the workforce;
- (2) Offer business and entrepreneurship training and development with a goal of attracting and retaining businesses in the community;
- (3) Provide a venue for conferences, seminars, retreats, meetings, and cultural events.

In furtherance thereof, CEBAIA shall have all of the powers set forth in the Act and the Constitution and the other laws of the State of Utah. CEBAIA shall not, however, undertake any of the activities set forth in the preceding paragraph without prior

authorization therefore by the Board of Trustees of the College, the City Council of the City, and the County Commission of the County.

The purpose and essence of CEBAIA shall be purely civic. It is hereby expressly declared that CEBAIA has been organized not for gain, and that no loans, dividends or other distributions shall ever be declared or paid to any of its trustees or officers.

At no time shall CEBAIA engage in any activities which are unlawful under the laws of the United States of America, the State of Utah, or any other jurisdiction wherein it conducts its activities.

ARTICLE IV

GOVERNING BOARD

Section 1. General Powers. The affairs of CEBAIA shall be managed by the Governing Board.

Section 2. Number, Tenure and Qualifications. CEBAIA shall be governed by the Governing Board. The Governing Board shall be composed of seven (7) persons, two of whom shall be appointed by the Kane County Board of Commissioners, two of whom shall be appointed by the Kanab City Council, one of whom shall be appointed by the Dixie State College Board of Trustees, one member-at-large from the business community shall be appointed by the Dixie State College Board of Trustees, one of whom shall be appointed by the Kane County School Board.

The Governing Board shall administer the affairs of CEBAIA. Each member of the Governing Board shall have one vote in any actions taken or proceedings adopted by the Governing Board. Members of the Governing Board shall each serve for a term of two years beginning on the first of January. The sole exception to this is that for the first term of the Governing Board's existence, four of the members shall serve for three years in order to provide continuity.

The members of the Governing Board appointed by the Board of Trustees shall be removable, with or without cause, by the Board of Trustees. The members of the Governing Board appointed by the Board of Commissioners shall be removable, with or without cause, by the Board of Commissioners. The Members of the Governing Board appointed by the City Council shall be removable, with or without cause, by the City Council. The Member of the Governing Board, who represents the "member at large" from the business community shall be removable, with or without cause, by a majority vote of the Governing Board. The elected officials, who are members of CEBAIA, will serve either the length of their elected term, until the time of their resignation from elected office, or the appointed length of their CEBAIA term.

A Chair, a Secretary, and a Treasurer shall be selected by the Governing Board in the manner and for such term as shall be described in the bylaws.

The Governing Board shall meet at such times as provided by its Bylaws, with a quorum present, whether corporeal or by means of electronic equipment, for the purpose of discussing or acting upon a matter or matters over which it has jurisdiction. For this purpose, a quorum consists of at least four members of the Governing Board.

Section 3. Regular Meetings. Regular meetings of the Governing Board shall be held in compliance with the laws of the State of Utah relating to open and public meetings, Title 52, Chapter 4, Utah Code Annotated 1953, as amended (the “Open Meeting Law”), at such times and places as the Governing Board may by resolution designate.

Section 4. Special Meetings. Special meetings of the Governing Board may be called by or at the request of the Chair of the Governing Board (the “Chair”) or any two members and shall be held in compliance with the Open Meeting Law at such place as the Chair may determine.

Section 5. Executive Sessions. The Executive Committee shall be comprised of the seven (7) members of the Governing Board.

Section 6. Notice. Public notice of all meetings of the Governing Board shall be given in accordance with the Open Meeting Law. Notice to the members of any regular meeting of the Governing Board shall be deemed given upon the enactment of the resolution scheduling such meeting. Notice to the members of any special meeting of the Governing Board shall be given at least twenty four (24) hours prior thereto.

Section 7. Quorum. Four members of the Governing Board shall constitute a quorum for the transaction of business at any meeting of the Governing Board; but if fewer than a majority of the members of the Governing Board are present at any meeting, a majority of the members present may adjourn the meeting from time to time without further notice.

Section 8. Governing Body Decisions. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Governing Board.

Section 9. Compensation. Members as such shall not receive any compensation for their services, but by resolution of the Governing Board, expenses of attendance, if any, may be allowed for attendance at any regular or special meeting of the Governing Board.

ARTICLE V

OFFICERS

Section 1. Officers. The officers of CEBAIA shall be a Chair of the Governing Board, a Secretary and a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Secretary/Treasurer position may be held by the same person. Upon their election by the Governing Board or other qualification for office,

each officer shall serve a term of two years until his/her death, incapacity, resignation or removal from such office.

Section 2. Election. The officers of CEBAIA shall be elected by the Governing Board. New offices may be created and filled at any meeting of the Governing Board.

Section 3. Removal. Any officer elected or appointed by the Governing Board may be removed by the Governing Board whenever in its judgment the best interests of CEBAIA would be served thereby.

Section 4. Powers and Duties. The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Governing Board. The powers and the duties of the Chair of the Governing Board shall be to make application and implementation of policies and procedures for the day to day operation of CEBAIA and for the operation and administration of any real or personal property owned and controlled by CEBAIA. The Chair of the Governing Board shall also implement the policies as adopted by the Governing Board; and provide a liaison between CEBAIA and the Board of Trustees of the College, the City Council of the City, and the Board of Commissioners of the County. In the absence of the Chair, another member is hereby authorized by these bylaws to act in his/her place.

ARTICLE VI

AMENDMENT OF BYLAWS

The Governing Board may amend Bylaws at any meeting by a majority vote of the members.

ARTICLE VII

COMMITTEES

The Governing Board, in its discretion, may constitute and appoint committees to assist in the supervision, management and control of the affairs of CEBAIA with responsibilities and power appropriate to the nature of the several committees and as provided by the Governing Board in the resolution of appointment or in subsequent resolutions and directives. Each committee so constituted and appointed by the Governing Board shall serve at the pleasure of the Governing Board. In addition to such obligations and functions as may be expressly provided by the Governing Board, each committee constituted pursuant to these Bylaws and appointed by the Governing Board shall from time to time report to and advise the Governing Board on affairs within its particular area of responsibility and interest. The Governing Board may provide by general resolution applicable to all such committees for the organization and conduct of the business of the committees. Such committees as provided in this section of these Bylaws shall not have nor exercise the authority of the Governing Board in the

management of CEBAIA. Any member or such committee may be removed by the Governing Board whenever in its judgment the best interests of CEBAIA shall be served by such removal.

ARTICLE VIII

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 1. Contracts. The Governing Board may authorize any officer or officers, agent or agents of CEBAIA to enter into any contract, to execute and deliver any instrument in the name of an on behalf of CEBAIA and such authority may be general or may be confined to specific instances.

Section 2. Checks, Drafts or Orders. All checks, drafts, orders for payment of money, notes or other evidences or indebtedness issued in the name of CEBAIA shall be signed by the Treasurer and countersigned by the Chair of CEBAIA. The Chair may designate another Governing Board member to sign on his or her behalf.

Section 3. Deposits. All funds of CEBAIA shall be deposited from time to time to the credit of CEBAIA in such banks, trust companies or other depositories as the Governing Board may select.

Section 4. Gifts. The Governing Board may accept on behalf of CEBAIA any contribution, gift, or bequest for any purpose of CEBAIA.

ARTICLE IX

BOOKS AND RECORDS

CEBAIA shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Governing Board.

ARTICLE X

SEAL

The seal for CEBAIA shall be circular in shape with the word “SEAL” in bold face type in the center and with the words “Dixie State College of Utah/Kanab City/Kane County Interlocal Agency” on the perimeter of the seal.

ARTICLE XI

WAIVER OF NOTICE

Whenever a notice is required to be given to a member of the Governing Board under the provisions of the statutes of the State of Utah or under the provisions of these Bylaws of

CEBAIA or under the Articles of Incorporation of CEBAIA, a waiver thereof in writing by each trustee entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XII

MANNER OF OPERATION

Section 1. Operation to be for the Public Good. CEBAIA shall at all times conduct its operations in a manner consistent with the best interests of the College, and the City, and the County and the citizens thereof. It is hereby declared that CEBAIA, having been created pursuant to a resolution duly and regularly adopted by the Board of Trustees of the College, the City Council of the City, and the Board of Commissioners of the County shall at all times act in the best interests of the College, and the City, and the County.

Section 2. Compliance with Other Requirements of Law. CEBAIA has been created under and pursuant to the Act, as amended, and shall operate in strict accordance therewith. The officers of CEBAIA shall at all times do such things as are required of interlocal cooperatives created under the Act and as may be necessary and proper to preserve and protect the existence of CEBAIA thereunder.

The undersigned, being the Chair, does hereby certify that the foregoing Bylaws have been duly adopted as Bylaws by the CEBAIA Governing Board and are the full and complete Bylaws of CEBAIA as of this date.

DATED at Kanab, Utah, this _____ day of _____, 2012.

Chair

**DIXIE STATE COLLEGE OF UTAH/KANAB CITY/KANE COUNTY
INTERLOCAL COOPERATIVE AGREEMENT**

CEBA (CENTER FOR EDUCATION, BUSINESS, AND THE ARTS)

This Interlocal Cooperative Agreement is entered into by DIXIE STATE COLLEGE OF UTAH (the "College"), an institution of higher education within the Utah System of Higher Education under Utah Code Ann. §53B-1-102, KANAB CITY (the "City"), a Utah municipal corporation, and KANE COUNTY (the "County"), a political subdivision of the State of Utah as of the 25th day of FEBRUARY 2008 for the purpose of forming a separate legal entity to more efficiently provide governmental facilities, services, and improvements for citizens.

RECITALS

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Act"), permits local governmental units including cities, counties, and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public agencies on the basis of mutual advantage and to create a legal entity to more efficiently provide governmental facilities, services and improvements to the general public; and

WHEREAS, the College is committed to cooperating with the local community, region, and state to identify and meet the demands of business and industry and to provide leadership and support to economic development; and

WHEREAS, the City is committed to enhancing the arts and cultural opportunities available to its citizens and promoting economic vitality within its corporate limits by utilizing funding derived from business license fees, sales taxes and/or other legally available moneys of the City; and

WHEREAS, the County is committed to promoting the health and welfare and enhancing the quality of life for its citizens, including those in the City of Kanab, the principal city of Kane County and the county seat; and

WHEREAS, the County is committed to develop recreational, tourist, cultural and conference facilities within Kane County and to utilize funding derived from the local transient room tax and restaurant tax levy imposed by the County under Section 59-12-603, Utah Code Annotated 1953, as amended; and

WHEREAS, the Board of Trustees of the College and the City Council of the City and the Board of Commissioners of the County have determined that the creation of a separate legal entity to provide for the acquisition, construction, equipping and operation and maintenance of the Center for Education, Business, and the Arts ("CEBA") to be located within Kane County will enhance education, workforce training, cultural events,

conferences and tourism, and will strengthen the economic base of the City and the County; and

WHEREAS, the College, the City, and the County desire to enter into this Interlocal Cooperative Agreement to create a separate legal entity to provide for the funding, construction, operation and maintenance of CEBA; and

WHEREAS, this Interlocal Cooperative Agreement shall not become effective until it is first approved by resolution of the Board of Trustees of the College and the City Council of the City and the Board of Commissioners of the County, as evidenced by the execution hereof by the appropriate officers of the College and City and County. Utah Code Annotated §11-13-202.5 (2004).

NOW, THEREFORE, the College and City and County hereby express their commitments and agree as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

Section 1.1. Meanings and Constructions. The terms defined in this section, for all purposes of this Interlocal Cooperative Agreement and any amendments hereto, shall have the meanings herein set forth:

- (1) "Act" shall mean the Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended.
- (2) "College" shall mean Dixie State College of Utah, and its successors.
- (3) "Board of Trustees" shall mean the Board of Trustees of the College.
- (4) "City" shall mean the City of Kanab, Utah, and its successors.
- (5) "City Council" shall mean the City Council of the City.
- (6) "County" shall mean Kane County, Utah and its successors.
- (7) "Board of Commissioners" shall mean the Board of Commissioners of the County.
- (8) "CEBA" shall mean the Center for Education, Business, and the Arts – an educational, business, cultural, and conference facility to be owned and operated by the Dixie State College of Utah/Kanab City/Kane County Interlocal Agency (CEBAIA) which will be located in Kane County, Utah.
- (9) "Governing Body" shall mean the governing body of CEBAIA.

- (10) "Interlocal Cooperative Agreement" shall mean this Interlocal Cooperative Agreement and any amendments and supplements hereto.
- (11) The term "lease" shall mean any lease or any sublease or any operating of management or similar agreement.
- (12) "CEBAIA" shall mean the Dixie State College of Utah/Kanab City/Kane County Interlocal Agency created by this Interlocal Cooperative Agreement pursuant to the Act. CEBAIA is deemed a political subdivision of the State of Utah.

Section 1.2 Interpretations. This Interlocal Cooperative Agreement, except where the context by clear implication herein otherwise requires, shall be construed as follows:

- (a) definitions both singular and plural;
- (b) pronouns include both singular and plural and cover both genders; and
- (c) the captions or headings of the Interlocal Cooperative Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provision, article or section of this Interlocal Cooperative Agreement.

Section 1.3 Successors. Whenever herein CEBAIA is named or referred to, such provision shall be deemed to include the successors of CEBAIA, whether so expressed or not.

ARTICLE II

FORMATION AND POWERS OF CEBAIA

Section 2.1 Formation of CEBAIA. The Act provides for the creation of a separate legal entity through the execution and approval by resolution of an agreement between the College and the City and the County. This Interlocal Cooperative Agreement creates the Dixie State College of Utah/Kanab City/Kane County Interlocal Agency to be known as "CEBAIA". CEBAIA is a separate legal entity and political subdivision under the Act and shall have the power to issue Bonds to help finance, construct, equip and maintain CEBA. CEBAIA shall be a not-for-profit entity. Any net earnings of CEBAIA (other than those required to retire indebtedness of CEBAIA or to implement any program undertaken by it) will not inure to the benefit of any private person. Utah Code Annotated §11-13-203 (Supp. 2007).

Section 2.2 Powers of CEBAIA. CEBAIA shall have the power to:

- (a) In accordance with Utah Code Annotated §11-13-204 (2004), to own, acquire, construct, operate, maintain and repair or cause to be constructed, operated, maintained and repaired the CEBA and any related facility or improvement;
- (b) borrow money or incur indebtedness, issue Bonds for the purposes for which it was created, assign, pledge or otherwise convey as security for the payment of such Bonds the revenues and receipts from CEBA, which assignment, pledge or other conveyance may rank prior in right to any other obligation except taxes or payments in lieu thereof payable to the State of Utah or its political subdivisions;
- (c) sell or contract for the sale of the product of or the service, or other benefits from CEBA to public agencies within or without the State of Utah on such terms as it deems to be in the best interest of the College and the City and the County; and
- (d) CEBAIA may exercise any power or powers, privileges or authority exercised or capable of exercise by the College and the City and the County individually, including the power to lease CEBA to the College and/or the City and/or the County and to pledge CEBA as security for the payment of any Bonds issued hereunder.

Section 2.3 Notice of Formation of CEBA. Notice of formation of CEBAIA will be given to the Utah State Tax Commission in accordance with Utah Code Annotated §11-13-204(4)(a) (2004).

ARTICLE III

GOVERNANCE OF CEBAIA

CEBAIA shall be governed by the Governing Body. The Governing Body shall be composed of seven (7) persons, two of whom shall be appointed by the Board of Commissioners, two of whom shall be appointed by the City Council, two of whom shall be appointed by the Board of Trustees. One member-at-large from the business community will be appointed by a majority vote of the representatives from the College, the City, the County. The Governing Body shall administer the affairs of CEBAIA. Each member of the Governing Body shall have one vote in any actions taken or proceedings adopted by the Governing Body. Members of the Governing Body shall each serve for a term of two years beginning on the first of January. The sole exception to this is that for the first term of the Governing Body's existence, four of the members shall serve for three years in order to provide continuity. The members of the Governing Body appointed by the Board of Trustees shall be removable, with or without cause, by the Board of Trustees, the members of the Governing Body appointed by the Board of Commissioners shall be removable, with or without cause, by the Board of Commissioners, the Members of the Governing Body appointed by the City Council shall be removable, with or without cause, by the City Council, The Member of the Governing

Body, who represents the "member at large" shall be removable, with or without cause, by a majority vote of the Governing Body. The elected officials, who are members of CEBAIA, will serve either the length of their elected term, until the time of their resignation from elected office, or the appointed length of their CEBAIA term. The Governing Body shall adopt by-laws that are not in conflict with this Interlocal Cooperative Agreement by a majority vote of its members.

The Governing Body shall meet at such times as provided by its by-laws, with a quorum present, whether corporeal or by means of electronic equipment, for the purpose of discussing or acting upon a matter or matters over which it has jurisdiction. For this purpose, a quorum consists of at least four members of the Governing Body. Travel expenses for the Governing Body will be compensated at a rate established by the Governing Body and will be allocated if funding is available.

CEBAIA agrees to hold harmless and indemnify each of its board members, the City, College, County and the individual member of their governing bodies, their heirs and assigns, against any and all claims, brought against any such board member or entity, where the claim arises out of or relates to his/her/its performance of any duty pertaining to his/her/its role under this agreement and from any alleged harm for any actions, omissions, co-missions, conflicts of interest, including but not limited to court costs, legal fees, payment of any and all monies and awards whether by way of general, special, punitive, or otherwise and all monies paid to settle claims, law suits, arbitrated matters, mediated matters or any other pecuniary costs.

The Governing Body shall appoint five (5) ex-officio members who will be selected by a majority vote. These persons will serve a term of two (2) years beginning on the first of January and can be removable, with or without cause, by a majority vote of the Governing Body. However, the initial term of two appointed Members shall expire four years after the first of January, so that the term of office of at least three appointed Members shall expire every two years. Their terms may be extended for an additional two (2) years if approved by a majority vote by the Governing Body.

The Governing Body shall appoint a chair for each ad-hoc advisory committee and will seek recommendations for committee members. Each committee will have a minimum of five (5) ad-hoc advisory committee members who will serve at-will, as stipulated by the Governing Body. The chair will be a non-voting member but will be granted the right to vote if a quorum is not present. These persons will serve a term of one (1) year beginning on the first of January and can be removable, with or without cause, by a majority vote of the Governing Body. Their terms may be extended for an additional one or more additional (1) year terms if approved by a majority vote by the Governing Body.

All parties agree to abide by The Open and Public Meetings Act, as provided in Utah Code Annotated §52-4-101, et seq. (1953, as amended)).

ARTICLE IV

LIMITATIONS ON CEBAIA

The full faith and credit powers of the College and the City and the County shall not be pledged directly for payment of any Bonds issued by CEBAIA. Neither the College nor the City nor the County shall incur any pecuniary liability until they fund or purchase or lease property acquired with the proceeds of the Bonds issued by CEBAIA. Once the College or the City or the County purchases or leases property from CEBAIA, it shall be obligated to CEBAIA solely for its loan or purchase or lease payments as provided by agreement between CEBAIA and such College, City, or County.

ARTICLE V

GENERAL REPRESENTATIONS, WARRANTIES AND COVENANTS

Section 5.1 Interlocal Agreement to be Kept on File. The College and the City and the County each covenants that this Interlocal Cooperative Agreement shall be filed with its keeper of records in accordance with Utah Code Annotated §11-13-209 (2004).

Section 5.2 College and City and County Representatives. Each represents and warrants that it is a political subdivision of the State of Utah and is authorized to enter into the transactions contemplated by the Interlocal Cooperative Agreement and to carry out its obligations hereunder.

Section 5.3 No Litigation Representation. Each represents and warrants that there is no litigation or legal or governmental action, proceeding, inquiry or investigation pending or threatened to which the College and the City and the County, as applicable, is a party or to which any of its property is subject which if determined adversely to said College or City or County, would individually or in the aggregate (i) affect the validity or the enforceability of this Interlocal Cooperative Agreement, of (ii) otherwise materially adversely affect the ability of the said College or City or County to comply with its obligations under this Interlocal Cooperative Agreement or the transaction contemplated by this Interlocal Cooperative Agreement.

ARTICLE VI

COMMITMENTS BY COLLEGE AND CITY AND COUNTY

Section 6.1 Determination of Value of Facilities. The Board of Trustees, City Council, and Board of Commissioners shall each determine that CEBA, when completed, will prove a valuable asset to their respective constituents and the development thereof is fully consistent with their respective institutional missions and the public interest.

Section 6.2 Financing. The College, the City, and the County will pursue public and private funding for the acquisition, purchase, construction, equipping, and operations of CEBA and may enter into lease agreements with other organizations with respect to the operation and utilization of CEBA. The College, the City, and the County intend to fund their annually renewable obligations to CEBAIA with certain sales taxes, transient room taxes and other legally available moneys. In addition, the College, the City, and the County will enter into such contracts and agreements as shall be required to provide for the operation, maintenance, and repair of the CEBA and may submit their interest in the CEBA for the securing of any Bonds issued by CEBAIA.

ARTICLE VII

EMINENT DOMAIN POWER

At the discretion of the College, the City, and the County, each may exercise its power of eminent domain to accomplish the purposes for which CEBAIA has been created.

ARTICLE VIII

GENERAL PROVISIONS CONCERNING THIS INTERLOCAL COOPERATIVE AGREEMENT

Section 8.1 Operating Budget. The fiscal year of CEBAIA shall end on each December 31. The Governing Body of CEBAIA shall adopt an annual budget for each fiscal year in compliance with the Uniform Fiscal Procedures Act for Counties, Title 17, Chapter 36, Utah Code Annotated 1953, as amended. Prior to final adoption, the budget shall be approved by the Board of Trustees, and the City Council and the Board of Commissioners, and shall not be effective until so approved.

Section 8.2 Termination of Agreement

- (a) This Interlocal Cooperative Agreement shall be in full force and effect and be legally binding upon the College and the City and the County after its execution and approval by resolution by the Board of Trustees and the City Council and the Board of Commissioners. Thereafter this Interlocal Cooperative Agreement shall continue as a binding contract and shall not terminate until the later of the date thirty (30) years after the effective date hereof or such later date upon which all Bonds of CEBAIA and other contractual obligations have been retired, but in no event later than the date fifty (50) years after the effective date of this Interlocal Cooperative Agreement. Any of the three original parties may withdraw from this cooperative agreement, at any time, with one (1) year written notice to the other non-withdrawing parties. Termination will be effective one (1) year from the time notice is given to the other two (2) parties. Utah Code Ann. §11-13-204 (3), - 216 (2004).

- (b) Upon termination of this Interlocal Cooperative Agreement, title to all assets of CEBAIA upon its dissolution shall revert to the College and the City and the County in proportion to their commitment to secure payment on any Bonds issued by CEBAIA. The Governing Body is hereby authorized to take such actions as shall be necessary to effectuate the termination of CEBAIA and to dispose of the property of CEBAIA. Utah Code Ann. §11-13-206 (2004).
- (c) After the fifty (50) year termination period of this agreement has been reached, this agreement may be renewed if necessary.

Section 8.3 Assignment. Neither the College or the City or the County may assign any interest herein without consent of the other party to this Interlocal Cooperative Agreement and receipt by CEBAIA of an opinion of nationally recognized bond counsel to the effect that such assignment is authorized under the Act and will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds. The terms on this Interlocal Cooperative Agreement shall inure to the benefit of and be binding upon the respective representatives and successors of the College and the City and the County.

Section 8.4 Counterparts. This Interlocal Cooperative Agreement may be executed in several counterparts, any one of which shall be regarded for all purposes as one original. The College and the City and the County agree that they will execute any and all deeds, instruments, documents and resolutions or ordinances necessary to give effect to the terms of this Interlocal Cooperative Agreement.

Section 8.5 Entire Contract. This Interlocal Cooperative Agreement merges and supersedes on prior negotiations, representations and agreements between the College and the City and the County relating to the subject matter hereof and constitutes the entire contract between the College and the City and the County concerning the formation and powers of CEBAIA.

Section 8.6 Amendment. This Interlocal Cooperative Agreement shall not be modified or amended except in writing, which shall be signed by the duly authorized representative of the College and the City and the County after the adoption of a resolution by the Board of Trustees and the City Council and the Board of Commissioners approving the modification or amendment, provided, however, that if CEBAIA has Bonds outstanding, no amendment to this Interlocal Cooperative Agreement may be made which would have a material adverse impact on the bondholders without the prior consent of said bondholders.

Section 8.7 Attorney's Fees. The prevailing party in any litigation to interpret and/or enforce the provisions of this Interlocal Cooperative Agreement shall be entitled to an award of reasonable attorney's fees and costs, in addition to other available relief. Other than is expressly provided in this Interlocal Cooperative Agreement, no breach of this Interlocal Cooperative Agreement shall entitle any party to unilaterally cancel, rescind or

terminate this Interlocal Cooperative Agreement; but such limitations shall not affect in any manner any other rights or remedies which either party may have by reason of any such breach.

Section 8.8. Severability. Whenever possible each provision of this Interlocal Cooperative Agreement shall be interpreted in such a manner as to be valid; but, if any provision of this Interlocal Cooperative Agreement shall be held, in a final judicial determination, to be invalid or prohibited under applicable law, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remainder of such provision or the remaining provisions of this Interlocal Cooperative Agreement. Notwithstanding the foregoing, however, should such judicially determined invalidity of any provision of this Interlocal Cooperative Agreement frustrate the intended purpose of the member entities, as expressed herein, such invalidity shall cause this Interlocal Cooperative Agreement to be terminated, which the parties, to the extent possible, to be restored to the status quo as though this Interlocal Cooperative Agreement had not been signed.

Section 8.9 Governing Law. This Agreement shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties have caused this Interlocal Cooperative Agreement to be executed by their duly authorized representatives as of the date first written above.

DIXIE STATE COLLEGE OF UTAH

By: Lee G. Caldwell
Lee G. Caldwell

Title: _____
President

Approved as to form and as compatible with State law:

By: Justin A. Hild
Assistant Attorney General, Legal Counsel to DSC

KANAB CITY

By: Kim T. Lawson
Kim T. Lawson

Title: _____
Mayor

Approved as to form and as compatible with State law:

By: Don Morley
Kanab City Attorney

KANE COUNTY

By: Daniel W. Hulet
Daniel W. Hulet

Title: _____
Commission Chairman

Approved as to form and as compatible with State law:

By: L. R. Scarth
Kane County Attorney

*IN WITNESS WHEREOF the parties hereto have executed this Agreement on and as of
the day and year first above written. //*

INDEMNITEE: //

(Name) /

////////////////////////////////////

(Address) /

Mayor
T. Colten Johnson
City Manager
Kyler Ludwig
Treasurer
Danielle Ramsay



City Council
Arlon Chamberlain
Chris Heaton
Steve Shrope
Boyd Corry
Peter Banks

Kanab City Council Staff Report
File #PLAN26-005

Date:	March 5, 2026
Meeting Date:	March 10, 2026
Agenda Item:	Approve or Deny a plat amendment to the Ventana Resort Village vacating the attainable housing from phase 1 & 2 and creating a new phase incorporating the attainable housing.
Subject Property Address:	600 East Kaneplex Drive
Applicant:	M-W Kanab LLC
Applicant Agent:	Iron Rock Engineer
Zoning Designation:	R-1-8 PD
General Plan Designation:	Master Planned Development
Parcel #:	K-13-1-Utah-Annex, K-366-43, K-366-44 and K-366-CA2
Applicable Ordinances:	Subdivision Ordinance, Chapter 2A

Attachments:

- Exhibit A: Subject Property**
- Exhibit B: Amended Plat**

Summary:

Iron Rock Engineer applied to amend the plat for Ventana Resort Village, Phase 1 & 2 effecting parcels K-13-1-Utah-Annex, K-366-43, K-366-44 and K-366-CA2, located approximately at 600 East Kaneplex Road. This plat amendment was previously approved in September 2025, the developer wanted to vacate the attainable housing (apartments) from Phase 1 & Phase 2 and put them in its own platted phase. The boundaries for the new platted phase were tight to the building excluding the parking areas. The developer would now like to extend the boundary lines and include the parking area in the platted phase.

Applicable Regulation(s):

Plat Amendments are addressed in Utah Code, Title 10, Chapter 20, Part 8, and the Kanab City Subdivision Ordinance, Chapter 2, upon application that includes a Sketch Plan and Narrative. Chapter 2A-4 specifically addresses the plat amendment process and requirements.

Analysis

City staff has reviewed the application, sketch plan and narrative provided by the applicant. Staff has determined:

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Mayor
T. Colten Johnson
City Manager
Kyler Ludwig
Treasurer
Danielle Ramsay



City Council
Arlon Chamberlain
Chris Heaton
Steve Shrope
Boyd Corry
Peter Banks

- The application meets the requirements of the subdivision ordinance.
- Sensitive lands have not been identified;
- The subdivision is consistent with the General Plan and Future Land Use Map.
- Parcel is zoned R-1-8 PD.
- The proposed streets conform to the guidelines found in the Transportation Master Plan.

The owner of record contained within the plat is M-W Kanab LLC, a title report has been submitted to Kanab City. The applicant has paid the amended plat fee required. Any impact fees will be collected through the building permitting process.

Public Hearing will be held with City Council on March 10, 2026.

Proposed Findings:

1. This application was initiated by Iron Rock Engineering.
2. The property included within the amended plat boundaries is zoned R-1-8 PD.
3. The Future Land Use Map designation for these properties on the City's General Plan as Master Planned Development.
4. The applicant is requesting to adjust the two phases into three phases.
5. There is no application to vacate easements.
6. The proposed plat amendment meets the subdivision and zoning standards in the City's Ordinance listed above.
7. The Kanab City Planning Commission is the body responsible for making subdivision plat amendment recommendations to the City Council, upon application.

Planning Commission:

After reviewing the application and analyzing the proposed plat amendment, Planning Commission made a motion for a positive recommendation to City Council base on the findings and conditions in the staff report; vote was unanimous.

Conditions of Approval:

1. Sign-off from the City Surveyor.
2. The owner is responsible for securing the appropriate building and/or grading permits prior to any construction activity or infrastructure for the development.

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Peter Banks

Recommended Motion:

I make a motion to approve the plat amendment to the Ventana Resort Village, Phase 1 & 2 and creating phase 1A effecting parcels K-13-1-Utah-Annex, K-366-43, K-366-44 and K-366-CA2 based on the findings and conditions of approval as outlined in the staff report #PLAN26-005.

Alternate motion:

I make a motion to approve the plat amendment to the Ventana Resort Village, Phase 1 & 2 and creating phase 1A effecting parcels K-13-1-Utah-Annex, K-366-43, K-366-44 and K-366-CA2 based on the findings and conditions of approval as outlined in the staff report #PLAN26-005, with the additional findings and conditions:

I make a motion to deny the plat amendment to Ventana Resort Village, Phase 1 & 2 and creating phase 1A effecting parcels K-13-1-Utah-Annex, K-366-43, K-366-44 and K-366-CA2 demonstrating the applicant has not met the standards outlined in the Kanab City ordinances:

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Boyd Corry
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Exhibit A: Subject Property

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Mayor
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Treasurer
Danielle Ramsay



City Council
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Boyd Corry
Peter Banks

Exhibit B: Amended Plat

— A Western Classic —

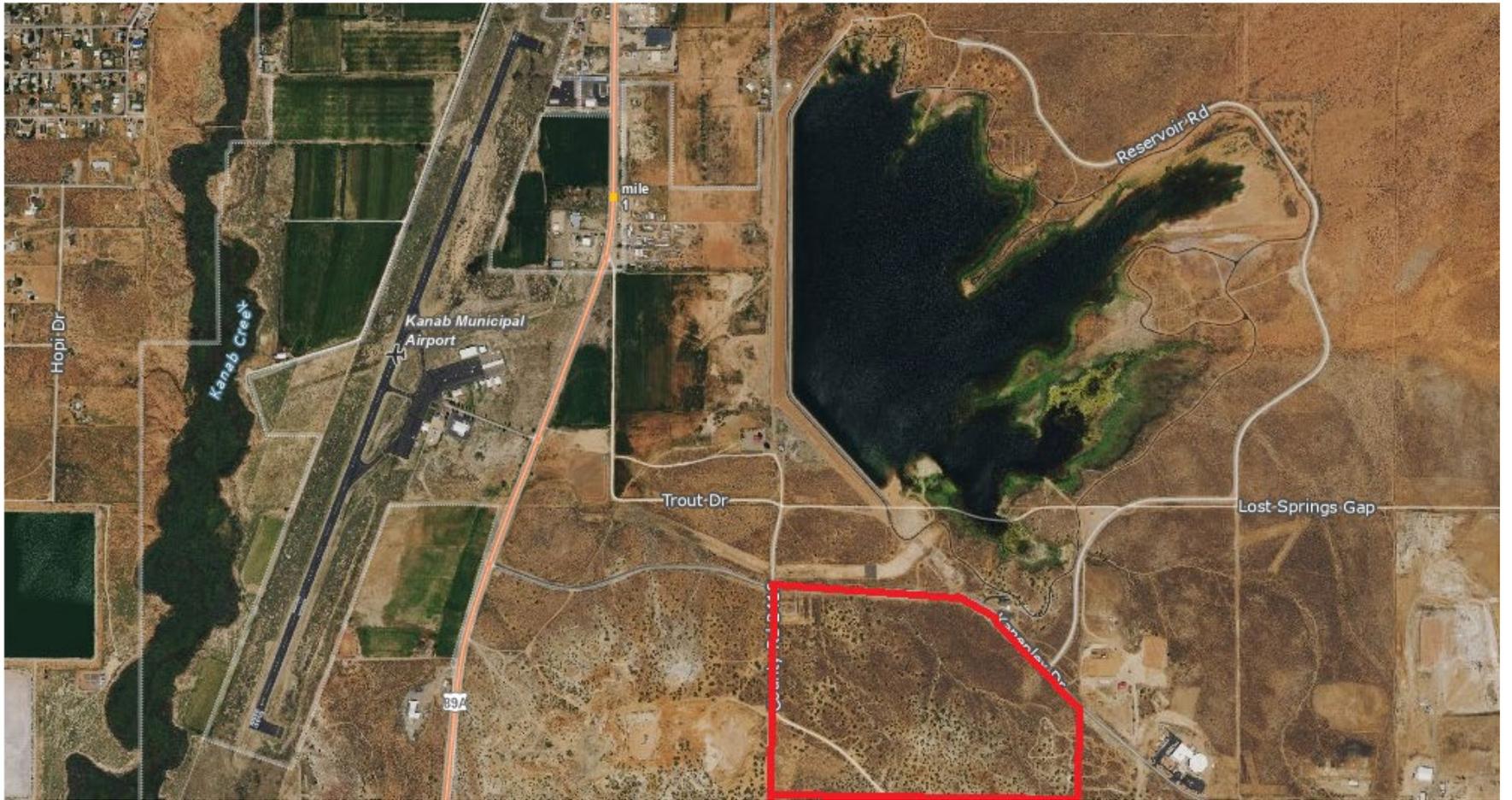
Mayor
T. Colten Johnson
City Manager
Kyler Ludwig
Treasurer
Danielle Ramsay



City Council
Arlon Chamberlain
Chris Heaton
Steve Shrope
Boyd Corry
Peter Banks

Exhibit C: Surveyor Review

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VENTANA APARTMENTS PHASE 1A,

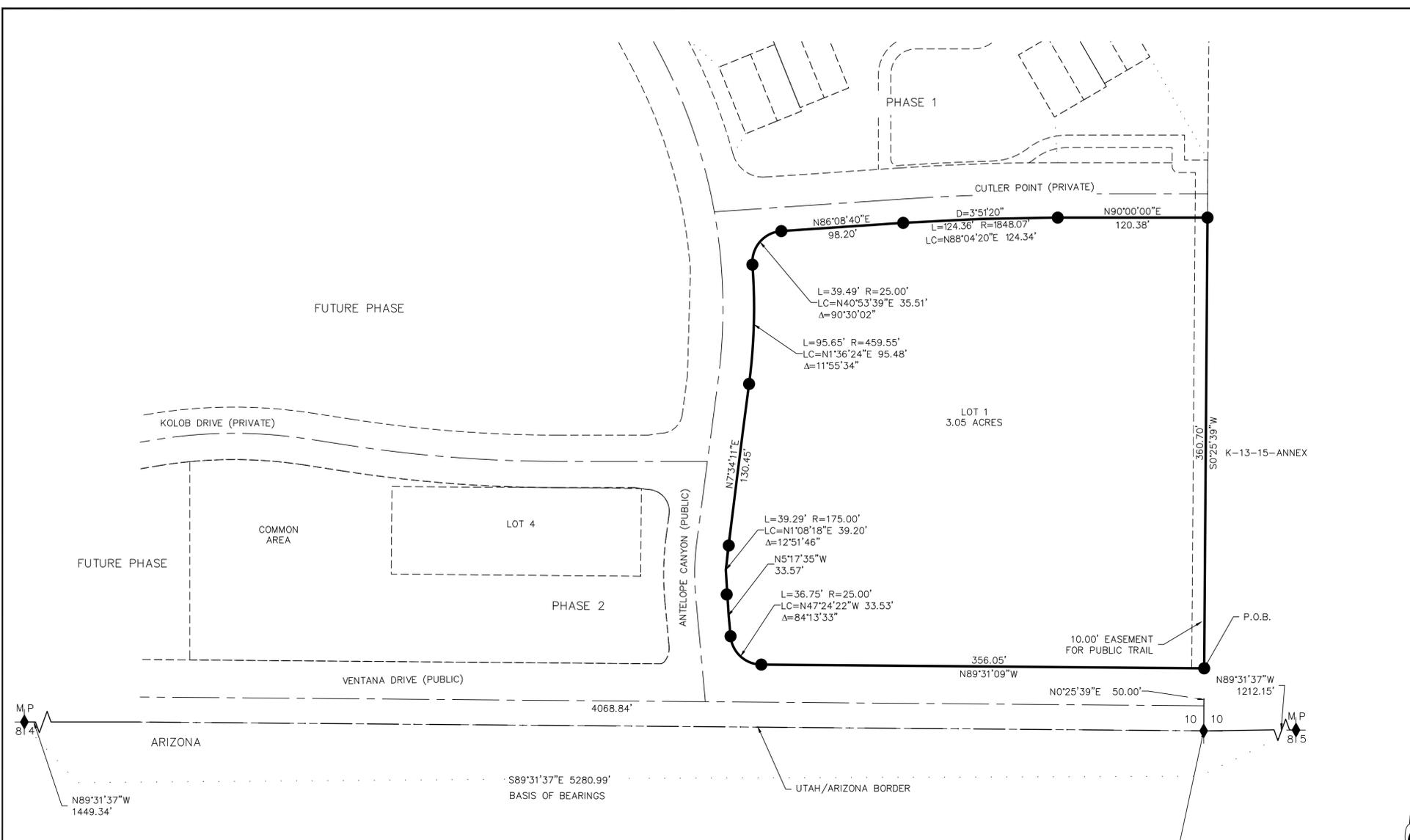
CITY OF KANAB, KANE COUNTY, UTAH
LOCATED IN LOTS 3, 4, 5, AND 6
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN



Building on Solid Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

VENTANA APARTMENTS
PHASE 1A, FINAL PLAT
M-W Kanab LLC, a Utah limited liability company
KANAB, UTAH 84741



SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, license No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have made a survey of the tract of land as shown on this Plat and have subdivided the same tract into 1 lot as well as Public Utility and Ingress & Egress Easements, as shown, which are herein after known as

"VENTANA APARTMENTS PHASE 1A"

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

Thomas W. Avant, PLS # 5561917

Date: _____

NARRATIVE

The purpose of this survey was to subdivide 1 lot from a portion of Parcel K-13-UTAH-ANNEX by retracing and marking on the ground the lines as shown on this Plat at the request of the client. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone, as measured between Mile post 84 & 85 with a basis of S89°31'37"E and a distance of 5280.99 feet, as shown on this Plat.

Legal Description:

Ventana Apartments Phase 1A:

Commencing at the Southeast Corner of said Lot 6; thence, along the East Lot Line, North 00° 25' 39" East 50.00 feet, to the POINT OF BEGINNING, and running; thence North 89° 31' 09" West 356.05 feet, to the beginning of a curve; thence, along the curve to the right, 36.75 feet, having a radius of 25.00 feet, a central angle of 84° 13' 33" and whose long chord bears North 47° 24' 22" West 33.53 feet; thence North 05° 17' 35" West 33.57 feet, to the beginning of a curve; thence, along the curve to the right, 39.29 feet, having a radius of 175.00 feet, a central angle of 12° 51' 46" and whose long chord bears North 01° 08' 18" East 39.20 feet; thence North 07° 34' 11" East 130.45 feet, to the beginning of a curve; thence, along the curve to the left, 95.65 feet, having a radius 459.55 feet, a central angle of 11° 55' 34" and whose long chord bears North 01° 36' 24" East 95.48 feet, to a non-tangent curve; thence, along the curve to the right, 39.49 feet, having a radius of 25.00 feet, a central angle of 90° 30' 02" and whose long chord bears North 40° 53' 39" East 35.51 feet; thence North 86° 08' 40" East 98.20 feet, to the beginning of a curve; thence, along the curve to the right, 124.36 feet, having a radius of 1848.07 feet, a central angle of 03° 51' 20" and whose long chord bears North 88° 04' 20" East 124.34 feet; thence North 90° 00' 00" East 120.38 feet, to said East Lot Line; thence, along said line, South 00° 25' 39" West 360.70 feet, to the POINT OF BEGINNING; containing 3.05 acres (more or less).

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- ===== SURVEY BOUNDARY
- EASEMENT
- 1/4 SECTION LINE
- 1/8 SECTION LINE
- SECTION LINE
- STREET CL
- FENCE
- [] RECORD BEARING AND DISTANCE
- SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IR ENG. PLS 5561917
- ⊙ FOUND MONUMENT AS NOTED
- ◆ FOUND SECTION MONUMENT AS NOTED
- ⊕ CALCULATED SECTION MONUMENT AS NOTED



ACKNOWLEDGMENT

STATE OF UTAH,) s.s.
COUNTY OF)

On this _____ day of _____, 20____ personally appeared before me _____, Steve Laski, Manager of M - W Kanab LLC, a Utah limited liability company, who is personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.

Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned in Utah

Notary Public (signature) _____
No Stamp required (Utah Code 46-1-16(6))

OWNER'S DEDICATION

Know all men by these presents that the undersigned Steve Laski, Manager of M - W Kanab LLC, a Utah limited liability company, are the owners of the above described tract of land, and hereby cause the same to be subdivided into 1 lot to be hereafter known as VENTANA APARTMENT PHASE 1A, a Minor Subdivision. The undersigned owners also hereby re-convey to any and all public utility companies a perpetual, non-operation easement over the public utility easements shown on this plat. The same to be used for the installation maintenance and operation of utility lines and facilities.

IN WITNESS WHEREOF, I have set my hand this the _____ day of _____, 20____.

Steve Laski, Manager of
M - W Kanab LLC, a Utah limited liability company

<p>CITY ENGINEER CERTIFICATE</p> <p>I, _____, Engineer for Kanab City, do hereby certify that I have examined the above Plat and said plat meets the requirements of Kanab City and is hereby recommended for approval this _____ day of _____, 20____.</p> <p>_____ KANAB CITY ENGINEER</p>	<p>CITY ATTORNEY CERTIFICATE</p> <p>I, _____, Attorney for Kanab City, do hereby certify that I have examined the above Plat and said plat meets the requirements of Kanab City and is hereby recommended for approval this _____ day of _____, 20____.</p> <p>_____ KANAB CITY ATTORNEY</p>	<p>CITY PUBLIC WORKS DIRECTOR CERTIFICATE</p> <p>I, _____, Kanab City Public Works Director, do hereby certify that this office has examined the above Plat and has determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20____.</p> <p>_____ KANAB CITY PUBLIC WORKS DIRECTOR</p>	<p>CITY SURVEYOR CERTIFICATE</p> <p>I, _____, Kanab City Surveyor, do hereby certify that this office has examined the above Plat and has determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20____.</p> <p>_____ KANAB CITY SURVEYOR</p>	<p>APPROVAL OF THE PLANNING COMMISSION</p> <p>On this the _____ day of _____, 20____, the Planning Commission of Kanab City, Utah, having reviewed the above Plat and having found that it complies with the requirements of the Kanab City's planning and zoning ordinances, and by authorization of said commission hereby recommend approval of said plat for acceptance by Kanab City, Utah.</p> <p>_____ CHAIRMAN Planning Commission</p>	<p>APPROVAL AND ACCEPTANCE</p> <p>By the Kanab City Council</p> <p>We the Kanab City Council have reviewed the heron Plat and by authorization of said Kanab City Council recorded in the minutes of it's meeting of the _____ day of _____, 20____, hereby accept the said plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.</p> <p>Attest: _____ Mayor - _____ Kanab City Recorder _____ Kanab City Council</p>	<p>CERTIFICATE OF RECORDING</p> <p>I, _____, Recorder of Kane County, do hereby certify that above Plat was filed for recording in my office this _____ day of _____, 20____.</p> <p>_____ KANE COUNTY RECORDER</p> <p>ENTRY NO. _____</p> <p>DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____</p> <p>RECORDED AND FILED AT THE REQUEST OF: _____</p>
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INITIAL SUBMITTAL	DATE: 02/20/2026	DESCRIPTION: 1ST REVIEW							
REV#	DATE:	DESCRIPTION:							
1	02-26-2026	1ST REVIEW							

DRAWN BY: CM
SCALE: 1"=50'
SHEET: 1 OF 1

Mayor
Colten Johnson
City Council
Arlon Chamberlain
Steven Shrope
Chris Heaton
Boyd Corry
Peter Banks



KANAB
—UTAH—

City Manager
Kyler Ludwig
City Attorney
Kent Burggraaf
City Recorder
Celeste Cram
City Treasurer
Danielle Ramsay

DATE: March 10, 2026
TO: Mayor and City Council
SUBJECT: RAP Tax Funding Request – Jacob Hamblin Park Baseball Field Retaining Wall Completion
PREPARED BY: Kyler Ludwig, City Manager

Background:

Approximately ten years ago, Kanab City constructed a portion of a retaining wall adjacent to the baseball fields at Jacob Hamblin Park. The original project was intended to stabilize the hillside and improve the functionality and long-term usability of the ballfield area. Due to funding limitations at the time, only a portion of the retaining wall was completed, leaving the remaining section unfinished.

Completion of the retaining wall has remained on the City’s long-term parks improvement list for several years. Staff is now bringing this item forward for Council consideration as the remaining work would improve site safety, stabilize the slope, and complete the originally planned infrastructure associated with the baseball field complex.

Analysis:

The remaining retaining wall section would be constructed using Redi-Rock retaining wall blocks consistent with the materials used for the existing portion of the wall. Staff obtained a material quote from Interstate Rock Products to estimate the cost of completing the project. The quote includes approximately 315 retaining wall blocks with a material subtotal of \$46,200, plus estimated tax and freight costs. The total estimated cost for materials is approximately \$62,118.50. Depending on availability staff may self-perform some of the freight. It should be noted that the quote covers materials only, installation will be completed by City crews.

Completing the retaining wall would finalize the originally intended improvement and prevent further erosion or maintenance issues along the slope bordering the ballfield area. The improvement would also enhance the appearance and usability of the facility.

Legal:

This item has not been submitted for legal review

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Mayor
Colten Johnson
City Council
Arlon Chamberlain
Steven Shrope
Chris Heaton
Boyd Corry
Peter Banks

City Manager
Kyler Ludwig
City Attorney
Kent Burggraaf
City Recorder
Celeste Cram
City Treasurer
Danielle Ramsay

Financial:

Staff proposes funding this project using Recreation, Arts, and Parks (RAP) Tax revenues.

The City currently maintains over \$150,000 in annual RAP Tax funds, which are intended for recreation and park-related capital improvements. Using RAP funding for this project aligns with the statutory purpose of the tax.

RAP funds have recently been used to support tennis and baseball court resurfacing projects, although the majority of those improvements were offset through grant funding. Because those grants covered much of the resurfacing costs, RAP funds remain available for additional park improvements such as this project.

Recommendations/Actions:

It is recommended that the City Council: Approve the use of RAP Tax funds to complete the retaining wall at the Jacob Hamblin Park baseball fields and authorize staff to proceed with procurement of materials and project implementation.

Attachments:

Redi-Rock Retaining Wall Quote Interstate Rock
Photos



– A Western Classic –

TERMS AND CONDITIONS

*We propose to hereby furnish material complete and in accordance with the above specifications, for the sum listed above. Total cost includes stated quantities only. Any additional quantities will be billed at prices as stated above. Final payment for work will be determined by the number of units multiplied by the unit price.

*Scheduling required to insure availability. Scheduled dates subject to approvals.

*Pricing is good for 30 days. After 30 days, the price is subject to change.

*Payment arrangements shall be made prior to beginning work. Blocks must be paid for prior to delivery unless an account with Interstate Rock is established prior.

*Delivery not included in bid price. Available at additional charge.

*Design is not included. Liability for any design failure is the responsibility of the owner and or contractor.

*Price is for material supply only. Installation is NOT included. Pricing available upon request.

*If picking up block there is no charge to load if transporting via flatbed or trailer. Loading dump trucks are an additional \$100 per load.

*Any returned block may be subject to a restocking fee ranging from 25-75%. Fees vary depending on block condition and circumstances of return. (25%-Undamaged, 50%-Minimal Damage, 75%-Unusable)

*Quote based on pricing and availability at the time given. Additional block will be subject to pricing and availability upon completion of the original quoted quantities.

Tax: \$3,118.50 **6.75%**

Freight: \$12,800.00 (16 loads @ \$800 per load)

Dump Truck Fee: _____ (if applicable)

Restocking Fee(s): _____ (if applicable)

Credit Card Fee: _____ **3% of total purchase**
(if applicable)

TOTAL ESTIMATED COST: \$62,118.50

Interstate Rock Authorized
Signature

Travis J. Brunstad

Date

2/12/2026

Purchaser Authorized
Signature

Date









Mayor
Colten Johnson
City Council
Arlon Chamberlain
Steven Shrope
Chris Heaton
Boyd Corry
Peter Banks



KANAB
—UTAH—

City Manager
Kyler Ludwig
City Attorney
Kent Burggraaf
City Recorder
Celeste Cram
City Treasurer
Danielle Ramsay

DATE: March 10, 2026
TO: Mayor and City Council
SUBJECT: 1100 South Widening Task Order
PREPARED BY: Kyler Ludwig, City Manager

Background:

Kanab City has received a work task order from Civil Science for engineering services related to the 1100 South Roadway Improvements and Sewer Line Extension Project. The proposed scope includes surveying, right-of-way analysis, preliminary and final engineering, bidding support, and construction administration services. The total engineering cost proposed is \$219,700.

Analysis:

The project corridor extends from the previously completed 1100 South improvements near Highway 89 east to Terrel Drive, covering approximately 4,100 linear feet (0.78 miles). The corridor is identified in the City's Transportation Impact Fee Facilities Plan as a future major collector with a planned 66-foot right-of-way.

While the corridor is master planned as a major collector, the intent of this project is to develop a practical interim roadway section that addresses current safety, drainage, and access needs while preserving the ability for future widening as development occurs.

Importantly, the engineering scope does not include full curb and gutter design for the corridor. Constructing curb and gutter along the entire alignment could increase project costs significantly (potentially four times the base roadway construction cost)..

The project will also include extension of a 10-inch sanitary sewer main, which is consistent with the City's Wastewater Impact Fee Facilities Plan. Staff intends to coordinate roadway construction with the sewer extension to minimize future disruptions and reduce overall construction costs.

Planning and design for this project will take 6-8 months.

— A Western Classic —

Mayor
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City Council
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Chris Heaton
Boyd Corry
Peter Banks

City Manager
Kyler Ludwig
City Attorney
Kent Burggraaf
City Recorder
Celeste Cram
City Treasurer
Danielle Ramsay

Legal:

This item has not been submitted for legal review

Financial:

The proposed engineering services are \$219,700, which includes survey work, design, and construction support services. This is an impact fee eligible project.

Recommendations/Actions:

It is recommended that the City Council: Authorize staff to sign the task order with Civil Science for 1100 South Roadway Improvements and Sewer Line Extension.

Attachments:

Civil Science Task Order – 1100 South Roadway Improvements & Sewer Line Extension



– A Western Classic –

March 5, 2026

Kanab City
Attn: Kyler Ludwig, City Manager
26 North 100 East
Kanab, UT 84741

WORK TASK ORDER 2026-1: 1100 SOUTH ROADWAY IMPROVEMENTS & SEWER LINE EXTENSION

Dear Mr. Ludwig,

Civil Science is pleased to submit this Work Task Order No. 2026-01 for professional services for the 1100 South Roadway Improvements and Sewer Line Extension Project. As always, we appreciate the opportunity to work with the Kanab City on this and other projects, and we value our affiliation as the City's Engineer. This task order outlines the scope, deliverables, and fee structure necessary to advance the Project through design, bidding, and construction support.

PROJECT UNDERSTANDING

The City intends to improve 1100 South as part of its Facilities Plan. The corridor is identified in the City's Transportation Impact Fee Facilities Plan as a future major collector with a planned 66 foot right of way. The project limits extend from the previously completed 1100 South and Kanab Creek Drive realignment near Highway 89 on the west, east to Terrel Drive, a distance of approximately 4,100 linear feet, or 0.78 miles. The project will build upon the recent improvements to the west and provide continuity through the corridor. While the corridor is master planned as a major collector, the intent of this project is not necessarily to construct the ultimate full build out section at this time. Through the design process, the City will evaluate a practical interim roadway section that addresses current safety, drainage, and access needs, while preserving the ability for future widening to the ultimate master planned section as adjacent properties develop.

Improvements are anticipated to include roadway widening or reconstruction, drainage improvements, driveway connections, striping and signage, utility coordination, and extension of an existing 10-inch sanitary sewer main consistent with the City's Wastewater Impact Fee Facilities Plan. Preliminary planning level opinions of cost indicate the combined roadway and sanitary sewer improvements are estimated at approximately **\$2.0 to \$2.2 million**, including contingency. This estimate will be refined during the 30 percent design phase as the project scope is confirmed.



SCOPE OF WORK

Based on the Project Understanding outlined above, Civil Science proposes to deliver the following services and tasks to support the successful execution of the project. Our approach focuses on providing comprehensive, high-quality solutions tailored to meet the project's specific goals and requirements. The proposed scope of work ensures that all aspects of the design are addressed effectively, from initial planning and design to construction. Below, we have outlined the key tasks, deliverables and assumptions we will provide as part of this engagement.

SURVEY & RIGHT-OF-WAY PHASE SERVICES

DESIGN SURVEY & BASE MAPPING

Civil Science will perform a design level topographic and boundary survey within the project corridor sufficient to support roadway, drainage, and utility design. The survey will be performed to a level of detail suitable for preparation of construction documents and future construction staking.

1. Establishment of horizontal and vertical control tied to recognized datum and benchmark control in the area
2. Drone based aerial mapping to collect current orthophotography and surface data in open areas
3. Ground survey using GPS and conventional methods in areas with vegetation, structures, or limited aerial visibility
4. Collection of existing improvements including pavement edges, travel lanes, shoulders, curb and gutter, sidewalks, driveways, fences, walls, culverts, drainage channels, headwalls, utility poles, valves, hydrants, meters, and other visible appurtenances
5. Field location of visible utility features and coordination with utility providers to obtain available record information
6. Collection of flowline and invert elevations for accessible storm drain and sanitary sewer structures
7. Identification of apparent right of way occupation lines and research of available record plats and deeds to approximate existing right of way limits
8. Preparation of one foot or two foot contour mapping, as appropriate for roadway design
9. Development of a base map integrating survey data and record information for use in preliminary and final engineering

DELIVERABLES

- Signed and sealed Topographic Survey and Base Map
- Digital CAD base file compatible with Civil 3D
- Established horizontal and vertical control points for future construction use

ASSUMPTIONS

- Survey is limited to the project corridor and adjacent areas necessary to support tie ins
- Subsurface utility engineering, potholing, and private utility locates are not included
- Utility locations are based on surface evidence and available record drawings
- Access will be available within public right of way

RIGHT-OF-WAY MAPPING AND BOUNDARY ACQUISITION DOCUMENTS

Based on survey results and preliminary roadway layout, Civil Science will evaluate right of way needs required to construct the selected interim roadway section while preserving the ultimate corridor width identified in the master plan. Documents will be prepared in a format suitable for review by the City Attorney and recording with the County.

1. Overlay of proposed improvements onto surveyed property boundaries to identify impacts
2. Evaluation of required permanent right of way, temporary construction easements, and grading tie back areas
3. Preparation of right of way exhibit maps clearly identifying proposed acquisitions or dedications
4. Preparation of up to sixteen legal descriptions and accompanying exhibits suitable for recording
5. Coordination meeting with the City to review impacts, acquisition strategy, and phasing considerations
6. Participation in one public open house to assist the City in explaining right of way needs and proposed improvements

DELIVERABLES

- Right of Way Exhibit Map

- Legal Descriptions and Exhibits for required acquisitions or dedications
- Electronic CAD and PDF files for City records

ASSUMPTIONS

- The City will lead all negotiations and communications with affected property owners
- Title commitments and ownership verification will be provided by the City
- Appraisals, compensation analysis, and legal services are not included
- Environmental review or permitting related to right of way acquisition is not included
- Final acquisition decisions remain the responsibility of the City

ROADWAY DEDICATION PLAT

Civil Science will prepare a roadway dedication plat, if required, to formally dedicate right of way necessary for construction of the selected interim roadway section and preservation of the ultimate corridor width.

1. Compilation of boundary survey information and right of way determinations
2. Preparation of a draft roadway dedication plat depicting existing property boundaries, proposed right of way lines, and areas of dedication
3. Coordination with the City regarding dedication limits and recording requirements
4. Revisions based on City and County review comments
5. Preparation of a final dedication plat suitable for review and recordation

DELIVERABLES

- Draft Roadway Dedication Plat for review
- Final Roadway Dedication Plat suitable for recording
- Electronic CAD and PDF files for City records

ASSUMPTIONS

- Underlying boundary information will be based on the survey completed above
- Title reports and ownership verification will be provided by the City
- Plat recording fees are not included
- Legal review and approval will be performed by the City Attorney
- Additional boundary resolution beyond typical survey clarification may require amendment

DESIGN PHASE SERVICES

PROJECT & QUALITY MANAGEMENT

Civil Science will provide active project leadership, coordination, and quality oversight throughout the design phase to maintain alignment with scope, budget, and schedule.

1. Formal project kickoff meeting to confirm scope, schedule, design criteria, and communication protocols
2. Development of a detailed project schedule identifying milestone submittals and review periods
3. Ongoing coordination with City staff regarding budget constraints, phasing considerations, and constructability
4. Utility coordination including contact with utility providers, conflict identification, and documentation of required relocations
5. Coordination with the geotechnical consultant to integrate pavement and earthwork recommendations into design
6. Monitoring of design progression against available funding and cost estimates
7. Internal interdisciplinary coordination meetings between roadway, drainage, and utility design staff
8. Formal internal quality control reviews at 30 percent, 60 percent, and Final milestones
9. Senior level review of plans, specifications, and cost estimates prior to each submittal
10. Incorporation of consolidated City review comments and documentation of design decisions

DELIVERABLES

- Meeting summaries as appropriate

- Updated project schedule
- Milestone design submittals
- Documented quality control review prior to Final

ASSUMPTIONS

- City review comments will be consolidated
- Review cycles are limited to one per milestone
- Significant scope revisions after 60 percent may require amendment

GEOTECHNICAL ENGINEERING

Civil Science will retain a geotechnical consultant to evaluate subsurface conditions and provide engineering recommendations for pavement and earthwork design.

1. Layout of exploration locations along the corridor to evaluate representative soil conditions
2. Excavation of test pits to assess subgrade soils and document stratigraphy
3. Pavement coring and DCP testing to evaluate existing pavement thickness and subgrade strength
4. Sampling of subgrade and base materials for laboratory testing
5. Laboratory testing including soil classification, moisture density relationships, and strength characterization
6. Evaluation of moisture sensitivity and potential expansive or collapsible soils
7. Recommendations for pavement section design based on anticipated traffic loading
8. Recommendations for subgrade stabilization, over excavation, and compaction requirements
9. Trench backfill and utility bedding recommendations
10. Preparation of a formal geotechnical report with boring logs, testing results, and design criteria

DELIVERABLES

- Sealed Geotechnical Investigation Report

ASSUMPTIONS

- Exploration limited to public right of way
- Construction phase materials testing excluded
- No hazardous materials investigation included

PRELIMINARY ENGINEERING

Civil Science will develop preliminary engineering solutions to define the appropriate interim roadway section and supporting infrastructure improvements. The 30 percent submittal will establish the framework for final engineering and construction documents.

1. Development of a Project Design Criteria or Basis of Design memorandum outlining the selected interim roadway section, applicable design standards, drainage approach, utility assumptions, and design constraints
2. Preliminary horizontal alignment and tie ins to existing improvements
3. Preliminary vertical profile to evaluate grading impacts and drainage flow patterns
4. Conceptual roadside drainage and storm conveyance approach
5. Preliminary sanitary sewer extension alignment and slope verification
6. Identification of major utility conflicts and right of way impacts
7. Preparation of a 30 percent plan set sufficient to illustrate typical sections, plan and profile concepts, and overall project limits
8. Preparation of an engineer's opinion of cost based on preliminary quantities

DELIVERABLES

- Project Design Criteria or Basis of Design Memorandum
- 30 Percent Plan Set
- Engineer's Opinion of Cost

ASSUMPTIONS

- The City will provide direction on the preferred interim roadway section at or following the 30 percent review
- Major scope revisions after acceptance of the 30 percent design may require amendment

FINAL ENGINEERING & CONSTRUCTION DOCUMENTS

Upon acceptance of the 30 percent design framework, Civil Science will advance the project through 60 percent and 90 percent design toward final construction documents. The 90 percent submittal will be suitable for final City review prior to bidding.

1. Refinement of horizontal and vertical roadway geometry
2. Detailed grading design including slopes, tie ins, and drainage flow lines
3. Final storm drain layout and hydraulic sizing if required
4. Final sanitary sewer plan and profile including structure locations and service connections as directed
5. Utility conflict resolution and coordination
6. Preparation of detailed plan sheets including cover sheet, general notes, typical sections, demolition plans, roadway plans and profiles, utility plans and profiles, striping and signage plans, quantity summaries, and detail sheets
7. Preparation of technical specifications and bid schedule
8. Updated engineer's opinion of cost at 60 percent and 90 percent milestones

DELIVERABLES

- 60 Percent Plan Set and Engineer's Opinion of Cost
- 90 Percent Plan Set and Engineer's Opinion of Cost
- Contract Documents, Technical Specifications and Bid Schedule

ASSUMPTIONS

- One consolidated City review cycle per milestone
- Final bid ready documents will incorporate 90 percent review comments
- No substantial redesign beyond the accepted 30 percent design framework

CONSTRUCTION PHASE SERVICES

Construction Phase Services will be provided to assist the City during bidding and construction through limited engineering support, contract administration and staking. The level of effort and associated hours are based on Civil Science's experience with the City and on similar roadway and utility improvement projects and assume an anticipated 30 day bid period and approximately 150 calendar days of construction. The estimated hours reflect a typical level of contractor coordination, submittal review, field observation, and change order evaluation for a project of this size and complexity.

BIDDING & NEGOTIATING

Civil Science will support the City during the public bidding process to ensure the project is clearly understood and competitively bid.

1. Assistance with preparation of final bid package for advertisement
2. Participation in one pre bid meeting to review project scope, design intent, and construction expectations
3. Response to bidder questions and preparation of written clarifications
4. Preparation and issuance of addenda as required
5. Review of submitted bids for completeness and responsiveness
6. Preparation of a bid tabulation
7. Evaluation of bids relative to engineer's opinion of cost
8. Preparation of a written recommendation of award

DELIVERABLES

- Addenda, if required
- Bid Tabulation
- Written Recommendation of Award

ASSUMPTIONS

- Bid period anticipated to be approximately 30 days
- One pre bid meeting
- Limited to standard clarification efforts and does not include scope redesign

CONSTRUCTION ADMINISTRATION

Civil Science will provide engineering support during construction to assist the City in interpreting the contract documents and evaluating contractor performance relative to the design intent. Civil Science will act as the City's engineer of record but will not provide full time construction observation unless separately authorized.

1. Participation in one pre construction meeting
2. Attendance at weekly progress meetings during active construction
3. Review of contractor submittals for general conformance with the design documents
4. Review and response to requests for information
5. Review of proposed substitutions
6. Review of change order requests for technical merit and cost reasonableness
7. Periodic site visits to observe progress and general compliance with the plans and specifications
8. Preparation of field observation summaries
9. Review of record drawings provided by the contractor

DELIVERABLES

- Submittal Reviews
- Responses to RFIs
- Field Observation Reports
- Change Order Review Recommendations

ASSUMPTIONS

- Construction duration approximately 150 days
- Weekly meetings during active construction
- Services are limited to periodic site visits and do not include full time inspection
- Materials testing and special inspections are not included

CONSTRUCTION STAKING

Civil Science will provide construction staking services to support contractor layout of improvements in accordance with the approved plans. Staking efforts will be coordinated with the contractor's schedule and level of automated machine guidance capability.

1. Verification of horizontal and vertical control
2. Establishment of project benchmarks
3. Preliminary grading stakes
4. Utility alignment and structure staking
5. Final grading stakes
6. Slope and ditch staking as required

DELIVERABLES

- Construction staking as required

ASSUMPTIONS

- Up to eight site visits for staking
- Contractor will utilize automated machine guidance where feasible
- Additional staking beyond defined scope will be compensated separately
- As built survey preparation is not included unless requested

FEE PROPOSAL

Civil Science proposes to complete the above outlined Scope of Work as follows:

PHASE	TASK DESCRIPTION	FEE	FEE TYPE	COMMENTS
SURVEY	Design Survey & Base Mapping	10,800	Lump Sum	
	Right-of-Way Mapping and Boundary Acquisition Documents	9,900	Lump Sum	
	Roadway Dedication Plat	4,600	Lump Sum	
	SUBTOTAL	25,300	Lump Sum	
DESIGN	Project & Quality Management	10,800	Lump Sum	
	Geotechnical Engineering	7,200	Lump Sum	
	Preliminary Engineering	29,100	Lump Sum	
	Final Engineering & Construction Documents	72,300	Lump Sum	
	SUBTOTAL	119,400	Lump Sum	
CONSTRUCTION	Bidding & Negotiating	*10,000	Hourly	Anticipated Hours: 55
	Construction Administration	*50,000	Hourly	Anticipated Hours: 320
	Construction Staking	*15,000	Hourly	Anticipated Hours: 100
	SUBTOTAL	*75,000	Hourly	
	TOTAL	219,700		

*Civil Science may alter the distribution of compensation between individual tasks of the Scope of Work to be consistent with services actually rendered but shall not exceed the total compensation amount unless written authorization has been received from the City.

Professional fees shown are not to exceed unless upon written authorization from the City. Professional services rendered for the Hourly Fee Type will be completed by Civil Science at the rates and fees given in attached Exhibit A. The City may authorize Civil Science to furnish or obtain from others additional services, if required, outside the Scope of Work detailed in this Task Order. If such additional services are authorized by the City, Civil Science shall complete the services based on the rates and fees given in the attached Exhibit A or negotiated for an agreed upon fee.

We appreciate the opportunity to work with the City on this and other projects. If the City wishes to move forward with this Project, we recommend execution of this Task Order in accordance with the Agreement between the two parties. Please contact me, Cody Howick, at (435) 773-3120 (chowick@civilscience.com) with any questions or concerns.

Respectfully,



Cody Howick, PE
Executive / Area Manager

Acknowledgement of Task Order by:

City: _____ Date: _____

STANDARD HOURLY RATES AND FEE SCHEDULE (CS-01-2026)

LABOR RATES:

Services provided by Civil Science personnel will be invoiced at the labor categories and hourly rates within the applicable range shown below:

Labor Category (Abbr.)	Technical Role	Hourly Labor Rate Range
Engineer (EN)	Jr. Engineer (I-II)	\$135.00 - \$145.00
	Lead Engineer (III-IV)	\$170.00 - \$194.00
	Sr. Engineer (V-VI)	\$199.00 - \$261.00
Landscape Architect (LA)	Jr. Landscape Architect (I-II)	\$112.00 - \$126.00
	Lead Landscape Architect (III-IV)	\$139.00 - \$155.00
	Sr. Landscape Architect (V-VI)	\$179.00 - \$203.00
Surveyor (SU)	Jr. Surveyor (I-II)	\$99.00 - \$119.00
	Lead Surveyor (III-IV)	\$119.00 - \$186.00
	Sr. Surveyor (V-VI)	\$198.00 - \$249.00
Administrative (AD)	Admin (I-II)	\$88.00 - \$109.00
	Admin (III-IV)	\$128.00 - \$147.00
	Sr. Admin (V-VI)	\$166.00 - \$251.00
Construction Technician (CT)	Jr. Construction Tech (I-II)	\$110.00 - \$134.00
	Lead Construction Tech (III-IV)	\$155.00 - \$189.00
	Sr. Construction Tech (V-VI)	\$189.00 - \$207.00
Design/Survey Technician (DST)	Jr. Design/Survey Tech (I-II)	\$105.00 - \$118.00
	Lead Design/Survey Tech (III-IV)	\$139.00 - \$158.00
	Sr. Design/Survey Tech (V-VI)	\$166.00 - \$210.00
Project Manager (PM)	Sr. Project Manager (IV-VI)	\$168.00 - \$231.00
Principal (P)	Principal (All Categories)	\$229.00 - \$295.00

REIMBURSABLE RATES:

Mileage	\$ 0.725 /mile (IRS std.)
Full Day Per-Diem (as necessary and agreed upon)	\$ 68 /person/day (IRS std.)
Partial Day Per-Diem (as necessary and agreed upon)	\$ 51 /person/day (IRS std.)
Lodging (as necessary and agreed upon)	\$ Cost/Night + 15% Mark Up
Outside Consultants / Subconsultants	\$ Cost + 15% Mark Up
Other Expenses or Direct Costs Occurred	\$ Cost + 15% Mark Up
Construction Materials Testing	Supplemental Fee Schedule

TIME CHARGES: Time is billed based on actual hours worked. Office time reflects actual time in the office. Field time includes time spent performing field work and travel time to and from the assigned office or project location. Time is billed in 15 minute increments.

RATE CHANGES: Hourly rates are subject to adjustment annually at the beginning of the year and may be revised periodically based on market conditions, project location, staffing needs, and other occasions. Rates may vary by project or by task depending on where services are performed and the personnel assigned but will remain within the range shown. When requested, specific labor classifications and estimated rates may be identified in task orders or scopes of work. Updated rates will apply to work performed after the effective date of any rate change unless otherwise stated in the contract.

Mayor
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DATE: March 10, 2026
TO: Mayor and City Council
SUBJECT: FY2027 City Council Priorities – Budget Discussion
PREPARED BY: Kyler Ludwig, City Manager

Background:

Each fiscal year, Kanab City engages in a goal-setting and budget planning process to align organizational priorities with the direction of the City Council and the needs of the community. This discussion is intended to help guide preparation of the Fiscal Year 2027 budget by identifying major projects, infrastructure investments, and service priorities for the upcoming fiscal year.

Analysis:

Over the past year, staff has been working on several capital and infrastructure projects while continuing to maintain core city services. As part of the FY2027 budget process, staff is seeking direction from the City Council on which projects should be prioritized.

Projects currently underway or under consideration include the Jacob Hamblin Park Expansion, construction of a salt storage and snowplow storage building, and completion of the water fill station. Additional infrastructure needs include upgrades to the sewer treatment system, including improvements to aeration and rake equipment, as well as discussion of a potential sewer system expansion in the Ranchos area.

While many of these projects address important infrastructure and service needs, limited resources require the City to prioritize which items should move forward in the near term. Council discussion will help staff determine which new projects should receive the highest priority in the FY2027 budget and which may need to be planned for future years.

Legal:

This item has not been submitted for legal review

Financial:

The tentative budget is anticipated to be reviewed by the City Council on May 12, 2026

— A Western Classic —

Mayor

Colten Johnson

City Council

Arlon Chamberlain

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Kyler Ludwig

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City Recorder

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Danielle Ramsay

Recommendations/Actions:

It is recommended that the City Council: Discuss and identify key priorities for the FY2027 budget.

Attachments:



– A Western Classic –

Mayor
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DATE: February 10, 2026
TO: Mayor and City Council
SUBJECT: Personnel Policies Draft
PREPARED BY: Kyler Ludwig, City Manager

Background:

The City Attorney and Human Resources Manager, have undertaken a comprehensive update of the City’s personnel policies. The draft policies are based on the Lexipol system, which provides model personnel policies grounded in current state and federal law. These serve as a uniform and legally sound foundation for municipal operations.

The draft document incorporates redlined changes where City-specific provisions were added or existing Lexipol language was modified to reflect Kanab’s practices, structure, and organizational needs. These changes are intended to enhance clarity, improve policy consistency, and ensure alignment with applicable law and internal procedures.

Analysis:

The updated draft Personnel Policy Manual includes chapters addressing recruitment, employee conduct, evaluation, disciplinary procedures, benefits, leave policies, grievance procedures, anti-retaliation, and workplace safety, among other topics.

This agenda item is intended to present the draft to the Council for initial review and discussion. No formal adoption is requested at this meeting. Council members are encouraged to review the policies thoroughly ahead of future formal action. Staff will continue to refine the draft based on Council input, and may bring a final version for consideration and approval at an upcoming meeting. Prior to the April Council meeting we will be seeking feedback from staff and the governing body to make final corrections.

The Mayor may vote on this item when it comes forward for adoption, as the policies relate to mayoral roles and responsibilities under the City’s structure.

Legal:

The base policies are created by Lexipol and reviewed for legal compliance.

The draft policies have been reviewed by the City Attorney for legal sufficiency and compliance

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Danielle Ramsay

with state and federal employment law.

Financial:

Recommendations/Actions:

It is recommended the City Council:

- Receive the draft Personnel Policy Manual for review.
- Provide feedback or questions to staff.
- Communicate with staff any questions or concerns prior to the February meeting.

Attachments:



– A Western Classic –

Chapter 1 - Role and Authority

Draft

Policy Manual

100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Any policy, rule, or procedure established by or within an individual department shall be subordinate to the provisions of this policy--i.e., where such a policy, rule, or procedure conflict or contradict this policy, this policy shall govern and superseded the conflicting provision(s).

This policy manual is subordinate to the Kanab City ordinances, as passed and adopted by the Kanab City Council.

100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time. [Notwithstanding the foregoing, noncompliance with this policy manual may lead to employee discipline.]

100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

100.3 AUTHORITY

The Kanab City Council shall be considered the ultimate authority for the content and adoption of the provisions of this manual. ~~and~~ The City Manager shall ensure compliance with all applicable federal, state, and local laws, rules, and ordinances. The City Manager or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain, as deemed reasonably appropriate. Directives from the City Manager or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual, subject to the approval of the Kanab City Council. The City Manager shall promptly

[present any new or modified provisions of this policy manual to the Kanab City Council for their consideration.](#)

100.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Elected official - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

Employee - Any person employed by the City, including:

- Full- and part-time employees.
- Appointed personnel. This does not include persons appointed to fill an elected official vacancy.

Manual - The City Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Shall or **will** - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

100.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the city [website network](#) for viewing and printing. No changes shall be made to the manual without authorization from the City Manager or the authorized designee, [or as ultimately approved and adopted by the Kanab City Council.](#)

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the City Manager or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

100.6 PERIODIC REVIEW OF THE POLICY MANUAL

The City Manager will ensure that the Policy Manual is periodically reviewed and updated as necessary.

100.7 REVISIONS

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the City Manager as appropriate.

Draft

Standards of Conduct for Elected Officials

101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

101.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

101.2 POLICY

Elected officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the City shall be based on conduct that reasonably conforms to the guidelines in this policy.

101.3 UNLAWFUL DIRECTIVES

Elected officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Elected officials should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command.

[Unless given authority and assigned by the Kanab City Council, an elected official shall not give direction or act on behalf of the City independently.](#)

101.4 GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

101.5 ETHICS

Elected officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrong or unlawful exercise of authority for a malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing

Standards of Conduct for Elected Officials

of value from any person, business, or organization that is doing business with, or seeking to do business with, the City, or contrary to the rules of this city and/or laws of the state.

- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by the standards of ethical conduct.

[Elected officials shall comply with the Utah Municipal Officers' and Employees' Ethics Act. See Utah Code, Title 10, Chapter 3, Part 13.](#)

101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Elected officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

Elected officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- (c) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using city resources for campaign or other political purposes.

101.8 CONFLICTS OF INTEREST

Elected officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

[See Utah Code, Title 10, Chapter 3, Part 13, Utah Municipal Officers' and Employees' Ethics Act.](#)

Standards of Conduct for Elected Officials

101.9 ETHICAL COMPLIANCE DOCUMENTATION

Elected officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

[An annual conflict of interest form must be completed on or after January 1 of each year, and turned in to the City Recorder to be posted on the City's website, and to be maintained in the elected official's personnel file. See Utah Code Sec. 10-3-1313 and 20A-11-1604\(6\).](#)

101.10 OUTSIDE EMPLOYMENT

Elected officials [may](#) ~~maintain~~ing any outside employment or ~~accepting~~ing any appointment; [however, outside employment may](#) ~~that~~ creates an actual or perceived conflict of interest or ~~that~~ [may](#) ~~inhibit~~s their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed, [including the proper and timely disclosure of actual conflicts of interest.](#)

Draft

Standards of Conduct for All Employees

102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

102.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

102.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

102.3 GENERAL STANDARDS

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

102.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

Standards of Conduct for All Employees

102.4.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

102.4.2 ETHICS

- (a) Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the City.
- (d) Acceptance of fees, gifts, or money contrary to the rules of this city and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Any other failure to abide by the standards of ethical conduct.

102.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

102.4.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

Standards of Conduct for All Employees

102.4.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.

102.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the City Manager or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (d) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

102.4.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the City within 72 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

102.4.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

Standards of Conduct for All Employees

- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, [distribution](#), alteration, destruction, and/or mutilation of any city record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any city-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this city or subverts the good order, efficiency, and discipline of this city or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on city premises.
 - 2. At any work site, during work hours, or while using any city equipment or system.
- (g) Improper political activity, including:
 - 1. Unauthorized attendance during work hours at official legislative or political sessions.
 - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the City Manager or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by city policy, any employment agreement or contract, or the City Manager or the authorized designee.
- (i) Any act that brings discredit to this city.

102.4.9 CONDUCT

- (a) Failure to promptly and fully report [to a supervisor and City Manager](#) activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.

Standards of Conduct for All Employees

- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- (g) Unauthorized possession of, loss of, or damage to city property or the property of others, or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the City Manager or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City, or its employees.

102.4.10 SAFETY

- (a) Failure to observe or violating city safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid, [EMT](#), [AEMT](#), [POST](#)).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- (e) Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

102.4.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.

Standards of Conduct for All Employees

- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

102.4.12 ADDITIONAL CAUSES FOR DISCIPLINE

- (a) [Personal or gross negligence on or off duty, which prevents or substantially hampers job performance.](#)
- (b) [Sexual harassment.](#)
- (c) [Creating or contributing to unsanitary conditions.](#)
- (d) [Unauthorized use or operation of tools, machinery, or equipment.](#)
- (e) [Inappropriate use of City computers, including but not limited to use of email, internet, and cell phones.](#)
- (f) [Unauthorized access to computer programs, software, data, and drives.](#)
- (g) [Unauthorized access to City facilities for which the employee does not have permission or a related job duty, or allowing another individual unauthorized access to City facilities.](#)

Chapter 2 - Organization and Administration

Draft

Electronic Mail

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the City.

200.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

200.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City. [Inadvertent receipt of emails of a personal nature using the City's email system may occur, but should be avoided-i.e., the City email system should not intentionally be used for personal, non-City-related communication.](#)

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire City are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

[Upon an employee's termination or retirement, or upon being placed upon unpaid administrative leave, an employee or former employee should not access or attempt to access the City's email system. The City Manager may allow for limited exceptions to this restriction on access; such exceptions should be documented.](#)

Electronic Mail

200.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The City Recorder should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Draft

Subpoenas and Court Appearances

201.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the City Manager informed about relevant legal matters.

201.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

201.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

201.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the City.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the City Manager and the appropriate prosecuting attorney if applicable. The City Manager should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

201.3.2 WORK-RELATED SUBPOENAS

The City will compensate employees who appear in their official capacities on matters arising out of their official duties.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

Subpoenas and Court Appearances

201.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

201.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

201.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress and be prepared to proceed immediately with the case for which they are scheduled to appear.
- (c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

201.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

201.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the City Recorder promptly after receiving the subpoena that the specified records are needed for court.

Limited English Proficiency Services

202.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

202.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter -- A person who has been screened and authorized by the to act as an interpreter and/or translator for others.

Interpret or interpretation -- The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual -- Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual employee -- An employee of the , designated by the or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation -- The replacement of written text from one language (source language) into an equivalent written text (target language).

202.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

202.3 LEP COORDINATOR

The or the authorized designee should delegate certain responsibilities to an LEP coordinator :

The responsibilities of the coordinator should include but not be limited to:

- (a) Coordinating and implementing all aspects of the 's LEP services to LEP individuals.
- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.

Limited English Proficiency Services

- (c) ~~Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:~~
 - 1. ~~Languages spoken.~~
 - 2. ~~Contact information.~~
 - 3. ~~Availability.~~
- (d) ~~Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.~~
- (e) ~~Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.~~
 - 1. ~~Content on the website should be included in this review and should be translated on the website, if appropriate.~~
- (f) ~~Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.~~
- (g) ~~Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.~~
- (h) ~~Periodically reviewing efforts of the in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.~~
- (i) ~~Receiving and responding to complaints regarding LEP services.~~
- (j) ~~Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities.~~
- (k) ~~Requiring third parties providing services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.~~

202.4 FOUR-FACTOR ANALYSIS

~~Because there are many different languages that employees could encounter, the will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:~~

Limited English Proficiency Services

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by employees, or who may benefit from programs or services within the jurisdiction of this :
- (b) The frequency with which LEP individuals are likely to come in contact with employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

202.5 TYPES OF LEP ASSISTANCE AVAILABLE

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept provided LEP services at no cost, or they may choose to provide their own.

provided LEP services may include but are not limited to the assistance methods described in this policy.

202.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

202.7 AUDIO RECORDINGS

The may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

202.8 QUALIFIED BILINGUAL EMPLOYEES

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

Limited English Proficiency Services

~~When a qualified bilingual employee is not available, personnel from another who have been identified as having the requisite skills and competence may be requested.~~

202.9 AUTHORIZED INTERPRETERS

~~Any person designated by the to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.~~

~~Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:~~

- ~~(a) The competence and ability to communicate information accurately in both English and in the target language.~~
- ~~(b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.~~
- ~~(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.~~
- ~~(d) Knowledge of the ethical issues involved when acting as a language conduit.~~

202.9.1 SOURCES OF AUTHORIZED INTERPRETERS

~~The may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.~~

~~Other sources may include:~~

- ~~• Qualified bilingual employees of another within the :~~
- ~~• Individuals employed exclusively to perform interpretation services.~~
- ~~• Contracted in-person interpreters, such as court interpreters, among others.~~

202.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

~~Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the to communicate with LEP individuals.~~

~~Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.~~

Limited English Proficiency Services

~~While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.~~

202.10 CONTACT AND DOCUMENTATION

~~Although all public contacts, services, and individual rights are important, this will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.~~

~~Whenever any employee of this is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the or some other identified source.~~

202.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

~~The will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.~~

202.11.1 EMERGENCY ASSISTANCE

~~employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.~~

~~If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.~~

202.12 COMMUNITY OUTREACH

~~Community outreach programs and other such services offered by this are important to the ultimate success of local government and achievement of the 's mission. This will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.~~

202.13 TRAINING

~~To ensure that all employees who may have contact with LEP individuals are properly trained, the will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.~~

Limited English Proficiency Services

~~New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.~~

202.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

~~All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.~~

~~Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.~~

~~Authorized interpreters will receive annual refresher training.~~

ADA Compliance

203.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

203.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The ~~employee designated by the~~ City Manager, [or the employee designated by the City Manager](#) to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Power-driven mobility device - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

Service animal - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

203.2 POLICY

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

203.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
 2. Maintaining city department compliance with accessibility standards for city department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
 1. Inspection of current city buildings and facilities to identify access issues.
 2. Review of current city services, activities, and programs for access issues.
 3. Assessment and update of current compliance measures.
 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.

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6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.
 - (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
 - (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
 - (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
 - (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
 - (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
 - (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
 - (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
 - (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

203.4 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees

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should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

203.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 1. A substantial alteration of the service, program, or activity.
 2. An undue financial or administrative burden on the City. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 3. A threat to or the destruction of the historic significance of an historic property.
 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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203.4.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

203.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

203.5 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

203.5.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

203.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

203.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The City will not require that persons with disabilities use city-provided assistive devices, auxiliary aids, or services.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

203.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

203.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

203.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by individuals with communications-related disabilities and received via a telecommunications relay service or equally effective telecommunications systems (28 CFR 35.161).

203.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

203.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person when no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

203.6.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

203.7 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

203.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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203.7.2 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

203.7.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

203.7.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

203.8 WEBSITE ACCESS

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

ADA Compliance

203.9 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

203.10 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

203.11 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

Emergency Management Plan

204.1 PURPOSE AND SCOPE

This policy addresses the preparation, maintenance, and activation of the city's emergency management plan.

204.2 POLICY

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

204.3 CITY RESPONSIBILITIES

The City Manager will be responsible for, or shall ~~outd~~ designate a person to be responsible for the city's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

204.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency.

204.4.1 RECALL OF PERSONNEL

In the event that the emergency management plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

204.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

204.6 EMERGENCY MANAGEMENT PLAN REVIEW

The City Manager or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The City Manager or the authorized designee should appropriately address any needed revisions.

204.7 TRAINING

The City should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion.

Volunteers

205.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

205.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include [volunteer firefighters](#), interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

205.2 POLICY

It is the policy of the City that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

205.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- (a) ~~Residency in the -~~
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The City Manager may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual. [Such allowed exceptions, needs, qualifications, and other relevant facts shall be documented in writing. Court-ordered community service shall be allowed under certain circumstances \(i.e., giving consideration to the volunteer's background and the type of services being provided\). \[Records related to volunteers' background and the grounds for allowing an exception shall be maintained as a confidential personnel file.\]](#)

Volunteers

205.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

205.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

205.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

Requests for volunteers should be submitted in writing by interested city employees to the [Human Resource Director](#) ~~volunteer coordinator~~ through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All city employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The [Human Resource Director](#) ~~volunteer coordinator~~ may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

205.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the [applicable department supervisor](#) ~~volunteer coordinator~~.
- (c) Successfully complete an appropriate-level background investigation or screening.

205.4.3 APPOINTMENT

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by the City Manager or the authorized designee. Notice may only be given by an authorized representative of the City, who will normally be the [applicable department supervisor](#) ~~volunteer coordinator~~.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork ~~and will receive a copy of the position description and agreement of service with the~~.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

Volunteers

Volunteers serve at the discretion of the City Manager.

205.5 IDENTIFICATION AND DRESS CODE

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. ~~Identification symbols worn by volunteers shall be different and distinct from those worn by employees through the inclusion of "Volunteer" on the uniform.~~

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

205.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the applicable department supervisor ~~volunteer coordinator~~ should consult with the City Manager or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

205.7 VOLUNTEER COORDINATOR OR APPLICABLE DEPARTMENT SUPERVISOR

The volunteer coordinator ~~may~~ **should** be appointed by the City Manager or the authorized designee. If no volunteer coordinator is appointed, the applicable department supervisor shall act as the volunteer coordinator for their department.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the City, and to direct and assist efforts to jointly provide more productive volunteer services. Volunteers serve under the general direction of the supervisor in charge of the volunteer's assignment but report to the volunteer coordinator (which may be the department's supervisor).

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers.
- (b) Conducting volunteer meetings, as appropriate.
- (c) Establishing and maintaining a volunteer callout roster, as necessary.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules.

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- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

205.8 RESPONSIBILITIES

Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

205.8.1 COMPLIANCE

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

205.8.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

205.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

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Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

205.9.1 VOLUNTEER TRAINING MATERIALS

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly function as a volunteer with the City. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

205.10 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

205.10.1 EVALUATIONS

A volunteer will be considered a trainee until training has been satisfactorily completed. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the assignment and authorities granted to that volunteer.

205.10.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

205.11 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position,

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or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the City. [Regardless of whether a nondisclosure agreement has been provided and signed](#), subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the proper city personnel.

205.11.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

205.12 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

205.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the volunteer coordinator and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a city-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The volunteer coordinator [or applicable department supervisor](#) should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating city vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

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[With the exception of qualified volunteer firefighters](#), volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

[Except for qualified volunteer firefighters](#), volunteers are not authorized to operate city vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

205.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

Volunteers are considered at-will and may be removed from service at the discretion of the City Manager or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the City Manager or the authorized designee.

Volunteers may resign from volunteer service with the City at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

205.13.1 EXIT INTERVIEWS

The volunteer coordinator [or applicable department supervisor](#) should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the City.

Purchasing and Procurement

206.1 PURPOSE AND SCOPE

This policy provides guidelines for the purchasing and procurement of goods and services for the city.

206.2 POLICY

It is the policy of the city to conduct purchasing and procurement in an efficient and cost-effective manner consistent with federal, state, and local laws, rules, and requirements in order to protect the integrity of the city and maintain public trust.

206.2.1 DEFINITIONS

Definitions related to this policy include:

Goods – Any property purchased by the City, including but not limited to equipment, supplies, materials, and parts.

Procurement – The acquisition of goods or services.

Services – The furnishing of labor by a contractor that includes all work or labor performed for the city on an independent contractor basis, including but not limited to maintenance, construction and personal or professional services.

206.3 PROCUREMENT SERVICES MANAGER RESPONSIBILITIES

The City Manager shall act as or designate an employee(s) to serve as the Procurement Services Manager to oversee purchases and procurement for the city. The responsibilities of the Procurement Services Manager include, but are not limited to:

- (a) Identifying, E establishing, and enforcing rules and procedures for the city's procurement process.
- (b) Establishing procedures for employee use of city payment methods (i.e., purchasing cards, checks).
- (c) Maintaining compliance with federal, state, and local purchasing and procurement laws, rules, ordinances, and requirements.
- (d) Reviewing proposed purchases to determine the most appropriate method of procurement.
 1. If the procurement method selected is one other than competitive bidding, documenting why another method was selected.
- (e) Participating in all purchases made on a competitive bid process and ensuring that all purchased supplies, materials, and equipment are delivered in accordance with the contract terms.
- (f) Assisting city employees involved with purchasing and procurement of goods or services in following purchasing requirements and rules applicable to the method of procurement.

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- (g) Forwarding all contracts and purchase orders to the City Manager or the authorized designee for review, approval, and execution.

206.4 AUDITS

The Procurement Services Manager should ensure that periodic reviews and an annual audit of purchasing and procurement activities are conducted to determine compliance with any applicable federal, state, and local laws, rules, and requirements.

206.5 RECORDS

All records created and submitted during and related to the purchasing and procurement process should be maintained in accordance with the established records retention schedule.

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News Media and Community Relations

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for communicating with the media and the public to ensure the timely, accurate, and consistent dissemination of information and promote positive relationships with the community. It addresses communication regarding newsworthy events, including routine matters and critical incidents.

~~Nothing in this policy prohibits designated spokespersons from communicating with the media regarding information specific to their (e.g., police, fire). However, designated spokespersons remain subject to coordination with the () during incidents that have wide or cross impact.~~

207.2 POLICY

It is the policy of the City to establish and maintain a positive working relationship with the media and the community by providing timely and accurate information.

207.3 PRESS INFORMATION OFFICER

The City Manager shall ~~not~~ act as the City PIO or designate another to act as the City PIO to centralize communication with the media and the public. The PIO should report directly to the City Manager and is responsible for:

- (a) Serving as the media's primary point of contact for the City.
- (b) Responding to media inquiries.
- (c) Managing distribution of news releases, advisories, and other information to the media and the public.
- (d) Working with City representatives to coordinate and manage briefings, news conferences, and media interviews.
- (e) Developing a process for the approval of news releases, news conferences, and other official communications in coordination with the City Manager.
- (f) Establishing protocols for coordinating with department spokespersons (e.g., police, fire) to maintain consistency with overall City messaging.
- (g) Arranging access to or special tours of city facilities and incident scenes for media representatives, local leaders, and other visitors in accordance with established procedures, as applicable.
- (h) Developing and maintaining pre-scripted messages, frequently asked questions (FAQs), and communication templates.
- (i) Maintaining an updated list of media contacts.
- (j) Maintaining up-to-date information on the City website and social media platforms, including contact information for media inquiries.
- (k) Tracking and archiving media coverage related to the City in accordance with the established records retention schedule.

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- (l) Engaging in proactive communication to promote community awareness of City programs, services, contributions, and achievements.

207.4 CRITICAL INCIDENT SCENE CONSIDERATIONS

At the scene of a critical incident (e.g., natural disaster, infrastructure failure, transportation accident, public health emergency), the [PIO](#):

- (a) Should coordinate media activities and messaging with:
 1. Elected officials or their designees to avoid conflicting statements during active incidents.
 2. The Emergency Operations Center (EOC) (if activated).
 3. Any city department involved.
- (b) May provide authorized media representatives with access to critical incident scenes when such access can be accomplished safely and when the City Manager has authorized such activities. Access by the media is subject to the following conditions:
 1. Media representatives shall produce valid press credentials and prominently display them at all times while in areas otherwise closed to the public.
 2. A reasonable effort should be made to provide a safe staging area for the media that is near the scene, when feasible.
 3. Media representatives shall be prevented from interfering with emergency operations, investigations, and incident response activities.
 4. Media personnel shall wear proper protective clothing as warranted.
 5. Media representatives may be allowed to take photographs and video, provided they do not interfere with facility or incident operations or create a safety hazard.
 6. Access may be denied or revoked at any time if safety, security, or operational integrity is compromised.

207.5 NEWS CONFERENCES

A news conference is a pre-scheduled event intended to highlight a newsworthy event, such as a promotion or the opening of a new municipal facility; news conferences can also be used when a representative of the City desires to make a public appearance. The City Manager will determine the purpose and scope of the conference. Specific information should not be released prior to the conference.

The [PIO](#)'s responsibilities should include:

- (a) Preparing a news release and/or a prepared statement for the city spokesperson.
- (b) Making arrangements for the site, obtaining required equipment, arranging for availability of the news release, identifying photo locations, and providing escorts, as necessary.
- (c) Notifying the appropriate city personnel of the date, time, and location of all news conferences.

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The conference may include a moderator or the [PIO](#), who should make introductory remarks and introductions, assist with any question-and-answer period that may follow, and conclude the conference.

City personnel attending the news conference should wear clothing, including dress uniforms, if applicable, as specified in the Dress Code Policy. Attendance requirements will be determined by the City Manager.

207.6 TRAINING

The [PIO](#) should receive periodic training in protocols, media relations, and crisis communication.

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Chapter 5 - Records and Documents

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Records Maintenance and Release

500.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of city records. Protected information is separately covered in the Protected Information Policy.

500.2 POLICY

The City is committed to providing public access to records in a manner that is consistent with state public records laws.

500.3 CITY RECORDER

The City Manager shall designate a [custodian of records for each department. The departmental custodian of records shall coordinate with the City Recorder](#). The responsibilities of the City Recorder include but are not limited to:

- (a) Managing the records management system for the City, including the retention, archiving, release, and destruction of city public records.
- (b) Maintaining and updating the city records retention schedule [in accordance with state law and schedules](#), including:
 1. Identifying the minimum length of time records must be kept.
 2. Identifying the city department responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

500.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any employee who receives a request for any record shall route the request to the City Recorder or the authorized designee.

500.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) All requests should be made in writing, [electronically through the state records portal, by email](#), or on a form supplied by the City.

Records Maintenance and Release

- (b) Clarification may be sought if the request is unreasonably broad or unclear.
- (c) Inspection of records should be during regular business hours unless otherwise authorized by the City Recorder.
- (d) Records should be made available in [the original](#) ~~-a format readily accessible to the requester~~. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
- (e) Records should be provided or a denial provided to a requester within a reasonable period of time, [as required by state law](#).
 - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
- (f) Fees should be charged as allowed by law and established by the City.
- (g) The City is not required to create records that do not exist.
- (h) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, [if reasonable to do so](#), and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the city file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the city-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

500.4.2 DENIALS

The denial of a request for records should be documented and include:

- (a) A description of the records requested.
- (b) The specific reasons for the denial [and appropriate references to the section\(s\) of state law governing the denial](#).
- (c) The name, title, and signature of the City Recorder, [or authorized departmental custodian of records](#).
- (d) The procedure to appeal the denial.

500.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any city record, except as authorized by the City, and only when such use or disclosure is permitted or required by law to carry out a legitimate government purpose.
- (b) Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, medical

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- history, confidential recommendations for employment, and performance evaluation history.
- (c) Records pertaining to internal investigations and disciplinary matters, including but not limited to complaints and other records relating to allegations of discrimination, harassment, or retaliation, until the investigation is complete or is made part of the official record of any hearing or court proceeding.
 - (d) Certain 9-1-1 records.
 - (e) Audio and video recordings obtained through use of body-worn cameras by law enforcement officers, except as provided by statute.
 - (f) Certain concealed firearm license/permit information of an applicant.
 - (g) Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.
 - (h) Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
 - (i) Drafts, notes, recommendations, or intra-governmental memorandums pertaining to the development of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the City.
 - (j) Records where disclosure would be detrimental to the best interests of the public, [subject to state law provisions requiring disclosure](#).
 - (k) Records pertaining to pending or potential litigation that are not records of any court.
 - (l) Any other information that may be appropriately denied by federal or state law.

500.6 SUBPOENAS AND DISCOVERY REQUESTS

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the City Recorder for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information. [The City Attorney should also be informed and consulted in relation to any subpoena or discovery requests received.](#)

Generally, discovery requests and subpoenas should be referred to the City Manager or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the City Manager or legal counsel so that a timely response can be prepared.

Records Maintenance and Release

500.7 RELEASED RECORDS TO BE MARKED

When reasonably possible, E each page of any written record released pursuant to this policy should be ~~stamped in a colored ink or otherwise~~ marked to indicate the city name and to whom the record was released.

Likewise, when reasonably possible, each audio/video recording released should include the city name and to whom the record was released.

500.8 SECURITY BREACHES

Employees who become aware that any city records system may have been breached should notify the City Recorder as soon as practicable.

The City Recorder shall ensure any required notice of the breach is given.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the City Recorder should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

If the breach involves or may involve a cybersecurity incident, the City Recorder should immediately report it pursuant to the incident reporting procedures established by the Information Security Officer (see the Cybersecurity Policy).

The City Recorder and City Manager shall also make other disclosures and take other remedial steps required by state law.

500.9 EXPUNGEMENT

The City Recorder shall review and consult with the City Attorney in relation to all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist. The City Attorney and Police Department may address the expungement of criminal case files and records directly.

500.10 TRAINING

Employees authorized to manage, release, or facilitate public access to city records should receive training that includes identification of material appropriate for release or public access and the city systems and procedures guiding such release and access.

Protected Information

501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the City. This policy addresses the protected information that is used in the day-to-day operation of the City and not the public records information covered in the Records Maintenance and Release Policy.

501.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored, or accessed by employees of the City and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local databases that is not accessible to the public.

501.2 POLICY

Employees of the City will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

501.3 RESPONSIBILITIES

The City Manager or authorized designee (e.g., City Recorder or Human Resource Director) shall ~~should designate an employee of the~~ ~~to~~ coordinate the use of protected information, including:

- (a) Overseeing employee compliance with this policy and with requirements applicable to protected information.
- (b) Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- (c) Developing procedures to ensure training and certification requirements are met.
- (d) Resolving specific questions that arise regarding authorized recipients of protected information.
- (e) Implementing security practices and procedures to comply with requirements applicable to protected information.

501.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, use agreement, city policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

Protected Information

501.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the City Recorder for information regarding a formal request.

501.6 SECURITY OF PROTECTED INFORMATION

The City Manager or authorized designee shall ~~should~~ ~~designate an employee of the City to~~ oversee the security of protected information, including:

- (a) Coordinating with the Information Security Officer (ISO) to develop and maintain security practices, procedures, and training.
- (b) Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- (d) Tracking, documenting, and reporting all breach of security incidents pursuant to the incident reporting procedures established by the ISO and requirements of state law, where applicable, the City Manager, and appropriate authorities (see the Cybersecurity Policy).

501.6.1 EMPLOYEE RESPONSIBILITIES

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

501.7 TRAINING

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Personnel Records

502.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

502.2 POLICY

It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

502.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this city. The personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the city file after the employee has had the opportunity to read and initial the comment.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

502.4 DEPARTMENT, DIVISION, OR AGENCY FILE

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments,

Personnel Records

notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

502.5 TRAINING FILE

An individual training file should be maintained [by the head of each department](#) for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

502.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

502.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager or representatives of the City in connection with official business.

Personnel Records

502.7.1 REQUESTS FOR DISCLOSURE

Any employee receiving a request for a personnel record shall promptly notify the City Recorder or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS

Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Employees seeking the removal of any item from their personnel records should file a written request to the City Manager. The City should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the City should be retained with the contested item in the employee's corresponding personnel record.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

502.9 RETENTION AND PURGING

Personnel records shall be maintained in accordance with the established records retention schedule:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the City Manager.
- (c) If, in the opinion of the City Manager, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Chapter 6 - Personnel

DRAFT

Recruitment and Selection

600.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other city rules governing employment practices.

600.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

600.3 RECRUITMENT

The City Manager should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) ~~Identification of racially and culturally diverse target markets.~~
- (b) ~~Use of marketing strategies to target diverse applicant pools.~~
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive city website and the use of city-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- (e) Posting and outreach within the City for internal candidates, when applicable and/or required.
- (f) Use of local, state, or national professional organizations (e.g., [Utah League of Cities and Towns](#), National League of Cities, National Association of Counties, American Society for Public Administration).

The City should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The City strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.

Recruitment and Selection

600.4 SELECTION PROCESS

The City should actively strive to identify a qualified **diverse** group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the City should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record (if applicable to the position)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.), when a position warrants this consideration
- (g) Local, state, and federal criminal history record checks
- (h) Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

600.4.1 VETERAN PREFERENCE

The City will provide any veteran preference required by law. See e.g., Utah Code § 71A-2-101 et. seq.

600.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

600.5.1 NOTICES

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

600.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the City should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

Recruitment and Selection

The City should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The City fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the City Manager or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

600.5.3 RECORDS RETENTION

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule.

600.5.4 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation should be included in the candidate's background investigation file.

600.6 EMPLOYMENT STANDARDS

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the City and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

600.7 JOB DESCRIPTIONS

The City Manager or the authorized designee should maintain a current job description for each position in the City.

600.8 PROBATIONARY PERIODS

[All new full-time employees who are hired with intention of becoming regular full-time employees, are required to serve at least six months in probationary status.](#)

[An unpaid leave of absence shall not be considered part of any probationary period.](#)

Recruitment and Selection

The City Manager or the authorized designee should coordinate with supervisors to identify ~~positions subject to probationary periods and~~ procedures for probationary employees, including:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Promotion:

Any promotion to a position with significant differences in job responsibility shall be subject to a probationary period of six months. During the probationary period, the employee's abilities and performance will be evaluated by the supervisor.

600.9 ANTI-NEPOTISM

The City shall comply with state and federal law as it relates to its employment practices, including Title 52, Chapter 3 of Utah Code, and any amendment thereto. Unless the law is changed or impacted by controlling case law, or unless an exception applies, the those making hiring or appointment decisions shall comply with the following:

- (a) A public officer may not employ, appoint, or vote for or recommend the appointment of an appointee when the appointee will be directly supervised by a relative or household member;
- (b) A public officer may not directly supervise an appointee who is a relative or household member of the public officer;
- (c) An appointee may not accept or retain employment if accepting or retaining employment will place the appointee under the direct supervision of a relative or household member.

"Appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds.

"Household member" means a person who resides in the same residence as the public officer.

"Public officer" means a person who holds a position that is compensated by public funds.

"Relative" means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Performance Evaluations

601.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation system.

601.2 POLICY

The City shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

601.3 TYPES OF EVALUATIONS

The City shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor, ~~minimally, which may be annual, quarterly,~~ on the anniversary of the date of hire, the end of a probation period, or the last promotion. The City Manager or authorized designee shall determine the interval(s) for regular evaluations.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and City Manager or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

601.3.1 EVALUATION CRITERIA

When completing an evaluation, the supervisor will utilized the metric or process determined appropriate by the City Manager to identify the rating category that best describes the employee's performance. The evaluation process may or may not include ~~definition of each~~ rating categories ~~y is~~ as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Performance Evaluations

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

601.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

601.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the [evaluation rating](#) period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. [If possible, s](#) Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

Performance Evaluations

601.5 EVALUATION FREQUENCY

Supervisors shall evaluate all employees they supervise at least once every year or at other intervals as directed by the City Manager or authorized designee. ~~on the anniversary of the employee's date of appointment or hire.~~

Those employees who are required to successfully complete a probationary period should be evaluated at least monthly.

601.6 EVALUATION INTERVIEW

When the supervisor has completed an evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation criteria ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the process or determinations made by their supervisor ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

601.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's ~~annual~~ evaluation, the supervisor shall provide access to and require the employee to read the City Discriminatory Harassment Policy, if the employee was unable to attend a harassment training provided during the evaluation period. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the policy.
- (b) The employee has had all questions regarding the policy sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the policy.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

601.7 APPEAL

An employee who disagrees with an evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

Performance Evaluations

To request an appeal, the employee shall forward a written memorandum within three days to the City Manager or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

601.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the City Manager or the authorized designee. The City Manager or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The City Manager or the authorized designee should evaluate the supervisor on the quality of [information ratings](#) given.

601.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

DRAFT

Discriminatory Harassment

602.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

602.2 POLICY

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

602.3 DEFINITIONS

Definitions related to this policy include:

602.3.1 DISCRIMINATION

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law ([i.e., protected class or status](#)).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

Discriminatory Harassment

602.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

602.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

602.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

[Discriminatory harassment or conduct, as defined herein, does not include an employee's failure to use an individual's preferred pronouns when \(1\) the preferred pronouns are not known by the employee, or \(2\) the preferred pronouns are known but do not align with an individual's gender at birth, and the employee's usage of the non-preferred pronouns is not done in a menacing or harassing manner.](#)

[Notwithstanding anything to the contrary herein, the City is committed to the usage and application of "protected class" or "protected status" as used, defined, and required by Utah law, federal law, and controlling court decisions, which may not always completely align with the definition and application outlined in this policy.](#)

602.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

Discriminatory Harassment

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the City Manager. [If a complaint involves actions or conduct by the City Manager, an employee may report the violations to the Human Resource Director or the City Attorney.](#)

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy. [When possible, reports or complaints of discrimination, harassment, or retaliation shall be submitted in writing; and any oral report shall be followed up by a written submission within a reasonable time.](#)

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

602.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the City Manager for further information, direction, or clarification.

602.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the City Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

602.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the City and professional standards.

Discriminatory Harassment

- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

602.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

602.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor, [or from the Human Resource Director or City Attorney for claims involving the City Manager.](#)

602.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential [and the records treated as protected](#) to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the City Manager.

602.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated

Discriminatory Harassment

against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

602.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms, [or in other written format](#), and in a manner designated by the City Manager. The outcome of all reports shall be:

- (a) Approved by the City Manager.
- (b) Maintained in accordance with the established records retention schedule.

602.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

602.7 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the City.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Grievances

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

603.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.

603.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

603.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor. If the grievance involves the employee's immediate supervisor, the employee may request a meeting with the City Manager .
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the City Manager .
- (c) ~~If a successful resolution is not found with the head of the ; the employee may request a meeting with the :~~

Grievances

- (d) If the employee and the City Manager are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the City Manager and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance.
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules, or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The City Manager should review the grievance, [investigate the claims, if reasonably necessary and appropriate](#), and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the City Manager is considered final.
- (g) [If the grievance involves the City Manager and cannot be resolved through the employee's immediate supervisor, then the written statement of grievance may be submitted to the Mayor and City Council. In addressing the grievance, the City Council shall schedule a hearing with the employee and the City Manager within fifteen \(15\) working days after the receipt of the written statement of grievance. The scheduled hearing shall be noticed as required by law; however, the City Council may enter into a closed session to discuss character, professional competence, or other subjects properly noticed and allowed by law. The City Council shall render a written decision to the employee within ten \(10\) working days after the conclusion of the hearing. The City Council shall render its findings and decision to all concerned parties, in writing, which decision shall be final.](#)

[All employees shall fully cooperate in any investigation of a grievance, harassment, discrimination, or retaliation. Disciplinary action may be taken against any employee that obstructs or does not fully cooperate with any such investigation.](#)

603.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Manager or the authorized designee for inclusion in a secure file for all written grievances. [Records of grievances and all documents related to the grievance process shall be considered protected under Government Records Access and Management Act \(pursuant to Utah Code, Title 63G, Chapter 2\).](#)

Grievances

603.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the City Manager in the memorandum.

603.6 GRIEVANCE AUDITS

The City Manager should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a [protected and](#) confidential memorandum to the City Manager without including any identifying information about any individual grievance.

DRAFT

Anti-Retaliation

604.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

604.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

604.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

Anti-Retaliation

604.4 COMPLAINTS OF RETALIATION

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the City Manager or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

604.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the City Manager or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

604.6 COMPLAINT PROCESS

The City Manager should communicate to all supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

Anti-Retaliation

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

[The complaint process for claims of retaliation shall follow the same procedure for grievance claims. See section 603, Grievances.](#)

604.7 WHISTLE-BLOWING

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the City Manager or the authorized designee for investigation.

604.8 RECORDS RETENTION AND RELEASE

The City Recorder shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

604.9 TRAINING

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

Drug-and Alcohol- Free Workplace

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

605.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

605.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

605.3.1 USE OF MEDICATIONS

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

605.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

605.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

Drug-and Alcohol- Free Workplace

605.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the City Manager or the authorized designee, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

605.6 WORK RESTRICTIONS

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

605.7 SCREENING TESTS

A supervisor **shall may** require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or **substantial** damage to property.

If a screening is required, such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred or a supervisor's request.

Employees required to hold a Commercial Drivers License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.

Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed work time for purposes of compensation and benefits for current employees.

The City shall pay all costs of testing and transportation associated with a test required by the City.

Drug and alcohol testing will be conducted in compliance with federal, state, and local laws, including but not limited to Utah Code Ann. § 34-41-101 et seq., and any amendments or successor statutes.

Drug-and Alcohol- Free Workplace

605.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

605.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

605.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

605.9 PRE-EMPLOYMENT TESTING

All prospective employees shall be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgment form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as reasonably determined by the City Manager), may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

In addition, any employee who has taken an extended leave of absence of six months or longer must be retested under this section before returning to work.

Drug-and Alcohol- Free Workplace

605.10 RANDOM TESTING

[The City reserves the right to implement a random drug and alcohol testing program consistent with applicable federal, state, and local law, for purposes of maintaining safety and as a deterrent to drug and alcohol abuse.](#)

605.11 CONFIDENTIALITY

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

DRAFT

Communicable Diseases

606.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

606.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

606.3 EXPOSURE CONTROL OFFICER

The City Manager should assign a person as the Exposure Control Officer (ECO). The ECO is responsible for the development of an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that city employees will have no-cost access to personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each employee's position and risk of exposure.
- (d) Identification of exposure risks and reasonable efforts to reduce additional exposure.
- (e) Compliance with all relevant laws or regulations related to communicable diseases which may include the following:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136)
 2. Bloodborne pathogen precautions, including exposure determination, if required (29 CFR 1910.1030)

Communicable Diseases

The ECO should also act as the liaison with the state occupational health and safety authority and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

606.4 EXPOSURE PREVENTION AND MITIGATION

606.4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or city vehicles, as applicable.
- (b) Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

606.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided. [When an employee elects to not have the appropriate vaccination\(s\) that is recommended or otherwise required, the employee shall be required to sign an appropriate waiver](#)

Communicable Diseases

[form, thereby releasing the City from any liability with regard to their contracting the applicable disease and all costs associated with their contraction of the applicable disease.](#)

606.5 POST EXPOSURE

606.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

606.5.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

606.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- (a) Whether the employee has been informed of the results of the evaluation.

Communicable Diseases

- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

606.5.4 COUNSELING

The City should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

606.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting assistance from local health authorities to obtain testing.
- (c) Acquiring a court order in accordance with state law.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Manager to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

606.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

606.7 TRAINING

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

607.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

607.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy.

607.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the City.

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside city facilities and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

[If an employee smokes or uses any tobacco product inside city facilities and/or vehicles, they may be subject to disciplinary action.](#)

607.4 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

Meal Periods and Breaks

608.1 PURPOSE AND SCOPE

This policy provides general guidance regarding meal periods and breaks for employees.

608.2 POLICY

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

608.3 MEAL PERIODS

Employees shall take meal periods at times approved by their supervisors. The time spent for meal periods shall not exceed the authorized time allowed.

Emergency response employees shall remain on-duty subject to call during meal periods. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

608.4 BREAKS

Breaks should be taken near the midpoint of each four-hour work period. Only one break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Emergency response employees shall remain on-duty subject to call during breaks. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

Lactation Breaks

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating employees.

609.2 POLICY

It is the policy of the City to provide, in compliance with federal law, reasonable accommodations for lactating employees. This includes break time and appropriate facilities to accommodate any employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

609.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

609.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Lactation Breaks

609.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

DRAFT

Payroll Records

610.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of city employees who are eligible for the payment of wages.

610.2 POLICY

The City maintains timely and accurate payroll records.

610.3 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

610.4 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the city payroll procedures.

610.5 RECORDS

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

611.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

611.2 POLICY

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

Department heads may require employees to work overtime as necessary. As much notice as possible will be provided when the need for overtime work arises. However, advance notice may not always be feasible.

611.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Nonexempt employees are generally entitled to overtime pay or accrual of compensatory time for work over 40 hours in a given workweek (29 USC § 207). Nonexempt employees working a shift schedule (e.g., first responders) should consult with the Human Resources Department for information about hours of work for which overtime pay or compensatory time is required.

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

As required by law, overtime is based on actual "hours worked". Time off for lunch breaks, vacation leave, funeral leave, holiday leave, jury leave, sick leave, compensation time, or any leave of absence is not considered "hours worked" for purposes of calculating overtime.

No employee may accumulate more than 80 hours of unused compensatory time. Hours of compensatory time earned in excess of 80 hours accumulated shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

Upon termination of employment, an employee with accrued unused compensatory time shall be paid at a rate of compensation equal to (a) the average regular rate received by such employee

Overtime Compensation

[during the last three \(3\) years of the employee's employment, or \(b\) the final regular rate received by such employee, whichever is higher.](#)

611.4 REQUESTS FOR OVERTIME COMPENSATION

611.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Record the actual time worked in an overtime status using the city-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to city payroll procedures.

611.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.
 1. After the head of the department has authorized compensation, the request shall be submitted to the City Manager or the authorized designee as soon as practicable.

[Supervisors should adjust an employee's schedule as needed to avoid unnecessary overtime.](#)

Supervisors may not authorize or approve their own overtime.

611.5 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the City Manager, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

Overtime Compensation

611.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt city operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Compensatory time must be used by the end of the fiscal year in which it was earned. In limited circumstances, due to scheduling or business necessity, the City Manager may approve the carryover of a maximum of 80 hours of accrued compensatory time.

If an employee has any accumulated Compensatory time it must be used prior to any Vacation time.

611.7 ON CALL COMPENSATION

On-call time is not considered "hours worked". It is generally characterized by a readiness to respond to a call, text, or other notice to report to an emergency situation. Employees on-call are expected to report as directed within 20 minutes of notification. Employees are not paid regular time for time spent carrying a cell phone. However, employees are paid regular time/compensation (including the potential for over-time or compensatory time, if applicable) for actual time spent responding to calls, or for when they have returned to the work site. Time spent responding to calls (traveling to and from the work site) also counts as hours regular hours worked.

Employees designated by their supervisor as on-call will be paid an additional on-call compensation at the current budget approved rate. On-call designation must be recorded on the employee's time record and approved by their supervisor.

Work-Related Illness and Injury Reporting

612.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related condition - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

612.2 POLICY

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

612.3 RESPONSIBILITIES

612.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related conditions as soon as practicable, but within 24 hours, to a supervisor, and seek medical care when appropriate.

612.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- (c) Review the report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- (d) Forward the report to the City Manager or the authorized designee to be maintained in the employee's confidential medical file.

612.4 OTHER ILLNESS OR INJURY

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the City Manager or the authorized designee.

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

Work-Related Illness and Injury Reporting

612.5 SETTLEMENT OFFERS

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

612.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the City Manager or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the City Manager or the authorized designee. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the city's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

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Temporary Modified-Duty Assignments

613.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

613.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

613.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The City Manager or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

613.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the City Manager or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the supervisor, with notice to the City Manager or the authorized designee.

613.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

613.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the City Manager or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

613.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

Temporary Modified-Duty Assignments

- (a) Periodically apprising the City Manager or the authorized designee of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the City Manager or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

613.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

613.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the City should make reasonable efforts to provide an accommodation for the employee in accordance with federal law and any applicable state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4).

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

613.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

613.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

Temporary Modified-Duty Assignments

613.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

DRAFT

Speech, Expression, and Social Networking

614.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

614.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

614.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise

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or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:

1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Manager or the authorized designee.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the City Manager or the authorized designee.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

614.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the City Manager or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or

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nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

614.4 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

614.5 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the City Manager or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

614.6 TRAINING

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

Illness and Injury Prevention

615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the City may set its own related policies or procedures that do not conflict with this policy.

615.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

615.3 ILLNESS AND INJURY PREVENTION PLAN

The City Manager or the authorized designee is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of city workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will:
 1. Meet regularly ([e.g., monthly or quarterly](#)).
 2. Include representation from each department, [or departments deemed appropriate](#).
 3. Prepare a written record of safety and health committee meetings.
 4. Review the results of periodic scheduled inspections.
 5. Review investigations of accidents and exposures.
 6. Make suggestions to supervisors for the prevention of future incidents.
 7. Review investigations of alleged hazardous conditions.
 8. Submit recommendations to assist in the evaluation of employee safety suggestions.

Illness and Injury Prevention

9. Assess the effectiveness of efforts made by the City to meet applicable standards.
- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.

615.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES

The responsibilities of the City Manager or the authorized designee include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 1. New employee orientation that includes a discussion of safety and health policies and procedures.
 2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing employees of the illness and injury prevention guidelines.
 2. Recognizing employees who perform safe work practices.
 3. Ensuring that the employee evaluation process includes employee safety performance.
 4. Ensuring compliance with any applicable safety standards related to:
 - (a) Communicable diseases
 - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - (c) Emergency Action Plan
 - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

Illness and Injury Prevention

615.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the City Manager.
- (e) Notifying the City Manager or the authorized designee when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Work-related illnesses and injuries occur.
 - 4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

615.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the City Manager or the authorized designee.

The City Manager or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

Illness and Injury Prevention

615.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The City Manager or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

615.7.1 EQUIPMENT

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

615.8 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

615.9 TRAINING

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.

Illness and Injury Prevention

- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the City is made aware of a new or previously unrecognized hazard.

615.9.1 TRAINING TOPICS

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) [Defensive driving](#).
- (o) Other job-specific safety concerns.

615.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Workplace Violence

616.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

616.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

616.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting city business or on city property.

No employee engaged in city business shall carry or possess weapons or explosives **unless either:**

- (a) Permitted by city policy.
- (b) State or local law prohibits the City from restricting the possession of the weapon or explosive.
- (c) [Their job duties require the carrying or possession of a weapon or explosive.](#)

[Utah Code, Title 53, Chapter 5a, permits the lawful open or concealed carrying of a firearm under certain circumstances. Employees are required to be familiar with State law and those circumstances in which they may or may not lawfully open or conceal carry a firearm, as it relates to their workplace and job duties.](#)

616.4 REPORTING AND INVESTIGATING

616.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

616.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation.

Workplace Violence

If the report is found to be credible, the City Manager or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

616.4.3 INVESTIGATION

The City Manager or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

616.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the City Manager or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

616.5 RETALIATION PROHIBITED

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

616.6 RESTRAINING ORDERS

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to their immediate supervisor or the City Manager or the authorized designee. The City needs this information in order to provide a safe workplace.

616.7 FOLLOW-UP ACTION

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination

Workplace Violence

- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

616.8 LEGAL ACTION

The City Manager or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

616.9 CORRECTIVE ACTIONS

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

616.10 WORKPLACE VIOLENCE PREVENTION

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the City Manager or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

Outside Employment

617.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

617.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

617.2 POLICY

City employees shall obtain written approval from the City Manager or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the City Manager or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

617.3 OUTSIDE EMPLOYMENT

617.3.1 REQUEST AND APPROVAL

Employees must submit a written [or electronic](#) request to engage in outside employment to their immediate supervisors. The request will then be forwarded to the City Manager or the authorized designee for consideration.

If approved, the employee will be provided with a written [or electronic](#) notification of approval. [Approval of the employee's outside employment may or may not be subject to conditions or require an employment agreement.](#) ~~Unless otherwise indicated in writing, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Employees seeking to continue outside employment must submit a new request at the start of each calendar year.~~

[It is necessary that an employee give priority to employment with Kanab City.](#)

[An employee may not use sick leave for the purpose of engaging in outside employment.](#)

617.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written [or electronic](#) notification of the reason at the time of the denial.

Outside Employment

617.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written [or electronic](#) notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- (b) When an employee's conduct or outside employment conflicts with city policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the City.
- (d) [When the employee is found to be in violation of a condition or employment agreement upon which the approval for outside employment was granted.](#)

617.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the City Manager or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension. [The appeal shall be submitted to the City's Appeal Hearing Officer shall follow the procedure outlined in Kanab City Land Use Ordinance, Chapter 3, as updated and amended.](#)

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

617.4 REQUIREMENTS

617.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- (a) The use of city time, facilities, equipment, or supplies.
- (b) The use of any city badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- (e) Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.

Outside Employment

- (f) Activities that may conflict with any other policy or rule of the City.

617.4.2 LOCAL GOVERNMENT RESOURCES

[Except as permitted elsewhere \(e.g., the "Authorized Persona Use of Public Property" policy\)](#), employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

617.4.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall promptly submit [written](#) [or electronic](#) notification of such termination to their immediate supervisor. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Employees shall also promptly [notify](#) ~~submit in writing to~~ their immediate supervisor any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

617.4.4 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing [or electronically](#) within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the City Manager or the authorized designee regarding whether such employment should continue.

In the event that the City Manager or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify an immediate supervisor of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written [or electronic](#) request may be submitted to the City Manager or the authorized designee to approve the outside employment request.

Personal Appearance Standards

618.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

618.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

618.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

618.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

618.4 APPEARANCE

618.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

618.4.2 TATTOOS

At no time while an employee is representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those

Personal Appearance Standards

that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

618.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the City in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

618.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the City in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.

618.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

618.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

618.5 EXEMPTIONS

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the City Manager or the authorized designee. The City Manager should be advised any time a request for accommodation is denied.

Dress Code

619.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

619.2 POLICY

It is the policy of the City that uniformed employees are readily identifiable to the public through the proper use and wearing of city uniforms and that the appearance of all employees is suitable and appropriate for their position.

619.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the City in any official capacity:
 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 2. T-shirt alone or exposed undergarments
 3. Swimsuits, tank tops, tube tops, or halter tops
 4. Sweatshirts, sweatpants, or similar exercise clothing
 5. Spandex-type pants or transparent clothing
 6. ~~Denim pants of any color~~ [Clothing with holes or tears](#)
 7. [Short shorts](#)
 8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

Dress Code

619.4 UNIFORMS

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The City may provide other employees with uniforms at the direction of the City Manager.

The City Manager or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable city specifications.
- (c) Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the City Manager or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a city-issued uniform.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation, [unless otherwise authorized](#).

619.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

City employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the City Manager, [supervisor](#), or the authorized designee.

Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the City Manager, [supervisor](#), or the authorized designee.

Family and Medical Leave

620.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the City Manager or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

620.1.1 DEFINITIONS

Definitions related to this policy include:

Child - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

FMLA - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

Qualified health care professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

Spouse - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

Family and Medical Leave

620.2 POLICY

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

620.3 ELIGIBLE EMPLOYEES

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

620.4 TYPE AND DURATION OF LEAVE

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

620.4.1 SERIOUS HEALTH CONDITIONS

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

Family and Medical Leave

620.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

620.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

620.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

Family and Medical Leave

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

620.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the City Manager, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

620.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The City Manager shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

620.5 EMPLOYMENT BENEFITS WHILE ON LEAVE

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR

Family and Medical Leave

825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

620.6 SUBSTITUTION OF PAID ACCRUED LEAVES

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

620.7 USE OF FMLA LEAVE

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

620.8 PROCEDURES

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the City Manager or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

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Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

620.9 REINSTATEMENT FOLLOWING LEAVE

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the City Manager or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the City Manager or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

620.10 RESPONSIBILITY

The responsibilities of the City Manager or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
 1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

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The City Manager or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

620.10.1 STATE FAMILY AND MEDICAL LEAVE CONSIDERATIONS

The City will comply with the requirements of any applicable state-specific laws providing for family and medical leave. The City Manager or the authorized designee is also responsible for establishing a process for implementing applicable family and medical leave requirements, including consideration of whether an employee is eligible for paid family or medical leave under state law, if applicable.

620.11 RECORDS

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

620.12 NOTICE TO EMPLOYEES

The City Manager or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

Sick Leave

621.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable city policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

621.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit.

621.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments, [related to illness, health care, or dental care](#), should be scheduled during an employee's non-working hours when it is reasonable to do so.

[Sick leave is to be used for illness or qualified appointments only for employees or employees' dependents.](#)

[For good cause, and after all other forms of leave have been used, the City Manager may allow an employee to go into the negative for sick leave hours. An employee shall be limited to going into the negative by eighty \(80\) hours.](#)

621.3.1 NOTIFICATION

All employees should notify the appropriate supervisor as soon as they ~~become~~ **are** aware that they will not be able to report to work, and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation/[time entry](#) describing the type of time off used and the specific amount of time taken.

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621.4 EXTENDED ABSENCE

Employees absent from work for more than **five three** consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of **five three** or fewer days. Cause for requiring a health care provider's statement may include, but is not limited to, circumstances in which there is excessive or repetitive use of sick leave by an employee within a short period of time.

621.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the City Manager as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 1. Negatively affected the employee's performance or ability to complete assigned tasks.
 2. Negatively affected city operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

621.6 ACCRUAL AND ACCUMULATION

Regular full-time employee shall accrue sick leave at a rate of one (1) working day for each month worked, or twelve (12) working days a year. Accrual of sick leave shall be limited to a total of 1,040 hours. Sick leave shall start to accrue at the beginning of a semi-monthly pay period and shall not be credited for less than a semi-monthly pay period. Sick leave shall not accrue during any period when an employee is in a leave-without-pay status; however, employees on leave with pay shall continue to accrue sick leave. An eligible employee may begin to utilize accrued sick leave after having completed at least one full month of satisfactory employment.

Any sick leave in excess of 1,040 hours will be forfeited by the employee on the individual employee's work anniversary date each year.

For employees who work for the city for less than four (4) years, accrued and unused sick leave is not compensated or transferable. For employees who work for the city for four (4) or more

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years, upon retirement or termination of city employment, twenty-five percent (25%) of accrued sick leave hours is compensable/paid out, with the remaining accrued and unused sick leave not being compensated or transferable.

For employees hired before January 1, 2026, the City's prior "Accrued Sick Leave Reimbursement Policy" shall apply on limited grounds, specifically as it relates to the number of sick leave hours that can be accumulated and as to the disposition of those hours upon either pre-retirement termination of employment or retirement, as defined therein, in lieu of those same provisions in this current section (621.6 Accrual and Accumulation) of this policy. [See Section V(C)(4) of the Kanab City Employment Policies and Procedures, adopted February 11, 2020.] Notwithstanding the foregoing, employees hired before January 1, 2026, may file a written election with the City's Human Resource Director within ninety (90) days of the adoption of this policy, electing to be subject to this current policy in its entirety.

Sick leave hours are not transferable.

DRAFT

Travel Reimbursement Policy

622.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for submission and reimbursement of city travel-related expenses. This policy applies to all employees and elected officials who incur travel expenses on behalf of the City.

622.1.1 DEFINITIONS

Definitions related to this policy include:

Travel expenses - Eligible expenses for travel, lodging, meals, and registration fees associated with participation in approved training programs, conventions, seminars, memorials, and other events that relate to an employee's or elected official's responsibilities, training, and/or education, or that serve a direct city purpose.

622.2 POLICY

It is the policy of the City to reimburse employees and elected officials for reasonable and necessary work-related travel expenses.

622.3 COORDINATOR

The City Manager should designate an employee to develop and maintain procedures related to this policy. Procedures should include:

- (a) Detailed processes for submitting pre-approvals and travel reimbursement requests.
- (b) Reviewing and maintaining necessary forms and documentation.
- (c) Periodic audits to review compliance with this policy.

622.4 EXPENSE GUIDELINES

622.4.1 TRANSPORTATION

All travel should be by the most cost-effective means possible, considering distance, location, and type. The following forms of travel should be considered:

- (a) City vehicle
 1. When using a city vehicle, the fuel, tolls, and reasonable parking expenses (e.g., valet should not be used unless there is no other option) will be reimbursed.
- (b) Private vehicle
 1. When using a private vehicle, reimbursement will be at the current IRS mileage rate.
- (c) Rental vehicle, train, and air
 1. Employees or elected officials should obtain approval from the City Manager or the authorized designee before booking a rental vehicle, train fare, or airfare.

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2. Full reimbursement may not be approved if the employee or elected official does not obtain advance approval and/or does not purchase the most economical fare.

622.4.2 ACCOMMODATIONS

If travel requires the employee or elected official to stay overnight, the employee or elected official should arrange lodging and request approval from the City Manager or the authorized designee before departure.

Lodging should be at or near the event at standard rates. Employees or elected officials should make all reasonable efforts to get the best rates possible, including researching whether government rates are available and whether tax-exempt certificates are accepted or assignments of rights to refund are provided. Employees or elected officials are expected to take reasonable steps to provide or obtain the forms for tax exemption, when applicable, and submit the forms to the City in a timely manner.

622.4.3 MEALS

Employees or elected officials traveling on city business may choose meal cost reimbursement according to the terms and conditions as established by the City. [Per diem rates shall follow those specified by the IRS. Employees shall utilize a City credit card to pay for meals, in lieu of seeking meal per diems, when possible and authorized by the City Manager or authorized designee.](#)

622.4.4 PROHIBITED EXPENSES

Expenses not eligible for reimbursement include but are not limited to:

- (a) Expenses for any non-employee or non-elected official.
- (b) Non-business-related telephone calls.
- (c) Entertainment expenses unless pre-approved by the City Manager or the authorized designee.
- (d) Alcoholic beverages.
- (e) Outside meals if the conference/event lodging reservation includes a meal package.
- (f) Any travel-related expense that is covered by another source.

622.5 APPROVALS

All travel should be pre-approved by the City Manager or the authorized designee. Once travel has been completed, the employee or elected official should submit requests for travel expense reimbursement:

- (a) To the City Manager or the authorized designee for review and approval as soon as practicable, but no later than 14 days after completion of travel.
- (b) On a city form. The form should contain a statement that the expenses were incurred by the traveler as necessary for the performance of official duties and shall be verified by a written declaration that all information is true and correct.

Travel Reimbursement Policy

- (c) With an attached receipt or other documentation of the expense.

Upon receipt of a request for reimbursement, the City Manager or the authorized designee should review and process the request as appropriate. If additional information is needed to process the request, the employee should be given an opportunity to provide the information. If a request for reimbursement is denied, the reason for the denial should be provided in writing, and the employee should have an opportunity to respond.

If an employee fails to follow the required processes and obtain appropriate approvals, reimbursement of travel expenses may be denied.

DRAFT

Petty Cash Management

623.1 PURPOSE AND SCOPE

This policy provides for the establishment and administration of a city petty cash fund.

623.2 POLICY

The City will establish, administer, and maintain a petty cash fund according to this policy.

623.2.1 DEFINITIONS

Definitions related to this policy include:

Custodian - The individual designated by the City Manager, or the authorized designee, as having custody of and responsibility for maintaining the petty cash fund.

Petty cash fund - A reserve of money established to make small purchases when payment by purchase order or voucher is not practical.

623.3 RESPONSIBILITIES

623.3.1 CITY MANAGER RESPONSIBILITIES

The City Manager, or the authorized designee, is responsible for establishing and maintaining procedures for the operation of a petty cash fund consistent with state and local law. The procedures should include but are not limited to:

- (a) Designation of a petty cash custodian.
- (b) Initial and replenishment fund amounts. The petty cash fund should not exceed the amount established by the City.
- (c) Maximum dollar amount for purchases.
- (d) A sample petty cash voucher for use by employees to request cash from the custodian. The petty cash vouchers should be sequentially numbered and include space for the following information:
 1. The date of the disbursement
 2. The amount disbursed or reimbursed
 3. The budget expense account
 4. The vendor name
 5. The signature of the employee receiving petty cash
- (e) A petty cash ledger for use by the custodian. The ledger may be maintained electronically or by hand and should require the following information for all transactions:
 1. The name of the employee receiving cash
 2. The amount disbursed to the employee

Petty Cash Management

3. The reason for the disbursement
 4. The amount of any cash returned
 5. The amount of any cash received to replenish the account
 6. A copy of any purchase receipt
- (f) A requirement that the custodian provide a full accounting and reconciliation of all fund transactions to the City Manager, which the City Manager should then review and approve according to the petty cash procedures before authorizing replenishment of the petty cash fund.
- (g) A requirement that the petty cash fund be audited by the City Manager's authorized designee at least quarterly and that the results of the audit are provided to the City Manager.
- (h) Creation of disciplinary guidelines for situations where the custodian has violated this policy or applicable procedures, or where an employee is found to have provided false information for the purpose of obtaining petty cash funds, including referral to law enforcement when the facts indicate that a crime may have occurred.
- (i) Designation of a physical location for the petty cash fund. The fund should be secured in the following manner:
1. A lockbox with a key or combination lock.
 2. The lockbox should then be stored in a safe, securable drawer, cabinet, or locker.
 3. The safe, securable drawer, cabinet, or locker should be in a securable room or office with restricted access.

623.3.2 PETTY CASH CUSTODIAN RESPONSIBILITIES

The custodian's responsibilities should include but are not limited to:

- (a) Maintaining the fund according to this policy, petty cash procedures, and state and local laws.
- (b) Remaining familiar with applicable state and local laws relating to petty cash funds and proposing related updates to procedures as necessary.
- (c) Requesting replenishment funds from the City Manager, or the authorized designee, when the funds in the account fall below the established replenishment amount or requesting funds needed to bring the fund back to the maximum allowable amount.
- (d) Receiving funds for replenishment only from funds approved and allocated from the city accounts or from returned, unused funds properly issued to employees.
- (e) Maintaining the petty cash ledger according to this policy and the petty cash procedures.
- (f) When someone other than the custodian will be handling the petty cash fund, accounting for all petty cash and vouchers before transferring petty cash responsibilities to the alternate custodian.

Petty Cash Management

623.4 PETTY CASH VOUCHERS

The City Manager should maintain an appropriate stock of petty cash vouchers and provide them to the custodian as requested.

DRAFT

Conflict of Interest

624.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the City.

624.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - A situation when an employee serves as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the employee's annual interest, compensation, investment, or obligation is greater than \$250. This includes business relationships as defined by state law.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by an employee's personal or business relationship. This includes conflicts defined and prohibited by state law.

624.2 POLICY

Employees of the City are expected to conduct themselves with the utmost professional integrity and objectivity. Employees will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of city employees and the public, and thereby maintain the trust of the public and city employees.

[Employees and municipal officers \(elected and appointed\) shall comply with the Municipal Officers' and Employees' Ethics Act. See Utah Code, Title 10, Chapter 3, Part 13. If a conflicting provision exists between this policy and the applicable provisions in state law, including definitions, the state law provisions shall supersede this policy.](#)

624.3 RESTRICTED DUTIES AND ASSIGNMENTS

The City prohibits the following types of personal or business relationships among employees:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing such employees in supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.

Conflict of Interest

- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

624.3.1 EMPLOYEE RESPONSIBILITY

Employees shall follow all laws regarding actual or perceived conflicts of interest and should avoid situations that create the appearance of an actual or perceived conflict of interest. Employees should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved employee).

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or to provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, that employee shall promptly notify an uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the City Manager to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

624.3.2 SUPERVISOR RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify the City Manager of such actual or potential violations.

Fitness and Wellness

625.1 PURPOSE AND SCOPE

The purpose of the Fitness and Wellness Program is to encourage, motivate, and challenge employees to take an active interest in their physical performance capability and to promote general employee health and well-being.

625.2 POLICY

The City has established a voluntary fitness and wellness program that is available to all city employees [and employees' spouses and dependents. The program may be managed or offered by a third party benefit provider.](#)

625.3 FITNESS AND WELLNESS COORDINATOR

The City Manager or the authorized designee should appoint a fitness and wellness coordinator, [unless the program is managed through a third party benefit provider.](#) The fitness and wellness coordinator should be responsible for:

- (a) Establishing program components.
- (b) Administering the program.
- (c) Managing the delivery of education and services.
- (d) Communicating fitness and wellness opportunities to employees.
- (e) Maintaining records of program successes and participation rates. Names of participants should not be included.
- (f) Managing the program within the established budget.

625.4 TRAINING

Training documentation related to the fitness and wellness coordinator position should be maintained in the employee's training file.

[Unless their job duties and description dictate otherwise, employees assume the risk of their participation in any wellness programs, including physical exercises, training, or related activities.](#)

625.5 FITNESS FACILITIES

[Before using a city facility or equipment for physical fitness or exercise, a city employee, their spouse, or dependent\(s\) intending to use the facility/equipment, must sign a city *Employee Exercise Facility Use Agreement and Waiver* form. All users of a city facility or equipment are required to abide by the rules, procedures, and guidelines for using the same.](#)

Personal Firearms

626.1 PURPOSE AND SCOPE

The purpose of this policy is to promote the safety of all employees by providing guidance on the possession of firearms in the workplace.

This policy does not apply to duty firearms authorized by the City for use by employees while performing official duties.

626.2 POLICY

The City will make reasonable efforts to reduce risk to employees and the public by placing limitations on firearms being brought onto city property, or carried by employees during work hours or while representing the City in any capacity.

626.3 PROHIBITIONS

Employees are not prohibited from possessing a concealed firearm while on or in city property or vehicles, during work hours, and while representing the City in any capacity except as provided in this policy and otherwise restricted by state law. Firearms shall not be left unattended nor unsecured on or in city property. While possessing a concealed firearm is not prohibited, carrying or using a firearm is not made part of an employee's job description or duties, except for those serving as a certified member of law enforcement.

Employees who decide to possess a concealed firearm are strongly encouraged to seek proper and reasonably adequate training. Employees are advised that use or possession of a concealed firearm may subject the employee to individual personal liability.

626.4 FIREARMS IN VEHICLES

~~Employees are prohibited from keeping a firearm in the employee's personal vehicle parked on property except as expressly permitted by state law.~~

If state law permits an employee to keep a firearm in the employee's personal vehicle parked on city property, the firearm shall be safely secured consistent with the requirements of state law.

Personnel Investigations

627.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of employees of the City. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of employment, by a supervisor or any other employee.

627.2 POLICY

The City takes seriously all complaints regarding the service provided by the City and the conduct of its employees.

The City will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, ~~and municipal and/or county rules~~, and the requirements of any applicable employment agreements.

It is also the policy of the City to ensure that the community can report misconduct without concern for reprisal or retaliation.

627.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of city policy or federal, state, or local law or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate city policy or federal, state, or local law, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or questions regarding specific interactions with the public.

627.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified into one of the following categories:

Informal - A matter in which the Department Head or the City Manager is satisfied that appropriate action has been taken by a supervisor of the employee.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by the Human Resources Department or referred to the Department Head or the City Manager, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Human Resources Department, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Investigations

627.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any city employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

627.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

627.4.1 COMPLAINT FORMS

Personnel complaint forms will be [provided upon request. Complaints may also be submitted in other oral, written, or electronic format.](#) ~~maintained in a clearly visible location in the public area of at least one facility and be accessible through the website.~~

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

627.4.2 ACCEPTANCE

All complaints will be courteously accepted by any city employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

627.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Each department should establish procedures to ensure that all complaints and inquiries are documented (either electronically or on a written log) to record and track complaints. The documentation shall include the nature of the complaint and the actions taken to address the complaint. ~~On an annual basis, the should audit the log and send an audit report to the or the authorized designee.~~

Personnel Investigations

627.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

627.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Department Head should consult with the Human Resources Department and the City Manager, as appropriate, to determine whether a claim should be investigated by another supervisor, the Human Resources Department, or by an outside investigator.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the accused employee's immediate supervisor, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Department Head or the City Manager, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within one business day of the City receiving the complaint, [or as soon thereafter as reasonable possible](#).
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the complaint form and forward the form to the Department Head.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Department Head and the City Manager are notified as soon as practicable.
- (e) Promptly contacting the Department Head and the Human Resources Department for direction regarding the supervisor's role in addressing a complaint that relates to harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Department Head, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Investigating a complaint as follows:

Personnel Investigations

1. Making reasonable efforts to obtain names, addresses, email addresses, and telephone numbers of witnesses.
 2. When appropriate, ensuring immediate medical attention is provided.
- (h) Ensuring that the procedural rights of the accused employee are followed.
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

627.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following procedures should be followed with regard to any accused employee subject to investigation by the city:

- (a) Interviews of an accused employee should be conducted during reasonable hours and preferably when the employee is working. If the employee is off work, they shall be compensated as appropriate.
- (b) Unless waived by the employee, interviews of an accused employee should be at the City or other reasonable and appropriate place.
- (c) The person conducting the investigation should make an effort to limit interviews of an accused employee to no more than two ~~interviewers should ask questions of an accused employee.~~
- (d) Before any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period, and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter **only after** the employee has been given a **proper advisement**. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer ~~may~~ **should** record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously

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interviewed, [and that interview was recorded, then](#) a copy of that recorded interview should be provided to the employee prior to any subsequent interview.

- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

627.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the employees, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

627.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve city employees. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the supervisor shall take appropriate action with regard to any additional allegations.

627.6.5 COMPLETION OF INVESTIGATIONS

Every supervisor or investigator assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within a reasonable period from the date of discovery by an individual authorized to initiate an investigation.

627.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The employee conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate. If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the updates.

627.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

627.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the City, the City Manager, the Department Head, or the authorized designee may temporarily assign an accused employee to administrative leave after consultation with the Human Resources Department. Any employee placed on administrative leave:

- (a) May be required to relinquish any city badge, identification, and any other city equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different position, during the investigation. The employee may be required to remain available for contact at all times during work hours and will report as ordered.

627.9 CRIMINAL INVESTIGATION

Where an employee is accused of potential criminal conduct, the Department Head may refer the matter to the appropriate authority.

The City Manager shall be notified as soon as practicable when an employee is accused of criminal conduct.

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627.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, the investigation report should be forwarded to the City Manager through the supervisory chain of command, as appropriate. The City Manager may accept or modify any classification or recommendation for disciplinary action.

627.10.1 DISCIPLINARY RECOMMENDATIONS

The employee conducting the investigation should forward the investigation report to the appropriate position tasked with recommending discipline (e.g., Department Head, Human Resources Department representative, mid-level supervisor), who shall review the entire investigative file, the employee's personnel file, and any other relevant materials and make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Before forwarding recommendations to the City Manager, the employee making the recommendation may return the entire investigation to the assigned investigator for further investigation or action.

If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the receipt and forwarding of the investigation report to the appropriate position for a disciplinary recommendation.

627.10.2 RESPONSIBILITIES OF CITY MANAGER OR THE CITY MANAGER'S DESIGNEE

Upon receipt of any written recommendation for disciplinary action, the City Manager, [or the City Manager's designee](#), shall review the recommendation and all accompanying materials. The City Manager, [or the City Manager's designee](#), may modify any recommendation and/or may return the file to the investigator for further investigation or action.

Once the City Manager is satisfied that no further investigation or action is required by staff, the City Manager shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the City Manager shall provide the employee with a written notice and the following:

- (a) Access to all materials considered by the City Manager in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the City Manager within five business days of receiving the notice.
 1. Upon a showing of good cause by the employee, the City Manager may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation **may shall** be recorded by the City. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed their response, or if the employee has elected to waive any such response, the City Manager shall consider all information received regarding the recommended discipline. The City Manager shall render a timely written decision to the employee

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and specify the grounds and reasons for discipline and the effective date of the discipline. Once the City Manager has issued a written decision, the discipline shall become effective.

627.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The City Manager should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint consistent with any applicable state laws.

627.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the City Manager, or the City Manager's designee, after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the City Manager to consider.
- (d) If the City Manager elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the City Manager on the limited issues of information raised in any subsequent materials.

627.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

If an employee tenders a written resignation or notice of retirement before the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself **may shall not** serve as grounds for the termination of any pending investigation or discipline. However, for more serious allegations of misconduct, or when circumstances otherwise warrant, the pending investigation and discipline shall not be terminated, notwithstanding the tender of resignation or retirement.

627.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any applicable employment agreements, **if any, and/or in compliance with** city ordinance and personnel rules, through the city appeal officer.

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627.14 PROBATIONARY EMPLOYEES

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the City Manager, Department Head, or the authorized designee.

In cases where an individual on probation has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Department Head.

In circumstances in which an employee is within the probation period for a position to which they were promoted from another position: If, in the sole discretion of the City Manager, Department Head, or the authorized designee, the City Manager, Department Head, or the authorized designee determines that the employee's performance is unsatisfactory, the City Manager, Department Head, or the authorized designee shall notify the employee in writing of his/her failure to complete the probationary period and the employee will be reinstated, if available, to their previous position, or if unavailable, reassigned to another position for which they are qualified. However, if the cause for rejection during the promotional probationary period was sufficient grounds for termination from both positions, the employee may be terminated in accordance with the city's formal disciplinary procedures.

627.15 FRINGE BENEFITS

If the discipline issued is **termination dismissal**, the employee shall be provided written notice as to the status of their fringe and retirement benefits after **termination dismissal**.

627.16 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Military Leave

628.1 PURPOSE AND SCOPE

This policy provides general guidance regarding leave to perform military service as a member of the Reserves or National Guard, or for active duty in the U.S. Armed Forces as provided in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 USC § 4301 et seq.).

This policy does not address every situation or circumstance that may arise when an employee is performing military service or ordered to active duty. As military leave situations arise, supervisors should consult with the Human Resources Department or legal counsel to obtain specific guidance regarding military leave rights.

628.2 POLICY

The City supports employees who may be called or who volunteer to serve in the military. The City will comply with USERRA and state and local laws relating to military leave.

628.3 MILITARY LEAVE

Generally, employees on military leave are entitled to the same rights and benefits that are provided to employees having similar seniority, status, and pay who are on furlough or leave of absence (38 USC § 4316).

628.3.1 LENGTH OF LEAVE

Employees are entitled to a military leave of absence for up to a maximum of five years. Military leave is available for both voluntary and mandatory service (38 USC § 4303; 38 USC § 4312).

There are exceptions to the five-year cumulative total, including inactive duty training (drills), annual training, involuntary recall, or retention in support of war, national emergency, certain operational missions, or training or retraining requirements (38 USC § 4312).

628.4 PROCEDURES AND RESPONSIBILITIES

Employees who require military leave shall provide as much advance written or verbal notice of the pending service as reasonably possible (38 USC § 4312).

Additionally, the employee should:

- (a) Provide copies of official orders or other official documentation, if available.
- (b) Select the benefit options desired during absence, if applicable.
- (c) Retain copies of all submitted documents.

628.5 COORDINATION WITH CONTRACTS, PRACTICES, AND OTHER RULES

Wherever USERRA has more generous protections and benefits than state or local law, any applicable employment agreement, or local policy or practice, the City will apply the more beneficial right or benefit (38 USC § 4302).

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628.6 LEAVE ACCRUALS

Employees are not required to use accrued leave while on military leave. However, employees may choose to use accrued annual leave or earned compensatory time, at their discretion (38 USC § 4316).

Employees will not accrue sick days or paid time-off days during any period of military leave without pay. However, upon return, military leave time will be included in determining leave accruals. For example, if vacation accrual increases from two weeks to three weeks upon completion of five years of service, then a person who works for two years, serves two years on active duty, and then returns, would be entitled to three weeks of vacation one year after reemployment.

628.7 HEALTH CARE BENEFITS

Employees on military leave may elect to purchase continuing health care coverage for a period of time that is the lesser of:

- (a) The 24-month period beginning on the first day of the employee's absence for military leave.
- (b) The period beginning on the first day of the employee's absence for military leave and ending on the date that they fail to return from service or apply for reemployment.

If the duration of an employee's military service is less than 31 days, the employee may purchase continuing health care coverage under the city's health plan for no more than the regular employee share. If the military service is 31 days or more, the City will charge the employee for no more than 102% of the full premium of the health care plan (38 USC § 4317).

628.8 RETURN FROM DUTY

Employees returning from a military leave of absence must report to work as follows (38 USC § 4312; 20 CFR 1002.118):

- (a) For periods of service less than 31 days, employees must report back to work no later than the beginning of the first shift that begins on the first full day that follows the end of the employee's service period, plus a reasonable time to travel to the employee's residence, plus eight hours. If reporting within this period is impossible or unreasonable through no fault of the employee, the employee must return as soon as possible after expiration of the eight-hour period.
- (b) For periods of service of more than 30 days but less than 181 days, employees must apply for reemployment verbally or in writing no later than 14 days after completing service, or, if impossible or unreasonable to do so through no fault of the employee, no later than the next first full calendar day when it is possible to do so.
- (c) For periods of service of more than 180 days, employees must apply for reemployment verbally or in writing no later than 90 days after completion of service.

Employees who are recovering from an illness or injury incurred in or aggravated during military service must report to the City or apply for reemployment as provided in this policy at the end of

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the period necessary to recover from such illness or injury. The recovery period may not exceed two years, except when circumstances beyond the employee's control exist.

An employee who fails to report or apply for reemployment in a timely manner will be subject to the city's rules of conduct and established policies covering absence from scheduled work.

628.9 REEMPLOYMENT RIGHTS

An employee returning from a temporary military duty leave of absence is generally entitled to reinstatement to the position and benefits they would have attained if not absent for military duty or, in some cases, a comparable job (38 USC § 4312).

628.9.1 FORMER POSITION

An employee returning from regular active military leave is entitled to reinstatement in the position that they would have attained had the employee not taken leave. If the leave exceeded 90 days, the employee is also entitled to a position of like seniority, status, and pay (38 USC § 4313).

If an employee returning from military leave is not able to perform the essential duties of the position the employee would have attained, the City will make reasonable efforts to help the employee become qualified (20 CFR 1002.198). If the employee remains unable to perform the essential duties of the position after the city's reasonable efforts, the employee is entitled to their previously held position at the time of departure or, in the case the leave exceeded 90 days, a position of like seniority, status, and pay. Where an employee remains unqualified for both of these positions after reasonable efforts by the City, the employee is entitled to the nearest approximation to these positions (38 USC § 4313).

When a returning employee cannot become qualified because of a disability incurred in or aggravated during uniformed service, the City, after making reasonable accommodations, must find a position of equivalent seniority, status, and pay for which the employee is qualified, or the nearest equivalent (38 USC § 4313; 20 CFR 1002.198).

628.9.2 COMPENSATION AND BENEFITS

Upon return from regular active military duty, an employee is entitled to seniority and seniority-based rights and benefits, including but not limited to:

- (a) Receiving credit for the time spent in uniformed service under honorable conditions for purposes of seniority, retirement, promotion, and merit salary increases (20 CFR 1002.210).
- (b) Receiving credit for time spent on military leave for purposes of calculating eligibility for leave under the Family and Medical Leave Act (20 CFR 1002.210).
- (c) Returning to the level in the salary range that they would have attained had the employee not left on military leave (20 CFR 1002.236).
- (d) Receiving the same contribution to retirement benefits upon reemployment that the City would have contributed had they not taken leave (20 CFR 1002.261).

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- (e) Being treated as not having a break in service for purposes of participation, vesting, and accrual of pension benefits (38 USC § 4316; 38 USC § 4318).
- (f) Reenrolling in city health benefits without any waiting period.
- (g) Restoring benefits that were elected by the employee and their dependents at the time military service began, as well as to any other benefits that began during the leave for which the employee would reasonably have become eligible.

628.9.3 EMPLOYEE REEMPLOYMENT RESPONSIBILITIES

An employee returning from regular active military leave is entitled to reinstatement rights only if the employee (38 USC § 4312):

- (a) Has given advance written or verbal notice of such service, unless precluded by military necessity.
- (b) Has served in the uniformed service for no more than five years cumulatively while employed at the City, except as provided in 38 USC § 4312(c).
- (c) Has been issued a discharge under honorable conditions.
- (d) Reports to the City or applies for reemployment in a timely manner as provided in this policy.
 1. In the case that the military leave exceeds 30 days, submits documentation showing (20 CFR 1002.121; 20 CFR 1002.123):
 - (a) The application for reemployment is timely.
 - (b) The employee has not exceeded the cumulative five-year limit of service in the uniformed services, except as provided in 38 USC § 4312(c).
 - (c) The employee's separation or dismissal from service was not disqualifying.

628.9.4 CITY REEMPLOYMENT RESPONSIBILITIES

The City shall promptly reinstate employees entitled to reinstatement but no later than 14 days after a request for reinstatement. In the case of unusual circumstances, the City shall reinstate employees as soon as practicable (20 CFR 1002.181).

The City is not required to reemploy a person after military leave if any of the following conditions exist (38 USC § 4312):

- (a) The city's circumstances have so changed as to make such reemployment impossible or unreasonable.
- (b) Such reemployment would impose an undue hardship upon the City.
- (c) The person held a nonrecurrent job for a brief period of time and had no reasonable expectation that such employment would continue.

Supervisors should consult with the Human Resources Department or legal counsel before determining whether any of these conditions exist.

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628.10 RETENTION

An employee who is reinstated after returning from military leave may not be discharged, except for cause (38 USC § 4316; 20 CFR 1002.247):

- (a) For 180 days after the date of reemployment if the most recent period of military service was more than 30 days and less than 181 days.
- (b) For one year after the date of reemployment if the most recent period of military service was more than 180 days.

628.11 DISCRIMINATION AND RETALIATION PROHIBITED

Discrimination or retaliation against any employee for participation in military service is prohibited, whether the employee volunteers or is ordered to active military service (38 USC § 4311).

628.12 STATE AND LOCAL MILITARY LEAVE CONSIDERATIONS

Eligible employees may be entitled to additional benefits related to military leave under state and local requirements (e.g., compensation, drills, temporary military leave for training).

The City will comply with the requirements of any applicable state or local laws that provide for military leave benefits.

Employees should consult with their supervisor and the Human Resources Department for additional information regarding applicable leave benefits.

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Holidays, Vacation, and Other Leave

629.1 VACATION/ANNUAL LEAVE

629.1.1 ACCRUAL RATE

Unless defined in an employment contract, each regular full-time employee will be entitled to annual leave based upon the following schedule:

<u>0 thru 5 years</u>	<u>12 days</u>
<u>6 thru 10 years</u>	<u>15 days</u>
<u>11 thru retirement</u>	<u>18 day</u>

629.1.2 USE ENCOURAGED

Annual leave is intended to benefit the employee, and employees are encouraged to take annual leave in the year in which it is earned.

629.1.3 SCHEDULING

Vacations will be scheduled with the Department Head so as to meet the operating requirements of the City and, insofar as possible, the preference of employees. Seniority, within the various departments, shall apply in case of conflict of requested leave schedules.

If an employee has any accumulated Compensatory time it must be used prior to any Vacation time/Annual Leave.

629.1.4 ELIGIBLE EMPLOYMENT

Eligible employment for annual leave may be with more than one department and must be continuous. Annual leave shall not accrue during any period when an employee is on leave-without-pay status. However, employees on leave-with-pay status will continue to accrue annual leave. Annual leave shall start to accrue at the beginning of a semi-monthly pay period and shall not be credited for less than a semi-monthly pay period.

629.1.5 MEASURING LEAVE TAKEN

Holidays shall not constitute a day of annual leave. When an authorized holiday falls within the time period of an employee's annual leave(s) the employee will be entitled to one additional day beyond the specified annual leave period, accounting for the intervening holiday.

629.1.6 ACCUMULATION

- (a) An employee will begin to accumulate annual leave immediately upon employment. Upon completion of the employees first month of work, said employee will have accumulated one day of annual leave.

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- (b) Any annual leave in excess of thirty (30) working days (240 hours) will be forfeited by the employee on the individual employee's work anniversary date each year.
- (c) No employee will be granted annual leave for a period in excess of two weeks at any one time except by prior arrangement with their Department Head and City Manager.
- (d) Employees requesting annual leave from two to five days must do so at least one week in advance. Employees requesting annual leave for a period longer than five working days must do so at least two weeks in advance.
- (e) Each department head shall be required to maintain records of annual leave used by each employee, ensuring the used annual leave is properly entered by the employee in the time keeping system.

629.1.7 TERMINATION

Upon termination of employment with the City, an employee's accrued and unused annual leave will be paid in a lump sum payment on the pay day following the last day worked, unless otherwise arranged.

629.1.8 USE PRIOR TO ACCRUAL PROHIBITED

No annual leave will be granted prior to having been earned.

629.2 HOLIDAYS

629.2.1 LIST OF HOLIDAYS

The following days have been designated by the City to be paid holidays for all regular full-time employees:

<u>January 1st</u>	<u>New Year's Day</u>
<u>January (3rd Monday)</u>	<u>M. Luther King Day</u>
<u>February (3rd Monday)</u>	<u>Presidents Day</u>
<u>May (last Monday)</u>	<u>Memorial Day</u>
<u>June 19th</u>	<u>Juneteenth</u>
<u>July 4th</u>	<u>Independence Day</u>
<u>July 24th</u>	<u>Pioneer Day</u>
<u>September (1st Monday)</u>	<u>Labor Day</u>
<u>October (2nd Monday)</u>	<u>Columbus Day</u>
<u>November 11th</u>	<u>Veterans Day</u>
<u>November (4th Thursday)</u>	<u>Thanksgiving Day</u>
<u>November (4th Friday)</u>	<u>In lieu of Arbor Day</u>
<u>December 25th</u>	<u>Christmas Day</u>

629.2.2 OBSERVED DAYS

When a holiday falls on a Saturday, it shall be observed on the preceding workday. When it falls on a Sunday, it shall be observed on the following workday.

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629.2.3 EXCHANGE DAYS

Employees who for one reason or another are required to work on one of these holidays will be given compensatory time off at the rate of one hour off for every hour worked. However, public safety employees scheduled to work holidays will be paid their normal salary plus one day's rate of pay, unless the holiday is overtime.

629.3 FUNERAL LEAVE

Leave may be granted to employees to attend the funeral of an immediate family member. Such leave shall not be charged against accrued annual or sick leave. The amount of time granted will be three (3) work days. If the Department Head feels the circumstances warrant additional leave time, reasonable additional leave may be granted with the approval of the City Manager. The City Manager shall, in all cases, determine whether the leave is with or without pay.

"Immediate Family" shall mean: Wife, husband, children, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, brothers, or sisters of the employee.

629.4 COURT LEAVE

Kanab City supports employees' compliance with summons, subpoenas, court orders, or other authoritative directions to appear in court or to comply with court/judicial process. When leave is necessary for a court appearance or to otherwise comply with court/judicial process, an employee may be granted court leave with pay or without pay, depending on the circumstances.

Court leave with pay: An employee who, in obedience to a summons, subpoena, court order, or direction by proper authority, appears as a potential juror, juror, or witness in their capacity as a City employee, for the Federal Government, the State of Utah, or a political subdivision thereof, shall be entitled to the difference between his/her regular compensation and the compensation or fees received (in excess of traveling expenses) as a witness or juror. For simplicity, if the employee turns over the compensation and fees received, then they shall be entitled to their full regular compensation.

Court leave without pay or annual leave: Time absent by reason of subpoena in private litigation or by some party other than the Federal Government, State Governments, or political Subdivision thereof, to testify not in an official capacity, but as an individual, shall be taken as annual leave or leave without pay.

Employees shall provide as much advance notice to their supervisor as reasonably possible of their obligation to appear in response to a summons, subpoena, or court order.

629.5 TIME OFF TO VOTE

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non working hours, the City will grant up to one hour of paid time off for employees to vote.

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629.6 UNAUTHORIZED LEAVE

Any absence from duty for one (1) hour a day or more that is not covered by an authorized grant-of-leave shall be recorded as leave without pay and may be the basis for disciplinary action and for a deduction of pay and/or benefits.

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