

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 **14th day of April 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 – March 10, 2026
 - B) Approval of Accounts Payable Vouchers
Accounts Payable March 10, 2026
Accounts Payable March 17, 2026
Accounts Payable March 24, 2026
Accounts Payable April 1, 2026
- 4) BOARD COMMISSION, COMMITTEE APPOINTMENTS:**
No Items
- 5) PRESENTATIONS:**
No Items

– A Western Classic –

6) PUBLIC HEARING ITEMS:

- A) Public Hearing, Discussion, and Consideration of an Ordinance to Rezone Parcel K-18-27-Annex, Based on an Application to Change Zoning from RA (Residential Agriculture) to R-1-20 (Residential 20,000 sq ft), Located at Approximately 1400 Stansfield Drive.
- B) Discussion and Consideration of Declaring Approximately 410 Square Feet of Property Adjacent to Honey's Marketplace (Parcel K-B-12-9) Near 250 East and 300 South as Surplus and Authorizing Potential Disposal.

7) ACTION ITEMS READY FOR VOTE:

- A) Discussion and Consideration of a Full Boundary Adjustment for Parcel K-B-12-9 (Honey's Marketplace) to Modify the West Property Line.
- B) Discussion and Consideration of an Ordinance Amending Chapter 20 of the Land Use Ordinance to Allow Tavern Establishments with Beer Sales.
- C) Discussion and Consideration of an Ordinance Amending Chapter 7 of the Land Use Ordinance Related to Temporary and Prohibited Signs, Including Banana Signs.
- D) Discussion and Consideration of an Ordinance Amending Land Use Ordinance Chapter 4 to Establish a Minimum Setback Along Highway 89A to Accommodate Future Highway Improvements.
- E) Discussion and Consideration of Adoption of a Revised Kanab City Personnel Policy Manual, Replacing the Existing Manual.
- F) Discussion and Consideration of Extending the Preliminary Plat Approval for the Hidden Canyon Subdivision (Originally Approved May 2025).
- G) Discussion and Consideration of Approval of a Task Order with Civil Science for Design and Engineering Services for the Sewer Rake Project, Identified in the Wastewater Impact Fee Facilities Plan.

8) ITEMS FOR DISCUSSION:

- A) Closed Session for Discussion of Pending or Reasonably Imminent Litigation.
- B) Closed Session for Discussion of the Character and Professional Competence of City Personnel, Including the Annual Review of the City Manager.

9) REVIEW AND DISCUSSION OF THE MAY 12, 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
March 10th, 2026
Kanab City Offices
26 North 100 East
6:30 PM

Work Meeting

1. Mayor and Council Business – Liaison Reports

Councilmember Chamberlain – Planning Commission only acted on one item that is on their agenda.

Councilmember Banks – Absent.

Councilmember Corry – None.

Mayor Johnson – Absent.

Councilmember Heaton – Police and Fire are doing good. There was a Heritage meeting a couple weeks ago. On behalf of the Mayor since he is gone, he would like to congratulate the girl's high school Basketball team made state. Baseball starts soon.

Councilmember Shrope – The airport has started the pavement maintenance process today. Ongoing projects in public works.

City Staff Business – April 4th Easter egg hunt at 9:30 at the ranchos park. Scott King is retiring from the fire department next month.

Business Meeting

1. Call to Order and Roll Call – Mayor Pro-Tem Heaton called the meeting to order.

Councilmember Shrope offered the invocation. Recorder Celeste Cram led the pledge of allegiance.

In attendance: Mayor Pro-Tem Heaton, Councilmember Chamberlain, Councilmember Corry, and Councilmember Shrope; City Manager Kyler Ludwig; Land Use Coordinator Janae Chatterley; Recorder Celeste Cram and City Attorney Kent Burggraaf.

Not in attendance – Mayor Johnson, and Councilmember Banks

2. Public Comment Period –

38 **Will Epic:** Mr. Epic moved to the area 7 years ago, and currently lives in the ranchos. Their
39 neighborhood has a lot of old stuff and things are collecting. A realtor said they would have
40 a difficult time selling their home because of neighbor's homes. There is a specific house
41 that has a semi, boat and work truck and is overgrown. He is currently working with Janae
42 Chatterley to help them come into compliance.
43

44 **3. Consent Items: (Consent contain routine, non-controversial items that require City Council**
45 **action but need little or no City Council deliberation).**
46

47 **a. Approval of City Council Minutes:**
48 **Regular City Council Meeting – February 10th, 2026**
49

50 **b. Approval of Accounts Payable Vouchers**
51 **Accounts Payable February 10, 2026 \$192,014.40**
52 **Accounts Payable February 18, 2026 \$10,892.92**
53 **Accounts Payable February 24, 2026 \$59,242.39**
54 **Accounts Payable March 2, 2026 \$179,339.52**
55
56

57 Councilmember Chamberlain made a motion to approve the consent items as listed in the packet.
58 Councilmember Corry seconds, unanimous vote. Motion passed.
59

60 **4. BOARD COMMISSION, COMMITTEE APPOINTMENTS:**

61 **a. Kevin and Mary Glazier – Heritage Board**
62

63 Councilmember Corry made a motion to appoint Kevin and Mary Glazier to the Heritage Board.
64 Councilmember Shrope seconds. Unanimous vote, motion passed.
65

66 **5. PRESENTATIONS:**

67 **a. Presentation from Center for Education Business and the Arts: Kelly Stowell**

68 Mr. Stowell did his presentation for the council.
69

70 **6. PUBLIC HEARING ITEMS:**

71 **a. Public Hearing and Consideration of a Plat Amendment to Ventana Resort Village**
72 **Phases 1 & 2 Creating Phase 1A (Applicant M-W Kanab LLC: Parcels K-12-1-Utah-**
73 **Annex, K-366-43, K-366-44, and K-366-CA2)**
74 **(Councilmember Heaton recused himself)**
75

76 Mrs. Chatterley stated that Iron Rock Engineer applied to amend the plat for Ventana Resort Village,
77 Phase 1 & 2 effecting parcels K-13-1-Utah-Annex, K-366-43, K-366-44 and K-366-CA2, located
78 approximately at 600 East Kaneplex Road. This plat amendment was previously approved in September
79 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.

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.

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.

- Open Public Comment -

Celeste Meyeres: Mrs. Meyeres thinks it is admirable that the main developer sold his home and is living in a tiny home to fund this project.

- Close Public Hearing -

Councilmember Corry made 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. Councilmember Shrope seconds.

Councilmember Shrope – Yes

Councilmember Heaton – Recused

Councilmember Corry – Yes

Councilmember Banks – Absent

Councilmember Chamberlain – Yes

Motion passed.

7. ACTION ITEMS READY FOR VOTE:

a. RAP Tax Funding Request – Jacob Hamblin Park Baseball Field Retaining Wall Completion

Mr. Ludwig stated that 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.

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.

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.

Councilmember Shrope made a motion to 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 for up to \$63,000. Councilmember Corry seconds. Unanimous vote, motion passed.

**b. Impact Fee Funding Request – 1100 S Widening Design and Engineering Services
Approval of Task Order.**

Mr. Ludwig stated that 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. 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.

Councilmember Shrope made a motion to authorize staff to sign the task order with Civil Science for 1100 South Roadway Improvements and Sewer Line Extension. Councilmember Chamberlain seconds. Unanimous vote, motion passed.

164
165 **8. ITEMS FOR DISCUSSION:**

166 **a. Discussion Regarding FY2027 City Council Priorities (Tentative Budget May 12).**

167 Mr. Ludwig stated that each fiscal year, Kanab City engages in a goal-setting and budget planning
168 process to align organizational priorities with the direction of the City Council and the needs of the
169 community. This discussion is intended to help guide preparation of the Fiscal Year 2027 budget by
170 identifying major projects, infrastructure investments, and service priorities for the upcoming fiscal year.
171 Over the past year, staff has been working on several capital and infrastructure projects while
172 continuing to maintain core city services. As part of the FY2027 budget process, staff is seeking direction
173 from the City Council on which projects should be prioritized. Projects currently underway or under
174 consideration include the Jacob Hamblin Park Expansion, construction of a salt storage and snowplow
175 storage building, and completion of the water fill station. Additional infrastructure needs include
176 upgrades to the sewer treatment system, including improvements to aeration and rake equipment, as
177 well as discussion of a potential sewer system expansion in the Ranchos area. While many of these
178 projects address important infrastructure and service needs, limited resources require the City to
179 prioritize which items should move forward in the near term. Council discussion will help staff
180 determine which new projects should receive the highest priority in the FY2027 budget and which may
181 need to be planned for future years.

182 The councilmembers spoke briefly about trails, and extending the sewer system in the ranchos. They
183 would also like to add sidewalks around the ranchos for the school, more water storage, continue work
184 for the sewer ponds and dump station. Councilmember Chamberlain would also like to see Chinle Drive
185 repaved.

186 Mr. Ludwig stated that some of the things that you will continue to see work on is the Jacob Hamblin
187 Park. The sewer projects, and 1100 south will probably take 6+ months. The sewer in the ranchos will
188 also be on the list, as well as a couple pieces of equipment that will need to be purchased.

189
190 **b. Discussion Regarding Personnel Policy Updates in Preparation for the April 14,**
191 **2026 Council Meeting.**

192 Mr. Ludwig stated that The City Attorney and Human Resources Manager, have undertaken a
193 comprehensive update of the City's personnel policies. The draft policies are based on the Lexipol
194 system, which provides model personnel policies grounded in current state and federal law. These serve
195 as a uniform and legally sound foundation for municipal operations. The draft document incorporates
196 redlined changes where City-specific provisions were added or existing Lexipol language was modified to
197 reflect Kanab's practices, structure, and organizational needs. These changes are intended to enhance
198 clarity, improve policy consistency, and ensure alignment with applicable law and internal procedures.
199 The updated draft Personnel Policy Manual includes chapters addressing recruitment, employee
200 conduct, evaluation, disciplinary procedures, benefits, leave policies, grievance procedures, anti-
201 retaliation, and workplace safety, among other topics. This agenda item is intended to present the draft
202 to the Council for initial review and discussion. No formal adoption is requested at this meeting. Council
203 members are encouraged to review the policies thoroughly ahead of future formal action. Staff will
204 continue to refine the draft based on Council input, and may bring a final version for consideration and
205 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.

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

Personnel Policy

Signs – Discussion

Taverns

Highway Corridor

Councilmember Chamberlain made a motion to adjourn. Councilmember Corry seconds. Unanimous vote, meeting adjourned.

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
03/26	03/10/2026	38900	10685	ALSCO	51-2100	356.36
03/26	03/10/2026	38901	1080	AMERIGAS PROPANE LP	51-2100	833.02
03/26	03/10/2026	38902	12904	BADGER METER	51-2100	1,719.48
03/26	03/10/2026	38903	12942	BLOMQUIST HALE CONSULTING GRO	10-2100	285.00
03/26	03/10/2026	38904	990	BLUE STAKES OF UTAH 811	51-2100	46.66
03/26	03/10/2026	38905	1200	C. C. AUTO PARTS	10-2100	496.43
03/26	03/10/2026	38906	1290	CASELLE	51-2100	2,349.00
03/26	03/10/2026	38907	13743	CRAIG M. CALL PC	10-2100	500.00
03/26	03/10/2026	38908	300	CROSBY HOME & FARM CENTER	51-2100	839.29
03/26	03/10/2026	38909	560	GARKANE ENERGY COOPERATIVE, I	10-2100	13,887.73
03/26	03/10/2026	38910	12757	GROW CHIROPRACTIC	51-2100	120.00
03/26	03/10/2026	38911	12804	HYDRO SPECIALTIES COMPANY	51-2100	17,028.48
03/26	03/10/2026	38912	3900	KANAB CITY CORPORATION	51-2100	1,817.00
03/26	03/10/2026	38913	9213	KANAB COAL & ROCK PRODUCTS	10-2100	569.40
03/26	03/10/2026	38914	880	KANE CO. SPECIAL SERVICE DIST.	10-2100	31,887.75
03/26	03/10/2026	38915	12788	KANE CO. SPECIAL SERVICE DIST.	10-2100	6,441.83
03/26	03/10/2026	38916	13497	KEYBANK	42-2100	31,883.50
03/26	03/10/2026	38917	13767	LAMICA, MADISYN	51-2100	14.31
03/26	03/10/2026	38918	11939	MESQUITE ELECTRIC LLC	42-2100	142,416.12
03/26	03/10/2026	38919	10647	MOUNTAIN WEST COMPUTERS	10-2100	720.00
03/26	03/10/2026	38920	12166	MW CLOUD SERVICES, LLC	10-2100	105.00
03/26	03/10/2026	38921	13766	PREMIER TRUCK - SALT LAKE CITY	52-2100	114,934.00
03/26	03/10/2026	38922	5930	PUBLIC EMPLOYEES LONG TERM	02-2100	610.45
03/26	03/10/2026	38923	9865	QUALITY PRINTING CO.	10-2100	46.92
03/26	03/10/2026	38924	11843	RAMSAY SERVICE INC.	10-2100	102.47
03/26	03/10/2026	38925	1240	SCHOLZEN PRODUCTS	51-2100	19.00
03/26	03/10/2026	38926	13340	ST. GEORGE CARQUEST	51-2100	966.94
03/26	03/10/2026	38927	13768	WRIGHT, AMIE	51-2100	17.53
Grand Totals:						<u>371,013.67</u>

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
03/26	03/17/2026	38928	1080	AMERIGAS PROPANE LP	10-2100	77.57
03/26	03/17/2026	38929	12144	BANKCARD CENTER	41-2100	31,264.56
03/26	03/17/2026	38930	13455	CENGAGE LEARNING INC / GALE	10-2100	756.36
03/26	03/17/2026	38931	13480	DEPT OF GOVERNMENT OPERATION	51-2100	3,172.59
03/26	03/17/2026	38932	13769	FLUTTERBEE EDUCATION GROUP	10-2100	860.40
03/26	03/17/2026	38933	13208	FREEDOM MAILING SERVICES, INC.	10-2100	2,285.27
03/26	03/17/2026	38934	615	HONEY'S MARKETPLACE	10-2100	35.27
03/26	03/17/2026	38935	580	MEGA-PRO	10-2100	998.33
03/26	03/17/2026	38936	11843	RAMSAY SERVICE INC.	10-2100	1,060.99
03/26	03/17/2026	38937	13339	SIDDONS-MARTIN EMERGENCY GRO	10-2100	885.00
03/26	03/17/2026	38938	1300	SOUTHERN UTAH NEWS	41-2100	40.00
03/26	03/17/2026	38939	10835	THE POLICE AND SHERIFFS PRESS	10-2100	20.00
03/26	03/17/2026	38940	13212	UPPER CASE PRINTING INK.	10-2100	413.08
03/26	03/17/2026	38941	420	UTAH LEAGUE OF CITIES & TOWNS	10-2100	4,674.75
03/26	03/17/2026	38942	3290	UTAH VALLEY UNIVERSITY	10-2100	300.00
03/26	03/17/2026	38943	1635	WATERMAN WELDING	51-2100	8.80
03/26	03/17/2026	38944	13770	WETHERBEE, SAMANTHA	51-2100	20.11
03/26	03/17/2026	38945	13268	ZUNIGA, EMIR ESCOBAR	51-2100	28.01
Grand Totals:						<u>46,901.09</u>

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
03/26	03/24/2026	38946	1080	AMERIGAS PROPANE LP	10-2100	623.69
03/26	03/24/2026	38947	9760	COLONIAL	02-2100	46.00
03/26	03/24/2026	38948	9248	CONSUMER REPORTS	10-2100	53.15
03/26	03/24/2026	38949	13560	CRAM, CELESTE	10-2100	285.00
03/26	03/24/2026	38950	13763	ENCOMPASS COUNSELING	10-2100	1,008.75
03/26	03/24/2026	38951	13772	FIRECROWN	10-2100	108.40
03/26	03/24/2026	38952	9010	GLAZIER'S MARKET	41-2100	47.64
03/26	03/24/2026	38953	13771	KEESE, WILLIAM	01-2100	113.07
03/26	03/24/2026	38954	13445	KENNY SENG CONSTRUCTION	51-2100	1,500.00
03/26	03/24/2026	38955	13497	KEYBANK	42-2100	93,701.23
03/26	03/24/2026	38956	10411	M.D. AUTO AND DIESEL	10-2100	191.95
03/26	03/24/2026	38957	1100	PETTY CASH	10-2100	150.00
03/26	03/24/2026	38958	5930	PUBLIC EMPLOYEES LONG TERM	02-2100	533.64
03/26	03/24/2026	38959	9520	READER'S DIGEST	10-2100	10.00
03/26	03/24/2026	38960	8380	SALT LAKE COMMUNITY COLLEGE	10-2100	173.50
03/26	03/24/2026	38961	11005	STRAIGHT STRIPE PAINTING, INC.	42-2100	22,458.00
03/26	03/24/2026	38962	13759	TOMCO, SAM	10-2100	205.00
03/26	03/24/2026	38963	13221	UTAH DIVISION OF WATER QUALITY	51-2100	350.00
03/26	03/24/2026	38964	13156	UTAH LIFE MAGAZINE	10-2100	52.00
Grand Totals:						121,611.02

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/26	04/01/2026	38965	1080	AMERIGAS PROPANE LP	10-2100	45.32
04/26	04/01/2026	38966	13753	BRADY INDUSTRIES	10-2100	698.44
04/26	04/01/2026	38967	13775	BUFFINGTON, PAIGE	10-2100	150.00
04/26	04/01/2026	38968	13773	CLARK, HAYLE	10-2100	18.50
04/26	04/01/2026	38969	13774	DELSMAN, ROBERT	10-2100	18.50
04/26	04/01/2026	38970	13503	KANAB GARAGE DOORS	41-2100	1,910.00
04/26	04/01/2026	38971	13755	MARTINEZ, DOMINIQUE	41-2100	60.00
04/26	04/01/2026	38972	580	MEGA-PRO	10-2100	13.50
04/26	04/01/2026	38973	10647	MOUNTAIN WEST COMPUTERS	10-2100	506.00
04/26	04/01/2026	38974	2945	NORRIS BROWN CONSTRUCTION	41-2100	12,800.00
04/26	04/01/2026	38975	9865	QUALITY PRINTING CO.	10-2100	29.93
04/26	04/01/2026	38976	1140	QUILL CORPORATION	10-2100	96.89
04/26	04/01/2026	38977	9210	UTAH PUBLIC TREASURER	10-2100	1,000.00
04/26	04/01/2026	38978	2775	UTAH PUBLIC TREASURER	10-2100	2,000.00
04/26	04/01/2026	38979	2765	UTAH PUBLIC TREASURER	10-2100	1,000.00
Grand Totals:						<u>20,347.08</u>

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Kanab City Council Staff Report

File # ZONE26-005

Date:	April 6, 2026
Meeting Date:	April 14, 2026
Agenda Item:	Public Hearing to approve or deny a zone change to City Council from RA [Residential Agriculture] to R-1-20 [Single] for parcel K-18-27-Annex
Subject Property Address:	1400 W Stansfield Dr.
Property Owner:	Kanab Hills, LLC
Applicant Agent:	Tyler Heely
General Plan Designation:	Medium Density Residential
Parcel #:	K-18-27-Annex

Attachments:

Exhibit A: Subject/Vicinity Property

Exhibit B: Applicant's Statement

Summary:

Applicant agent, Tyler Heely has submitted an application for a zone change on behalf of the property owner Kanab Hills, LLC for parcel K-18-27-Annex. The request is to rezone parcel K-18-27-Annex from RA (Residential Agriculture) to R-1-20 (Single Family, 20,000 sq.ft.).

Site Description:

The subject property is approximately 12.85-acres. The parcel is vacant land. Surrounding zoning designations and the density designations are as follows:

North	South	East	West
BLM	Single-Family RA	Single-Family RR-1	BLM
	Medium Density Residential (MDR) / Low Density (LDR)	Low Density (LDR)	

— A Western Classic —

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Kanab City Land Use Ordinance, General Plan and Zoning Map Analysis:

Zoning designations and zone changes are regulated by the Kanab City Land Use Ordinance, Chapter 15 – Establishment of Zoning Districts regulates zoning designations within Kanab City. Section 15-7 Transitioning and Maintaining Balance, states:

It is the objective of the City to encourage and provide for proper transition and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.

The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.

Public Comment:

The Public Hearing will be held on April 14, 2026 with City Council. Public notices have been posted on the City and State websites.

Findings:

1. The application was initiated by the representative.
2. The property is zoned as RA and approximately 12.85-acres.
3. The City Council is the decision-making authority for a zoning application. The Council may adopt or reject the request as it deems appropriate or may assign a different zoning designation.
4. Assigning an R-1-20 zone is consistent with the Kanab City Future Land Use Map that shows the area designated as MDR and is consistent with the surrounding area that is designated LDR.
- 5.

Planning Commission:

Planning commission and staff went over the property location and zoning & land use designations for the surrounding areas. We discussed the applicant's plans with the understanding that the zone change does not hold the applicant to the plans that were submitted with the application.

Planning Commission made a motion for a positive recommendation to City Council for the R-1-20 zone change.

— A Western Classic —

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



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

Suggested Motion(s):

I move to assign zone R-1-20 to Parcel K-18-27-Annex based on the findings and conditions outlined in Staff Report ZONE 26-005 and adopt ordinance 4-XX-26 O.

I move to assign zone _____ to Parcel K-18-27-Annex based on the findings and conditions outlined in Staff Report ZONE 26-005 and adopt ordinance 4-XX-26 O with the following _____.

I move deny zone R-1-20 to Parcel K-18-27-Annex.

— A Western Classic —

Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



City Council

Arlon Chamberlain

Steve Shrope

Chris Heaton

Boyd Corry

Peter Banks

Exhibit A: Subject Property

— A Western Classic —



Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



City Council

Arlon Chamberlain

Steve Shrope

Chris Heaton

Boyd Corry

Peter Banks

Exhibit B: Applicant's Statements

— A Western Classic —

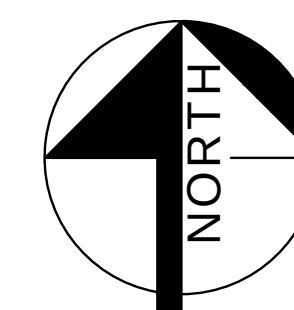
To Kanab Planning and Zoning,

I am writing to inform you of my intention to rezone my property in order to better structure the lots to fit the unique topography of the land. The proposed changes would allow for lot sizes ranging from half an acre up to two acres, which will help us create a mix of affordable lots as well as scenic view lots. This diversity will benefit future residents by offering options that suit various needs and preferences.

Importantly, I want to assure you that this zone change will not negatively impact the health, general welfare, or safety of those working or living nearby, nor will it affect neighboring property owners. We are committed to installing new infrastructure, including water lines and roads, and implementing systems to control water drainage—a concern that has affected Kanab for years. All improvements will strictly adhere to city codes and regulations to ensure a safe and sustainable development for the community.

Thank you,

Tyler Heely



C001

SITE PLAN

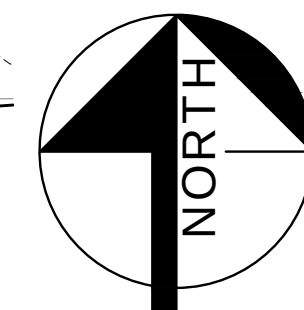
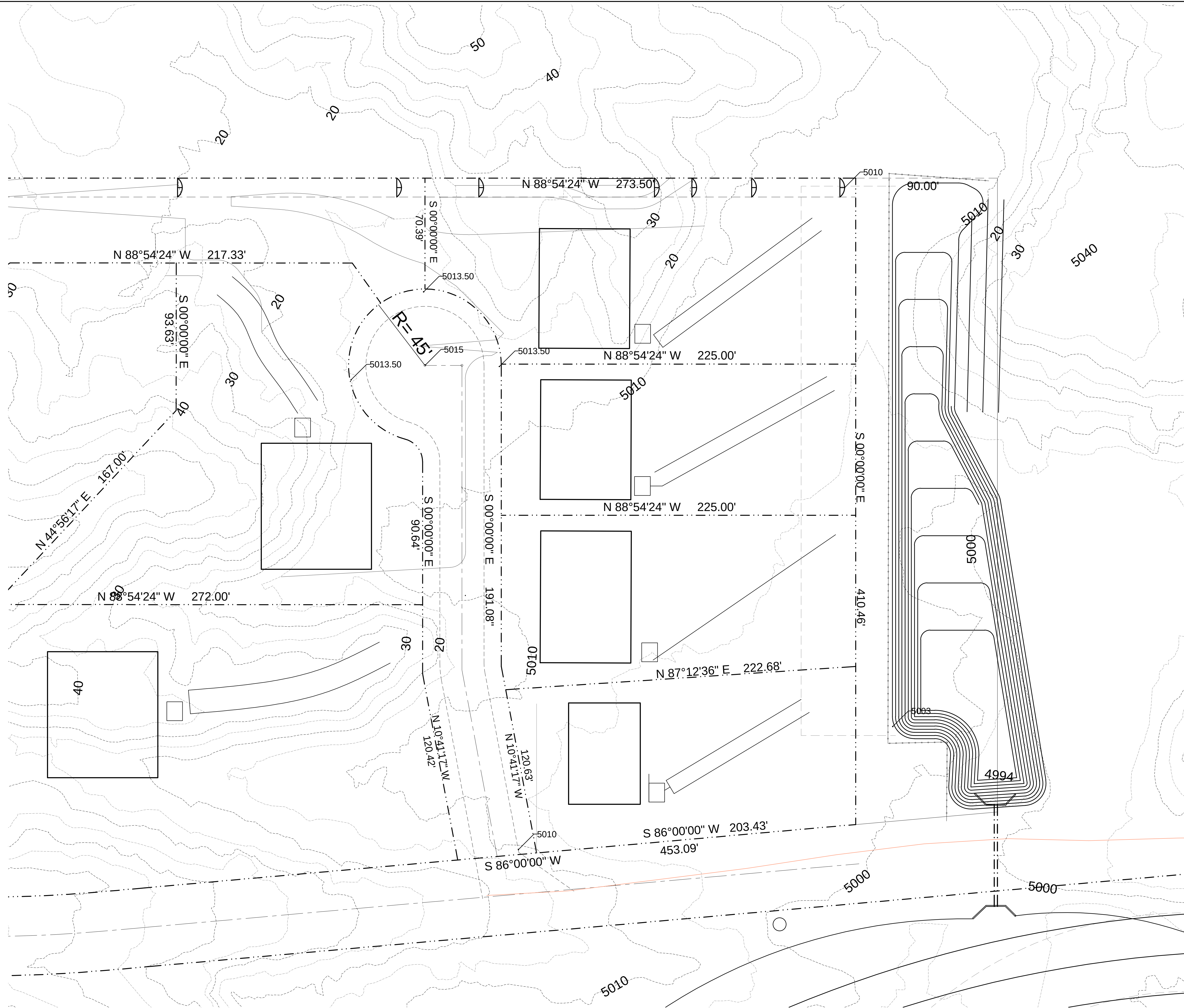
INTEGRATED PROJECT PLANNING, LLC
1012 E FIR STREET
CEDAR CITY, UTAH 84720

RELIANT ENGINEERING & DESIGN
1012 E FIR STREET
CEDAR CITY, UTAH 84720

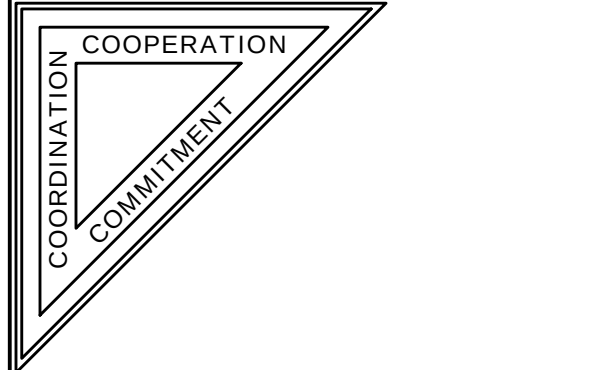
702.241.1121
lance@ippdesign.com

[illegible]

PROJECT NUMBER 260



1 SITE PLAN - AREA - CUL DE SAC
SCALE 1" = 30'



INTEGRATED PROJECT PLANNING, LLC
1012 E FIR STREET
CEDAR CITY, UTAH 84720

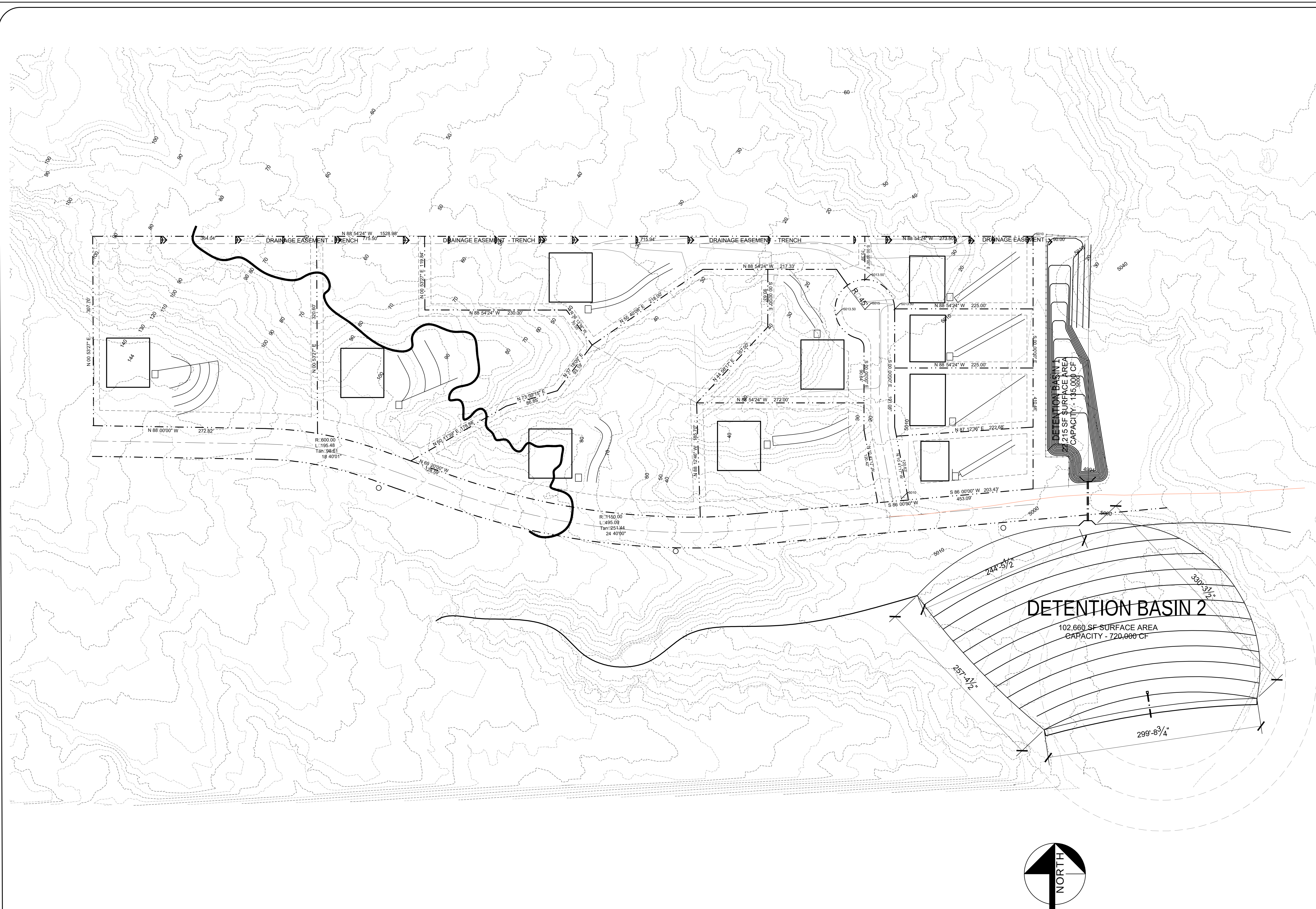
RELIANT ENGINEERING & DESIGN
1012 E FIR STREET
CEDAR CITY, UTAH 84720
lance@ipdesign.com

EL DORADO HEIGHTS
STANFIELD DRIVE
KANAB, UTAH 84741

ISSUANCES			
ISSUE	DATE AND DESCRIPTION	DRAWN	CHECKED
1	12.12.2025 - PRELIMINARY	LD	

PROJECT NUMBER -25.004

C002
LOT PLAN



1 DRAINAGE PLAN PRELIMINARY

DRAINAGE PLAN PRELIMINARY

EL DORADO HEIGHTS
STANFIELD DRIVE
KANAB, UTAH 84741

INTEGRATED PROJECT PLANNING, LLC
1012 E FIR STREET
CEDAR CITY, UTAH 84720

RELIANT ENGINEERING & DESIGN
1012 E FIR STREET
CEDAR CITY, UTAH 84720

702.241.1121
lance@ippdesign.com

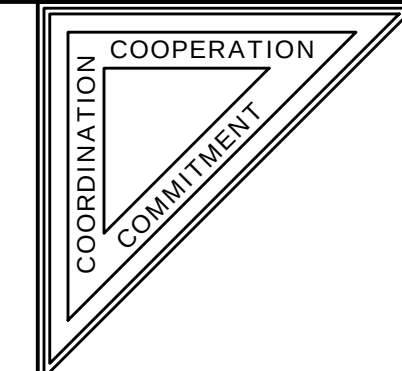
702.241.1121

lance@ippdesign.com

[illegible]

C004

DRAINAGE PLAN



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: April 14, 2026
TO: Mayor and City Council
SUBJECT: Consideration of Surplus Declaration and Potential Disposition of Property Adjacent to Parcel K-B-12-9 (Honey's Marketplace)
PREPARED BY: Kyler Ludwig, City Manager

Background:

Kanab City has received a request from the property owner of Parcel K-B-12-9 (Honey's Marketplace) regarding a minor property adjustment associated with the installation of Tesla electric vehicle charging stations.

During construction review, it was identified that the existing property boundary does not align with the current layout of the parking lot, sidewalk, and asphalt improvements.

To address this issue, the applicant has proposed a land exchange involving approximately 410 square feet of City-owned property along 250 East, in exchange for approximately 28 square feet to be conveyed to the City. This exchange would better align property boundaries with the existing parking and site improvements.

Kanab City has issued a public notice of intent to consider declaring the subject property as surplus and to evaluate potential disposition options. While this request is driven by the Tesla charging station improvements, the City is not obligated to proceed with the proposed exchange and may consider alternative uses or dispositions of the property if deemed to be in the best interest of the public.

Analysis:

The proposed transaction would correct a misalignment between the existing property boundary and constructed site improvements, including parking, sidewalks, and access associated with the Tesla charging infrastructure. The area is currently paved and has historically functioned as part of the adjacent parking and access area for Honey's Marketplace.

Due to its small size and configuration, the property has limited use to the City. However, the Council may consider whether retaining the property serves any future public purpose, such as right-of-way or infrastructure needs. City staff has reviewed the area for potential impacts to utilities and roadway infrastructure and has no concerns with the proposed adjustment. The Council is being asked to determine whether the property should be declared surplus, which

— A Western Classic —

Mayor
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City Council
Arlon Chamberlain
Steven Shrope
Chris Heaton
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Peter Banks

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

would authorize the City to sell, exchange, or otherwise dispose of the property, including consideration of the proposed land exchange, as deemed to be in the best interest of the public.

Legal:

The proposed action requires compliance with Utah State law regarding the disposition of public property, including public notice and City Council approval prior to declaring the property as surplus.

A warranty deed and associated legal descriptions have been prepared outlining the proposed conveyance and land exchange.

Financial:

The proposed transaction should include consideration to equalize the value of the exchanged properties. The exact valuation and any compensation will be determined based on an appraisal or negotiated agreement.

For reference, the Kane County Assessor's valuation for the subject property is approximately \$263,359 per acre for land value, excluding structures.

Recommendations/Actions:

It is recommended that the City Council:

1. Consider whether to declare the identified property as surplus; and
2. Provide direction to staff regarding potential disposition of the property, including the proposed land exchange or alternative uses.

Attachments:

Record of Survey
Conveyance Document
Public Notice

— 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

NOTICE OF INTENT TO CONSIDER DECLARING SURPLUS PROPERTY AND POSSIBLE DISPOSITION OF REAL PROPERTY

Kanab City hereby gives notice that the City Council will consider whether to declare certain real property as surplus and whether to approve its potential disposal.

The property consists of approximately 410 square feet of land located along 250 East near 300 South, adjacent to Parcel K-B-12-9 (Honey's Marketplace). The area is currently paved and has historically been used for parking purposes.

This proposed action involves a potential land exchange with financial consideration to account for any difference in value between the properties. Alternative methods of disposal may also be considered. This notice is provided to allow the Kanab City Council the ability to evaluate the request and determine whether such a transaction is in the best interest of the public.

The Kanab City Council will consider this matter at a public meeting on April 14 at 6:30 p.m. during the regular Kanab City Council Meeting, to be held in the Kanab City Council Chambers at 26 North 100 East, Kanab, Utah 84741.

Members of the public are invited to attend and provide comment. Additional information, including survey documents and legal descriptions, is available for public review at the Kanab City Offices during normal business hours and on the Utah Public Notice Website.

Published by order of the Kanab City Council.

— A Western Classic —

CITY OF KANAB, UTAH
LOCATED IN NE¼ SE¼ OF SECTION 28,
TOWNSHIP 43 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN

I, Thomas W. Avant, a Professional Land Surveyor, License Number 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 Record of Survey.

Date: _____

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries. All corners are set and found as shown. The basis of bearing for this survey as measured from the centerline monument located at the intersection of 300 East & Hwy 89 and to the centerline monument located at the intersection of 300 East & 400 South with a Bearing of S00°23'42" W and a Distance of 627.73' in the Utah State Plane coordinate system South Zone.

Portion of Parcel K-B-12-9 to be Deeded to Kanab City:
Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southerly right-of-way of U.S. Highway 89; thence, along said right-of-way, South 89° 16' 45" West 298.54 feet, to the POINT OF BEGINNING, and running; thence South 01° 19' 20" West 59.75 feet, to the Easterly right-of-way of 250 East; thence, along said right-of-way, North 00° 24' 28" East 59.72 feet, to the Southerly right-of-way of said U.S. Highway 89; thence, along said right-of-way, North 89° 16' 45" East 0.95 feet, to the POINT OF BEGINNING; containing 28 square-feet (more or less).

Portion of 250 East to be Deeded to and joined with Parcel K-B-12-9:
Commencing at the Northeast Corner of Lot 4, Block 12, "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southerly right-of-way of U.S. Highway 89; thence, along said right-of-way, South 89° 16' 45" West 298.54 feet; thence South 01° 19' 20" West 59.75 feet, to the Easterly right-of-way of 250 East and the POINT OF BEGINNING, and running; thence South 00° 24' 28" West 226.62 feet; thence North 89° 33' 32" West 3.62 feet, to said right-of-way; thence, along said right-of-way, North 01° 19' 20" East 226.65 feet, to the POINT OF BEGINNING; containing 410 square-feet (more or less).

Original Parcel 1:
 BEGINNING at a point 5.0 feet South for the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, and running thence South 292.0 feet; thence West 298.0 feet; thence North 286.0 feet to the Southerly right-of-way of U.S. Highway 89; thence North 89°36' East 298.0 feet along said right-of-way line to the point of beginning.

Original Parcel 2:
BEGINNING at a point South 0°13' East 5.01 feet from the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, said point being on a 25.0 foot radius curve to the right; thence 39.27 feet along the arc of said curve to the P.T.; thence South 0°13' East 266.91 feet; thence South 89°36' West 25.0 feet; thence North 0°13' West 291.99 feet to the point of beginning.

Combined Parcel K-B-12-9:
Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southerly right-of-way of U.S. Highway 89 and the POINT OF BEGINNING, and running; thence, along a curve to the right, 39.25 feet, having a radius of 25.00 feet, a central angle of 89° 57' 52" and whose long chord bears South 44° 35' 14" East 35.34 feet; thence South 00° 23' 37" West 266.91 feet; thence North 89° 47' 11" West 25.00 feet, to the East Block Line; thence, along said line, South 01° 21' 09" West 0.41 feet; thence North 89° 33' 32" West 302.15 feet; thence North 01° 19' 20" East 286.40 feet, to the Southerly right-of-way of U.S. Highway 89; thence, along said right-of-way, North 89° 16' 45" East 297.59 feet, to the POINT OF BEGINNING;

●	—	SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IRON ROCK PLS 5561917		PROPERTY LINE
	—	FOUND MONUMENT AS NOTED		ADJACENT PROPERTY LINE STREET CENTER LINE
	—	STREET CENTER LINE MONUMENT		PROPERTY LINE TO BE ADDED PROPERTY LINE TO BE REMOVED
	—	CALCULATED STREET CENTER LINE MONUMENT		SIDEWALK FENCE
	—	MAG NAIL WITH ALUMINUM WASHER MARKED IN ENG. PLS 5561917		BLOCK LINE LOT LINE
				SURVEY BOUNDARY
				EXISTING BUILDING
				RECORD BEARING AND DISTANCE



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

RECORD OF SURVEY
PARCEL K-B-12-9
A.L.E. INVESTMENTS LLC
KANAB, UT

[illegible]

the 1990s, the number of people in the world who are under 15 years of age has increased by 1.2 billion, from 1.1 billion in 1980 to 2.3 billion in 1999. The number of people aged 15 and over has increased by 1.1 billion, from 1.1 billion in 1980 to 2.2 billion in 1999. The number of people aged 65 and over has increased by 0.2 billion, from 0.2 billion in 1980 to 0.4 billion in 1999.

DRAWN BY:	CJM
SCALE:	2/18/2026
SHEET:	

1 OF 1

When recorded mail deed and tax notice to:
Kanab City, a Utah Municipal Corporation
26 North 100 East
Kanab, UT 84741

Order No. ACCOM.
Tax I.D. No. K-B-12-9

Space Above This Line for Recorder's Use

WARRANTY DEED

A.L.E. Investments, LLC, a Utah limited liability company , grantor(s), of Kanab, County of Kane, State of Utah, hereby **CONVEY and WARRANT to**

Kanab City, a Utah Municipal Corporation , grantee(s) of Kanab, County of Kane, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Kane County, State of Utah:

See Attached Exhibit "A"

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

PUBLIC ENTITY AFFIDAVIT: I, Kyler Ludwig, being of legal age and authorized by Kanab City, hereafter "public entity," being first duly sworn, depose and state as follows: The public entity consents to the conveyance of real property by deed from A.L.E. Investments, LLC, a Utah limited liability company. By signing this Public Entity Affidavit, the public entity accepts the ownership of the real property described in the attached legal description. The public entity does not guarantee or provide an opinion as to the proper form or validity of any conveyance document related to the real property described in the attached legal description. This Public Entity Affidavit is intended to evidence that the public entity consents to A.L.E. Investments, LLC, a Utah limited liability company conveying the real property described in the attached legal description to the public entity.

WITNESS the hand(s) of said grantor(s), this _____ day of March, 2026.

A.L.E. Investments, LLC, a Utah limited liability company

Kanab City, a Utah Municipal Corporation

By: _____
Lance Jeromy Davis, Manager

By: _____
Kyler Ludwig, City Manager

By: _____
Kristin Dawn Davis, Manager

STATE OF Utah)
 :ss.
COUNTY OF Kane)

On the _____ day of March, 2026, personally appeared before me, Lance Jeromy Davis, who being by me duly sworn, did say that he/she is the Manager and Kristin Dawn Davis, who being by me duly sworn, did say that he/she is the Manager of A.L.E. Investments, LLC, a Utah limited liability company, and that said instrument was signed by them in behalf of said limited liability company by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and said Lance Jeromy Davis and Kristin Dawn Davis acknowledged to me that said limited liability company executed the same.

NOTARY PUBLIC

My Commission Expires:

STATE OF Utah)
 :ss.
COUNTY OF Kane)

On the _____ day of March, 2026, personally appeared before me, Kyler Ludwig, who being by me duly sworn, did say that the said Kyler Ludwig is the City Manager of Kanab City, a Utah Municipal Corporation, and that said instrument was signed in behalf of said corporation by authority of its by-laws (or by a resolution of its board of directors) and Kyler Ludwig duly acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

My Commission Expires:

Attachment to that certain Warranty Deed executed by A.L.E. Investments, LLC, a Utah limited liability company grantor(s), to Kanab City, a Utah Municipal Corporation grantee(s).

Order No. ACCOM.
Tax I.D. No. K-B-12-9

EXHIBIT "A"

Original Parcel 1:

BEGINNING at a point 5.0 feet South for the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, and running thence South 292.0 feet; thence West 298.0 feet; thence North 286.0 feet to the Southernly right-of-way of U.S. Highway 89; thence North 89°36' East 298.0 feet along said right-of-way line to the point of beginning.

Original Parcel 2:

BEGINNING at a point South 0°13' East 5.01 feet from the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, said point being on a 25.0 foot radius curve to the right; thence 39.27 feet along the arc of said curve to the P.T.; thence South 0°13' East 266.91 feet; thence South 89°36' West 25.0 feet; thence North 0°13' West 291.99 feet to the point of beginning.

Portion of Parcel K-B-12-9 to be Deeded to Kanab City:

Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southernly right-of-way of U.S. Highway 89; thence, along said right-of-way, South 89° 16' 45" West 298.54 feet, to the POINT OF BEGINNING, and running; thence South 01° 19' 20" West 59.75 feet, to the Easterly right-of-way of 250 East; thence, along said right-of-way, North 00° 24' 28" East 59.72 feet, to the Southernly right-of-way of said U.S. Highway 89; thence, along said right-of-way, North 89° 16' 45" East 0.95 feet, to the POINT OF BEGINNING; containing 28 square-feet (more or less).

Initials ____/____

When recorded mail deed and tax notice to:

A.L.E. Investments, LLC, a Utah limited liability
company
1115 South 1100 East
Kanab, UT 84741

Order No. ACCOM.
Tax I.D. No. K-B-12-9

Space Above This Line for Recorder's Use

WARRANTY DEED

Kanab City, a Utah Municipal Corporation and A.L.E. Investments, LLC, a Utah limited liability company, grantor(s), of Kanab, County of Kane, State of Utah, hereby **CONVEY and WARRANT to**

A.L.E. Investments, LLC, a Utah limited liability company, grantee(s) of Kanab, County of Kane, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Kane County, State of Utah:

See Attached Exhibit "A"

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this _____ day of March, 2026.

A.L.E. Investments, LLC, a Utah limited liability
company

By: _____
Lance Jeromy Davis, Manager

By: _____
Kristin Dawn Davis, Manager

Kanab City, a Utah Municipal Corporation

By: _____
Kyler Ludwig, City Manager

STATE OF Utah)
 :ss.
COUNTY OF Kane)

On the _____ day of March, 2026, personally appeared before me, Lance Jeromy Davis, who being by me duly sworn, did say that he/she is the Manager and Kristin Dawn Davis, who being by me duly sworn, did say that he/she is the Manager of A.L.E. Investments, LLC, a Utah limited liability company, and that said instrument was signed by them in behalf of said limited liability company by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and said Lance Jeromy Davis and Kristin Dawn Davis acknowledged to me that said limited liability company executed the same.

NOTARY PUBLIC

My Commission Expires:

STATE OF Utah)
 :ss.
COUNTY OF Kane)

On the _____ day of March, 2026, personally appeared before me, Kyler Ludwig, who being by me duly sworn, did say that the said Kyler Ludwig is the City Manager of Kanab City, a Utah Municipal Corporation, and that said instrument was signed in behalf of said corporation by authority of its by-laws (or by a resolution of its board of directors) and Kyler Ludwig duly acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

My Commission Expires:

Attachment to that certain Warranty Deed executed by Kanab City, a Utah Municipal Corporation and A.L.E. Investments, LLC, a Utah limited liability company grantor(s), to A.L.E. Investments, LLC, a Utah limited liability company grantee(s).

Order No. ACCOM.
Tax I.D. No. K-B-12-9

EXHIBIT "A"

Portion of 250 East to be Deeded to and joined with Parcel K-B-12-9:

Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southernly right-of-way of U.S. Highway 89; thence, along said right-of-way, South 89° 16' 45" West 298.54 feet; thence South 01° 19' 20" West 59.75 feet, to the Easterly right-of-way of 250 East and the POINT OF BEGINNING, and running; thence South 00° 24' 28" West 226.62 feet; thence North 89° 33' 32" West 3.62 feet, to said right-of-way; thence, along said right-of-way, North 01° 19' 20" East 226.65 feet, to the POINT OF BEGINNING; containing 410 square-feet (more or less).

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BEGINNING at a point 5.0 feet South for the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, and running thence South 292.0 feet; thence West 298.0 feet; thence North 286.0 feet to the Southernly right-of-way of U.S. Highway 89; thence North 89°36' East 298.0 feet along said right-of-way line to the point of beginning.

Original Parcel 2:

BEGINNING at a point South 0°13' East 5.01 feet from the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, said point being on a 25.0 foot radius curve to the right; thence 39.27 feet along the arc of said curve to the P.T.; thence South 0°13' East 266.91 feet; thence South 89°36' West 25.0 feet; thence North 0°13' West 291.99 feet to the point of beginning.

Combined Parcel K-B-12-9:

Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southernly right-of-way of U.S. Highway 89 and the POINT OF BEGINNING, and running; thence, along a curve to the right, 39.25 feet, having a radius of 25.00 feet, a central angle of 89° 57' 52" and whose long chord bears South 44° 35' 14" East 35.34 feet; thence South 00° 23' 37" West 266.91 feet; thence North 89° 47' 11" West 25.00 feet, to the East Block Line; thence, along said line, South 01° 21' 09" West 0.41 feet; thence North 89° 33' 32" West 302.15 feet; thence North 01° 19' 20" East 286.40 feet t, to the Southernly right-of-way of U.S. Highway 89; thence, along said right-of-way, North 89° 16' 45" East 297.59 feet, to the POINT OF BEGINNING;

Initials ____/____

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 #SUB26-001**

Date:	April 6, 2026
Meeting Date:	April 14, 2026
Agenda Item:	Deny or approve a full boundary adjustment for parcel K-B-12-9
Subject Property Address:	260 East 300 South
Applicant:	A.I.E. Investments LLC
Applicant Agent:	Iron Rock Engineer
Zoning Designation:	C-2
General Plan Designation:	Commercial
Parcel #:	K-B-12-9
Applicable Ordinances:	Subdivision Ordinance, Chapter 2A

Attachments:

Exhibit A: Subject Property

Exhibit B: Survey of Record

Summary:

Iron Rock Engineer submitted an application for a full boundary adjustment on behalf of A.I.E Investments LLC. The property line adjustment is to align the property line with the back of the sidewalk down 250 East. Approximately 410 sq.ft. that is currently paved and historically used for parking purposes.

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-5.2 specifically addresses the full boundary adjustment process.

Analysis

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

- The application and required documentation have been received per the subdivision ordinance.
- Right of way for public roads have been identified and will need to be vacated;
- Conveyance documents have been received

— A Western Classic —



- Parcel is zoned C-2.
- The proposed streets conform to the guidelines found in the Transportation Master Plan as an existing public road.

The owner of record contained within the conveyance documents and title report is A.I.E Investment LLC. The applicant has paid the amended plat fee required.

Proposed Findings:

1. This application was initiated by Iron Rock Engineering.
2. The property is zoned C-2 within an established Grocery Store.
3. The Future Land Use Map designation for these properties on the City's General Plan as Commercial.
4. The applicant is requesting to adjust property line along 250 east to align with the city sidewalk. Approximately 410 sq.ft. that is currently paved and historically used for parking purposes.
5. There is a public right of way, identified in the warranty deed recorded in 8/13/1970, entry no 18,717.
6. The Kanab City Planning Commission is the body responsible for providing a full boundary recommendation to City Council, upon application.

Planning Commission:

After reviewing the application and analyzing the full boundary adjustment application and documents, Planning Commission made a positive recommendation for approval of the proposed full boundary adjustment with the conditions of approval below; Vote was unanimous.

Conditions of Approval:

1. Sign-off from the City Surveyor.
2. If required by State code and the advice of the City Attorney an approval by city council of the disposition of real property.
3. Application and approval to vacate an easement for a public right of way.

Recommended Motion:

I move to approve the full boundary adjustment as outlined in the record of survey for parcel K-B-12-9 based on the findings and conditions of approval as outlined in the staff report #SUB26-001.

— A Western Classic —

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



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Peter Banks

Alternate motion:

I move to approve the full boundary adjustment as outlined in the record of survey for parcel K-B-12-9 based on the findings and conditions of approval as outlined in the staff report #SUB26-001 with the additional findings and conditions: .

I move to deny the full boundary adjustment as outlined in the record of survey for parcel K-B-12-9 demonstrating the applicant has not met the standards outlined in the Kanab City ordinances: .

— A Western Classic —

Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



City Council

Arlon Chamberlain

Chris Heaton

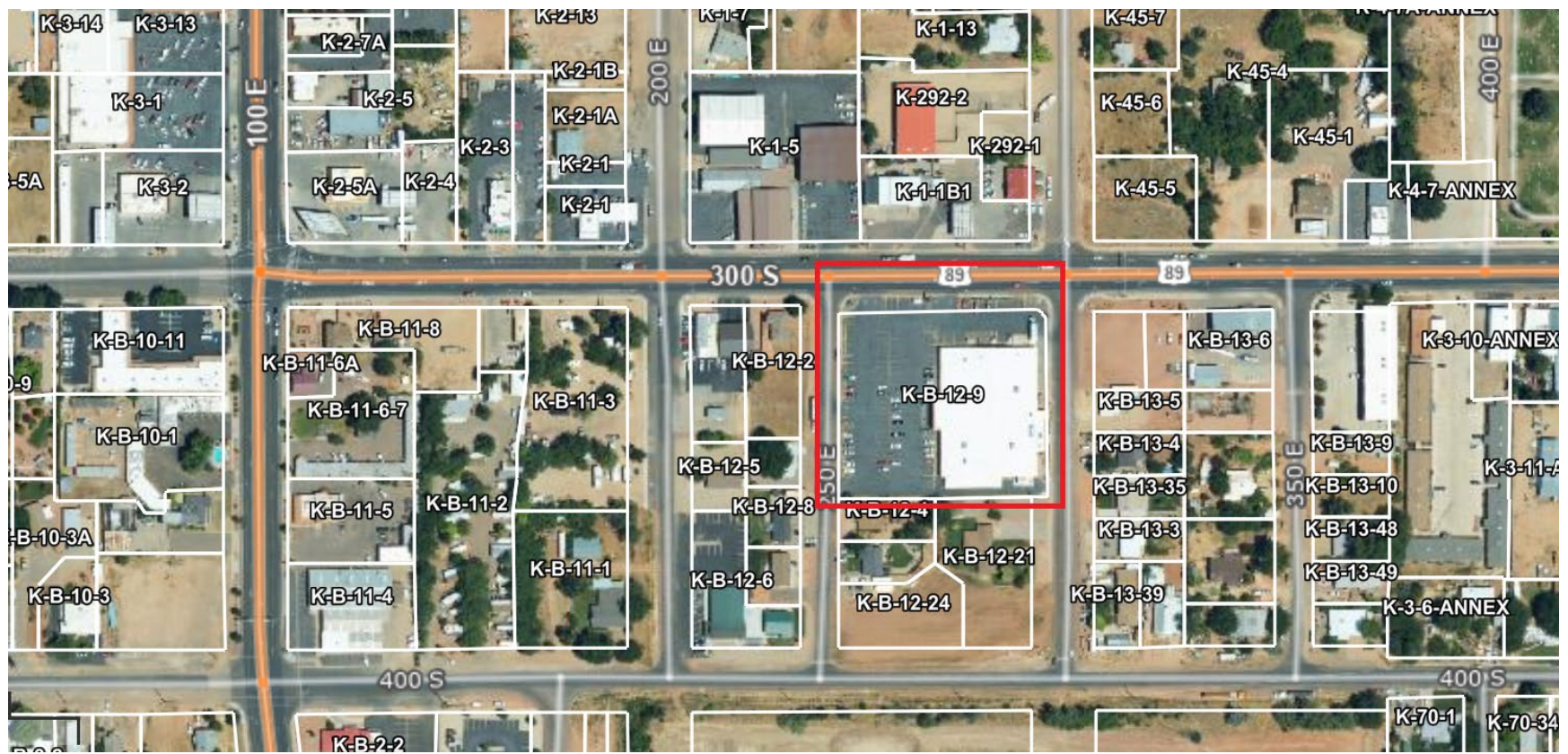
Steve Shrope

Boyd Corry

Peter Banks

Exhibit A: Subject Property

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Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



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Boyd Corry

Peter Banks

Exhibit B: Record of Survey

— A Western Classic —

**CITY OF KANAB, UTAH
LOCATED IN NE¼ SE¼ OF SECTION 28,
TOWNSHIP 43 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN**

I, Thomas W. Avant, a Professional Land Surveyor, License Number 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 Record of Survey.

Date: _____

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. The purpose of the survey is to delineate the boundaries. All corners are set and found as shown. The basis of bearing for this survey as measured from the centerline monument located at the intersection of 300 East & Hwy 89 and to the centerline monument located at the intersection of 300 East & 400 South with a Bearing of S00°23'42" W and a Distance of 627.73' in the Utah State Plane coordinate system South Zone.

Portion of Parcel K-B-12-9 to be Deeded to Kanab City:
Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southerly right-of-way of U.S. Highway 89; thence, along said right-of-way, South 89° 16' 45" West 298.54 feet, to the POINT OF BEGINNING, and running; thence South 01° 19' 20" West 59.75 feet, to the Easterly right-of-way of 250 East; thence, along said right-of-way, North 00° 24' 28" East 59.72 feet, to the Southerly right-of-way of said U.S. Highway 89; thence, along said right-of-way, North 89° 16' 45" East 0.95 feet, to the POINT OF BEGINNING; containing 28 square-feet (more or less).

Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southernly right-of-way of U.S. Highway 89; thence, along said right-of-way, South 89° 16' 45" West 298.54 feet; thence South 01° 19' 20" West 59.75 feet, to the Easterly right-of-way of 250 East and the POINT OF BEGINNING, and running; thence South 00° 24' 28" West 226.62 feet; thence North 89° 33' 32" West 3.62 feet, to said right-of-way; thence, along said right-of-way, North 01° 19' 20" East 226.65 feet, to the POINT OF BEGINNING; containing 410 square-feet (more or less).

BEGINNING at a point 5.0 feet South for the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, and running thence South 292.0 feet; thence West 298.0 feet; thence North 286.0 feet to the Southerly right-of-way of U.S. Highway 89; thence North 89°36' East 298.0 feet along said right-of-way line to the point of beginning.

BEGINNING at a point South 0°13' East 5.01 feet from the Northeast Corner of Lot 4, Block 12, Plat "B", of the Official Survey of Kanab Townsite, said point being on a 25.0 foot radius curve to the right; thence 39.27 feet along the arc of said curve to the P.T.; thence South 0°13' East 266.91 feet; thence South 89°36' West 25.0 feet; thence North 0°13' West 291.99 feet to the point of beginning.

Commencing at the Northeast Corner of Lot 4, Block 12, Plat "B" of the Official Survey of Kanab Townsite, as recorded in the Office of the Kane County Recorder, Utah; thence, along the East Block Line, South 00° 23' 42" West 5.00 feet, to the Southerly right-of-way of U.S. Highway 89 and the POINT OF BEGINNING, and running; thence, along a curve to the right, 39.25 feet, having a radius of 25.00 feet, a central angle of 89° 57' 52" and whose long chord bears South 44° 35' 14" East 35.34 feet; thence South 00° 23' 37" West 266.91 feet; thence North 89° 47' 11" West 25.00 feet, to the East Block Line; thence, along said line, South 01° 21' 09" West 0.41 feet; thence North 89° 33' 32" West 302.15 feet; thence North 01° 19' 20" East 286.40 feet, to the Southerly right-of-way of U.S. Highway 89; thence, along said right-of-way, North 89° 16' 45" East 297.59 feet, to the POINT OF BEGINNING;

	— SET 5/8" x 24" REBAR WITH PLASTIC CAP MARKED IRON ROBB PLS 5561917		PROPERTY LINE
	— FOUND MONUMENT AS NOTED		ADJACENT PROPERTY LINE
	— STREET CENTER LINE MONUMENT		STREET CENTER LINE
	— CALCULATED STREET CENTER LINE MONUMENT		PROPERTY LINE TO BE ADDED
	— MAG NAIL WITH ALUMINUM WASHER MARKED IR ENG. PLS 5561917		PROPERTY LINE TO BE REMOVED
			SIDEWALK
			FENCE
			BLOCK LINE
			LOT LINE
			SURVEY BOUNDARY
			EXISTING BUILDING
			RECORD BEARING AND DISTANCE



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

RECORD OF SURVEY
PARCEL K-B-12-9
A.L.E. INVESTMENTS LLC
KANAB, UT

INITIAL SUBMITTAL	DATE:
	2/18/2020

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 200 million to 400 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

DRAWN BY:	CJM
SCALE:	2/18/2026
SHEET:	

1 OF 1

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



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

Kanab City Council Staff Report

File Number 20260303.2

Date:	March 2, 2026
Meeting Date:	April 14, 2026
Agenda Item:	Approve or Deny a text amendment for Land Use Ordinances, Chapter 20 Commercial Zone allowing a permitted use for taverns.

Attachments:

- Exhibit A: Proposed Amendment(s) with Red Lines
- Exhibit B: Staff Report with City Council

Summary:

Kanab City Land Use Department has received an application for a text amendment to allow taverns in a commercial zone. Prior to receiving the application, the applicants requested to speak with City Council to determine if the request for the amendments would be successful and what concerns needed to be mitigated (see Exhibit B).

During the February planning commission meeting, staff and planning commission members discussed the permitted land use chart listed in Chapter 20. After discussion, planning commission directed staff to update the permitted Land Use chart to allow conditional use in zones C1 and C2. Planning commission also requested additional requirements for taverns to be included in Chapter 20.

Public Hearing

There were five individuals that made a public comment in support of the text amendment to allow for taverns. Many voiced that they work in the tourism industry and they always receive questions about where they can go and just have a beer or drink. Many were in support of the applicant's language that they requested regarding food being provided but not necessarily required to order a beer. The commentors also addressed as residents of the area or surrounding area they would like a place to meet and have a drink with a friend.

Planning Commission

Planning commission discussed this item on February 2, 2026, and on April 10, 2026. On February 2, 2026 the planning commission directed staff to add taverns as a conditional use permit for zones C1 & C2 with additional requirements that taverns are only 2 taverns are permitted per zone

— A Western Classic —

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where the use is allowed; taverns shall provide at a minimum appetizer-style food services; shall comply with the hours of operation established by the Utah department of Alcoholic Beverage Services and remain open at least one hour after last call. There was one planning commission member in attendance that strongly felt taverns should not be allowed.

During the April 7, 2026 meeting, planning commission discussed the amendment with the applicants, their short term and long-term goals, and complications they may face. Discussion about public appearance, safety concerns, hours of operation being restricted to specific times and whether food choices should be required with the beer or to be served without food.

Planning Commission made a motion for a positive recommendation to City Council to adopt the applicant's version of the text amendment (attached to report); vote was unanimous.

Suggested Motion

I make a motion to adopt changes to the Kanab City Land Use Ordinances identified in exhibit A of the Staff Report for 20260303.2 and approve ordinance 10-XX-26 O

I move to make a motion to deny the proposed changes to the Kanab City Land Use Ordinances identified in exhibit A of the staff report for 20260303.2

I make a motion to adopt changes to the Kanab City Land Use Ordinances identified in exhibit A of the staff report 20260303.2 and approve Ordinance 10-XX-26 O with the following amendments:

I move to continue the discussion to the following meeting:

— A Western Classic —

Mayor
T. Colten Johnson
City Manager
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Treasurer
Danielle Ramsay



City Council
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Peter Banks
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Exhibit A: Proposed Amendment with Red Lines

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

Section 20-1	Purpose
Section 20-2	Commercial Zones
Section 20-3	Commercial Temporary Structures
Section 20-4	Height Regulations
Section 20-5	Temporary Events on Public Right-of-Way
Section 20-6	Minimum Area, Width, and Yard Regulations
Section 20-7	Special Regulations
Section 20-8	Design Standards for the Commercial Zones (C-1, C-2, C-3)
Section 20-9	Residential Use in Commercial
Section 20-10	Other Regulations
Section 20-11	Land Use Chart
Section 20-12	Exhibits A & B

Section 20-1 Purpose

The purpose is to provide various zones within the City of Kanab where a wide variety of goods and services can be provided.

Section 20-2 Commercial Zones

A. C-1 Commercial Zone (Downtown Core)

1. The C-1 zone has been established to distinguish the historic downtown commercial area of Kanab. This zone is characterized by a variety of types of goods and services that complement one another and is intended to facilitate a high density of economic activity in a walkable atmosphere. The C-1 Zone encourages a mix of store front commercial retail, restaurants, hotels, mixed residential/commercial, and office space.

B. C-2 Commercial Zone (Transition)

1. The objective of the commercial zone is to provide space within the city where nearly all types of commercial goods and services may be provided, such as retail, office and mixed use (work/live). Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Therefore, owners should develop and maintain their property in recognition thereof.
2. The C-2 commercial zone is located principally along major roadways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc., to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major roadways.

Adopted January 22, 2008; Amended May 13, 2025

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

C. C-3 Commercial Zone

1. The principal objective in establishing the C-3 commercial zone is to provide space within the city where facilities that serve the local and traveling public can be most appropriately located for ease of ingress and egress. Other purposes for establishing the C-3 commercial zone are to promote safety on the highways and convenience of traveling local and public, to promote beauty in the appearance of roadsides and interchanges leading into and out of the city.

Section 20-3 Commercial Temporary Structures

A "Commercial Temporary Structure" is defined as a temporary structure intended for outdoor use for a limited time, not to exceed one hundred seventy-nine (179) days in any rolling twelve (12) month period, in a commercial zone. All commercial temporary structures shall be approved by the Planning Commission and shall meet the following requirements:

- A. Shall not include illumination on the exterior, except for pedestrian safety.
- B. Shall be removed upon the expiration of the permit period.
- C. May be used for temporary sales, grand openings, holiday promotions, temporary seating.
- D. Shall be installed on private property, unless otherwise approved and permitted under Kanab General Ordinance, Section 9-05, Special Sales Events and Promotions.
- E. Shall require a permit from the City Building Department and pay the required fee(s).
- F. Shall not block the visibility or normal movement of vehicles and pedestrians.
- G. Shall not eliminate the required parking.
- H. Shall be maintained in good repair at all times.
- I. Shall be installed on a hard surface with proper tie-downs.
- J. Shall meet all adopted fire and building codes for a temporary structure; and
- K. Shall meet all design standards for the underlying zone, except building material requirements (unless specified in the building or fire codes).

The applicant shall specify the period of time for which the approval is sought.

Section 20-4 Height Regulations

No building shall be erected to a height greater than forty-five (45) feet, nor lower than twelve (12) feet, except that a building may be erected to a height of forty-eight (48) feet if the additional top three (3) feet is a parapet wall. Must also follow guidelines in Section

Adopted January 22, 2008; Amended May 13, 2025

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Land Use Ordinance

Chapter 20 – Commercial Zones

20-9.

Section 20-5 Temporary Events on Public Right-of-Way

In no case shall business be conducted on public rights-of-way except as allowed by a special events permit.

Section 20-6 Minimum Area, Width, and Yard Regulations

Zone	Area	Width	Yard Setbacks in Feet		
			Front	Side	Rear
C-1	5,000 sq ft	0	0	0	2
C-2	5,000 sq ft	0	0	0	2
C-3	12,0000 sq ft	0	20	20	2

Where a commercial zone abuts a residential district, building setbacks will be as follows:

Building Height	Yard Setbacks in Feet		
	Front	Side	Rear
Greater than 16 feet	0	20	20
Less than 16 feet	0	10	10

Section 20-7 Special Regulations

- All used materials and used merchandise that are not for decorative purpose, except vehicles and equipment in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than eight (8) feet in height and no material or merchandise shall be stored to a height of more than Fifteen (15) feet in height.
- No trash, rubbish, weeds, nor other combustible material shall be allowed to remain on any lot outside of approved containers in any Commercial District. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any Commercial District.
- All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

Section 20-8 Design Standards for the Commercial Zones (C-1, C-2, C-3)

- The purpose of the Design Standards is to maintain the character of Kanab City as a

Adopted January 22, 2008; Amended May 13, 2025

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

destination community with breathtaking scenery, to preserve the city's corridors, preserve and enhance the rural western character of the downtown area, provide a significant landscaped buffer between development and highway uses, minimize curb cuts and access points to highways, and enhance Kanab's walkable downtown atmosphere.

- B. In this section, "building surface" refers to any outside portion of the building that is viewable from an adjacent street or walkway, not including the roof.
- C. Any design or landscape requirements that apply to C-1 in this chapter, or in any other Land Use Ordinance, shall also apply to any lots that:
 - 1. Have any frontage to the continuous section of street that starts as 300 W, then Center Street, and continuing into 100 E; and
 - 2. Are between the northern city entrance (approximately one block north of 300 N) and approximately one block south of 400 South (the furthest southern point of the La Quinta property).
- D. Lot and Site Requirements are subject to the following:
 - 1. A façade improvement that requires a building permit within the commercial zones needs approval from the Planning Commission. A façade improvement that does not require a building permit needs approval from the Land Use Coordinator.
 - 2. When possible, driveways shall be shared between adjoining properties. Driveways must be placed where they create the least interference with traffic on highways. Driveways and drive-thrus shall be located away from adjoining residentially zoned areas, when feasible, and provide privacy walls and landscape buffers along common boundaries with residences in residential zones.
 - 3. The Planning Commission shall review all proposals for pedestrian, bicycle paths and trails through the commercial zones.
 - 4. Street trees shall be planted in the right-of-way as part of the site landscaping requirements and shall be maintained according to City landscape requirements.
 - 5. Businesses proposing outdoor street front seating/dining should consider an adequate front setback in their site plan to accommodate such front area use.
 - 6. Parking Lots: Some established and new businesses in the downtown area do not have adequate parking. With new construction and/or when a change of use occurs, parking standards for these businesses shall be considered by the Planning Commission, as specified in Chapter 6, (6-4.3 Commercial properties fronting on Highways 89/89A). Parking for new buildings in the C-1 zone shall be located in the rear, unless access to the rear is not feasible.
 - 7. Buildings in the C-1 zone shall be located near the sidewalk with setbacks used for

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

pedestrians, plazas, benches, landscaping and outdoor eating areas, but not for parking (unless requiring parking to the side or back is unfeasible). Diagonal parking on side streets is permitted within the Downtown Parking District in order to create additional downtown parking.

8. Trails and sidewalks shall be provided in all new development within the C-1 zone in accordance with the Kanab City Trails Master Plan. Trails and sidewalks may be located within the setback areas.
9. Outdoor Display of Art, or Public Park Facilities: The permanent installation of an outdoor art display, or outdoor recreational equipment, such as bike racks that require a fixed location on or above the ground and is within 30' of a UDOT right-of-way, may be allowed as a Conditional Use.
10. Building Front Design: In conjunction with a required site plan, architectural designs for new construction and refurbishing the exterior of an existing commercial building are required, addressing the design standards in this section. Site plans or façade improvements in the commercial zones that require a building permit, need approval from the Planning Commission. All other construction or refurbishments that do not require a building permit need approval from the Land Use Coordinator.
11. The following guidelines apply to new construction or changes to the exterior of an existing commercial building in the commercial zones.
 - a. No high gloss or mirrored metal products shall be permitted on the building surface, unless for trim or decorative purposes that consists of less than 10 percent of the building surface. The building surface shall consist of at least two City approved materials, the predominant material not surpassing 85% of the building surface. The ground floor front façade area shall consist of a minimum of 25% window area. City approved materials must be high quality and durable, and include window glass, stucco, rock, stone, metal, brick, and any other material that is substantially similar to these. The following shall not make up more than 50% of the building surface: concrete block, un-textured tilt-up concrete panels, or prefabricated steel panels.
 - b. Awnings: Awnings shall not be vinyl, aluminum, nor have a shiny or glossy appearance. Corrugated metal awnings are allowed.
 - c. Colors: No fluorescent colors are allowed on the building surface or roof. Black cannot be the predominant color of any building surface. Earth tone colors in accordance with Section 20-12 Exhibits A & B are encouraged.
 - d. The primary pedestrian entry of the building shall face the street and be identified, defined, and reinforced by significant architectural elements of mass. The appearance of the building front shall present a three-dimensional effect through the utilization of such architectural features as pop outs, vertical relief overbuilds, recesses, canopies or porticos supported by columns

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

or protrusions, significant variations in the roof or parapet, etc.

- e. The design standards for building fronts described above shall wrap around the building sides adjacent to the primary front, for at least ten feet, unless the Planning Commission finds that it would be impractical.
 - f. Building surface shall be broken into smaller elements. Building surface shall be reduced by using a combination of the following techniques: variation in roof lines; variations in wall plane with projections and recessed areas; use of windows on elevations facing a street; and use of vertical accents.
 - g. Kanab City's goal is to maintain a "western theme" in the commercial areas, particularly the C-1 zone. While not required, applicants are encouraged to incorporate western features into the design scheme. These western features may include hitching posts, sculptures, public art, covered canopies, benches, and similar features that promote a western feel.
- E. Design Standards unique to the C-3 Zone:
- 1. Minimum setback on the east side of SR-89A shall be forty-five feet (45') per UDOT.
 - 2. Berms and Earthwork Screening must be graded and planted in such a manner so as to permit views of primary uses on the site from adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.
 - 3. All fences in the C-3 zone must be one of the following styles: wooden rail; vinyl fencing; architecturally compatible solid wood or natural stone; stock fences that do not front on State Highway; and various forms of steel fencing as determined by the Planning Commission. Chain link fencing is not allowed except behind the front of structure.

Section 20-9 Residential Use in Commercial

- A. Commercial/Residential Mix shall only be allowed for properties that have frontage along Highway 89 and Highway 89A, in the area of 400 North through Center Street, continuing on 100 East to 700 South and headed East on Highway 89A to 650 East. Commercial use shall be required on the main (ground) floor. Residential use is permitted to be on any level above the main (ground) floor.
- B. Residential uses for "Commercial / Residential Mix" may include one or more units.
- C. All new buildings and developments for commercial/residential mix shall comply with Chapter 18 (Multi-Family Residential Zone) or Chapter 17 (Single Family) in the event of a residential structure.

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Land Use Ordinance

Chapter 20 – Commercial Zones

Section 20-10 Other Regulations

- A. Other relevant standards and requirements are found in other sections of this code, including Landscape Requirements in Section 9-8, Parking Requirements in Chapter 6, Signs in Chapter 7, Site Plan Review in chapter 9 and Supplemental Regulations in Chapter 4.

Section 20-10 Land Use Chart

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

A. Land Use Chart – Permitted (P) and Conditional (C) Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Agricultural Crop Sales (Farm Only)	-	-	P	-
Airport Support Facility	-	-	P	P
Amphitheater	C	C	C	C
Antique / Secondhand Store	P	P	P	P
Apartment(s)*	-	-	-	-
Arcade (Games/Food)	P	P	P	P
Archery Range / Course Outdoor	-	C	C	C
Art Gallery	P	P	P	P
Auto / Boat Dealer	-	-	P	C
Auto Rental / Sales	-	C	P	C
Auto Service Station	-	P	P	C
Auto Supply Store	P	P	P	P
Bar Establishment	-	-	-	-
Beauty/Spa Salon	P	P	P	P
Bed and Breakfast / Short-term Vacation Rental	P	P	P	-
Body Art	P	P	P	P
Bowling Alley	P	P	P	P
Brewery (Large)	-	-	-	-
Brewery (Small) Restaurant	P	P	P	P
Car Wash	-	P	P	P
Cemetery	-	-	C	-
Church	P	P	P	P
College / University	P	P	P	P
Commercial Marine Supply	-	P	P	C
Commercial / Residential Mix see Section 20-9	P	P	-	-
Communications Facility	-	-	P	C
Conference / Convention Center	P	P	P	P

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Construction Trade and Storage see Section 20-7	-	-	C	-
Convalescent Center / Nursing Home	C	P	P	P
Convenience Store	P	P	P	P
Day Care I (under 6 children)	-	P	P	C
Day Care II (over 6 children)	-	P	P	C
Distillery	-	-	-	-
Dry Cleaner	P	P	P	P
Drug Store	P	P	P	P
Elementary – Jr. High	-	P	P	P
Equipment Rental Facility, Small (<15,000 lbs) see Section 20-7	-	P	P	P
Equipment Rental Facility, Medium (<50,000 lbs) see Section 20-7	-	C	C	C
Equipment Rental, Heavy/Large (>50,000 lbs) see Section 20-7	-	-	-	-
Espresso Stand	P	P	P	P
Event Center	P	P	P	P
Farmer's Market	P	P	P	P
Farm Equipment Sales	-	P	P	P
Financial Institution	P	P	P	P
Florist Shop	P	P	P	P
Food Truck Parks	C	P	P	-
Food Truck Vendors	P	P	P	P
Funeral Home/Crematory	-	P	P	-
Garage/Vehicle Repair & Restoration	-	P	P	C
Gas Station	-	P	P	C
General Retail and Services	P	P	P	P
Grocery Store	P	P	P	C
Group Home	-	-	P	C
Halfway House	-	-	P	C
Hardware / Garden Material	-	P	P	C
Health Club	P	P	P	P

Adopted January 22, 2008; Amended May 13, 2025

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
High School	-	P	P	-
Hospital	-	-	P	-
Hostel	-	-	C	-
Hotel / Motel / Extended-Stay	P	P	P	C
Kennel / Public	-	-	P	-
Landscaping Business	-	-	P	-
Laundromat	P	P	P	P
Library	P	P	P	P
Liquor Store / Packaging Agency	P	P	P	C
Live or amplified music	P	P	P	P
Media Material	P	P	P	P
Medical / Dental Lab	-	P	P	P
Miscellaneous Health	P	P	P	P
Mobile / Park Model Home Park	-	-	P	-
Mobile Vendor	P	P	P	P
Multi-family Dwelling Units	-	-	-	-
Museum	P	P	P	P
Park	P	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	P	P	P	P
Preschool	-	P	P	P
Printing / Publishing	P	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	P	P	P	P
Recreational Center	P	P	P	P
Restaurant	P	P	P	P
RV / Camp Park	-	P	P	-
Self-Service Storage	-	-	P	-
Sexually Oriented Business	-	-	-	-
Shooting / Archery Range Indoor	C	P	P	P

Adopted January 22, 2008; Amended May 13, 2025

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Single Detached Dwelling Unit	-	-	-	-
Single Attached Dwelling Unit	-	-	-	-
Social / Public Agency Offices	P	P	P	P
Tavern <u>(see B)</u>	-C	-C	-	-
Theater	P	P	P	P
Towing Operation	-	P	P	-
Truck Stop	-	-	P	-
Two-family Dwelling Units	-	-	-	-
Veterinary Clinic large animal	-	-	P	-
Veterinary Clinic small animal	-	P	P	C
Vocational School	-	P	P	C
Youth Home	-	P	P	-
Wholesale / Bulk Store	-	P	P	-
Wireless Telecommunications retail	P	P	P	P
Wood Products Sales	-	C	P	-
Zip Lines	-	-	C	-

B. Additional requirements for taverns:

- No more than two (2) taverns are permitted within any zoning district in which taverns are an allowed use.
- A tavern shall provide, at minimum, appetizer-style food service, but food service is not required to order a beverage containing alcohol.
- A tavern shall comply with the hours of operation established by the Utah Department of Alcoholic Beverage Services. In addition, the tavern shall remain open for at least one (1) hour after the final call for alcohol service.
- Additional requirements to mitigate any harms may be applied with the required conditional use permit per Land Use Ordinances Chapter 8.

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Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

Section 20-11 Exhibits A & B



(color purposes only)

Kanab

Land Use Ordinance

Chapter 20 – Commercial Zones

B. Exhibit B



Adopted January 22, 2008; Amended May 13, 2025

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



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

Exhibit B: Staff Report - City Council Discussion

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

DATE: January 20, 2026
TO: Mayor and City Council
SUBJECT: Discussion on Tavern Brewery Uses – Chapter 20
PREPARED BY: Kyler Ludwig, City Manager
UPDATED BY: Janae Chatterley, Building and Land Use Administrator

Background:

In April 2023, the Kanab City Council discussed potential amendments to Chapter 20 of the Land Use Ordinance regarding commercial zoning uses, including alcohol-related establishments. At that time, the Council expressed a preference against allowing taverns or alcohol-focused businesses without accompanying food service and did not include taverns within the commercial zone uses.

The City has now received a request from community members seeking to establish a brewery taphouse that would serve alcohol without full food service. The applicants are requesting Council consideration of whether such a use could be allowed under a new or amended zoning designation.

Analysis:

The applicant has submitted a basic proposal for a tavern-style taphouse, where alcohol service would be the primary activity. The establishment would not operate as a full-service restaurant or nightclub, and while some limited food or snack options may be available, no full kitchen is proposed. The intended location is 183 S 100 E, within Kanab's downtown core, in an area that supports walkability and proximity to other local businesses. The applicants have described the concept as a calm, community-focused gathering space intended to complement existing commercial activity.

As taverns are currently prohibited in all commercial zones under the City's Land Use Ordinance, any consideration of this proposal would require direction from the City Council regarding potential zoning amendments or the creation of a new use category.

While any zoning amendment or new land use designation would ultimately require review and recommendation by the Planning Commission, staff is bringing this item to the City Council first for preliminary discussion, given that the Council previously reviewed and expressly prohibited

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Celeste Cram
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tavern uses as part of the 2023 amendments to Chapter 20.

Legal:

Financial:

There is no immediate financial impact.

City Council Recommendations/Actions:

It is recommended by City Council for Planning Commission:

1. Discuss whether to allow a tavern-style taphouse (without food service) in any commercial zone
 - City Council suggests a conditional use in the land use chart.
2. City council would like Planning Commission to discuss different restrictions on the conditional use permits:
 - Zoning & Location
 - Limiting Events
 - Smaller establishments limited by square footage
 - Hours of operation
 - Food requirements
 - Limiting the number of business licenses that can be issued

Attachments:

1. Applicant's business proposal

Mayor

City Manager

26 North 100 East • Kanab, Utah 84741 • Phone 435-644-2534 • Fax 435-644-2536 • www.kanab.utah.gov

Proposal for a Community-Focused Brewery Taphouse in Kanab, Utah

Submitted for Consideration to the Kanab City Council

Applicant Introduction

Zach & Cerra Cyrus | 435.819.0109 | cerra.zach999@gmail.com

We bought our home in Kanab in 2020 after visiting several times for backpacking trips and fell in love with the area. We felt that Kanab would be a great place to start a family. We have been blessed with 3 children since moving to Kanab. Zach is a flight nurse with Classic Air Medical. He is also very active with the Kane County Search and Rescue team. Cerra mostly stays at home raising the 3 kids but she is a physical therapist at Mountain Land Physical Therapy and Zions Way Home Health and is an insurance agent selling home, auto and business policies.

Adam & Tonya Ortiz | 303.990.1564 | adamortiz.photo@yahoo.com

We have been residents of Kanab for 6 years now and local business owners of Taro Coffee Bar for nearly 4 years here in Kanab. You may have heard of our place. Customers on many occasions have asked for recommendations for a local place to sit, relax and enjoy a good refreshing cold beer later in the day. This is definitely something that is desired. We wish to create a relaxing place where people - locals and visitors can gather in the heart of town. We have yet to have any place local, that fills this niche that we can recommend. This is where the idea for a local taphouse brewery came into being. The dream is to have a clean welcoming place for all and to boost even more of the warm good feeling of Kanab as a really amazing place.

Adam & Charlotte Young | 435-899-9224 | adam.w.young@outlook.com

We have lived in Kanab since 2017 and enjoy raising our 3 children in this awesome community. I relocated my family here for work, doing marketing for SC Broadband (formerly South Central Communications) and we fell in love with this area and the people here. I have since obtained my real estate license and have made that my primary pursuit, working out of the Berkshire Hathaway Home Services office here in Kanab. Charlotte works as the executive secretary for Calvary Chapel Kanab and assists with several activities for Red Rock Dance. We both love this town and are excited about the potential to start a new business here and create a gathering place for friends, neighbors, and visitors to enjoy.

Summary

We are seeking to establish a **locally owned, responsibly operated brewery taphouse** within Kanab's downtown core. Our intent is to create a **community-oriented gathering place** that supports local business activity and visitor retention while maintaining Kanab's values of safety, respect, and quality of life.

This proposed business is **not a bar in the traditional sense**, but a **tavern-style taphouse** focused on:

- Responsible, limited alcohol service
- A calm, social atmosphere appropriate for a downtown core
- Economic activation of existing commercial space
- Strong operational and behavioral safeguards

Because Kanab's current zoning code does not explicitly provide for a tavern or brewery taphouse use, particularly one that does not require a full food-service operation, we are requesting City Council consideration for either a zoning amendment or conditional use approval that allows such a business under clearly defined standards.

Vision

This business is intentionally designed to fit within Kanab's small-town character while meeting modern expectations for a tourism-oriented downtown. Our vision is to create a place that:

- Serves as a **gathering space** for residents and visitors
- Encourages **moderation, conversation, and community**, not excessive consumption
- Complements, rather than competes with, existing restaurants
- Activates downtown during evening hours in a controlled, respectful manner
- Strengthening the downtown as a social and economic center
- Encouraging walkable and mixed-use activity
- Supporting tourism without introducing disruptive nightlife

What This Business Is

- A **brewery taphouse** with limited, regulated alcohol service
- Emphasis placed on **local and regional craft beer**
- Daytime and evening hours focused on social gathering
- A professionally managed, licensed establishment

What This Business Is Not

- Not a nightclub
- Not a late-night bar
- Not a high-volume alcohol venue
- Not a venue encouraging intoxication or disorderly conduct

We Are Committed To

- Transparency
 - Ongoing dialogue with city leadership
 - Responsiveness to community concerns
 - Operating as a respectful and responsible member of the Kanab business community
-

Proposed Scope

Location - 183 S 100 E

- Situated within the downtown core, directly off HWY 89
- Walkable to other downtown businesses
- Designed to increase foot traffic and shared economic benefit

Size & Scale

- Small to moderate footprint
- Seating designed for conversation and small groups
- No dance floor, DJ, live amplified music, or nightclub-style entertainment

Hours of Operation

- Afternoon and evening focus
- Closing hours aligned with expectations for downtown businesses
- No late-night or after-hours operation

Alcohol Service & Food Considerations

- Would operate as a tavern, not a restaurant
- Alcohol service is the primary licensed activity
- Light snacks or optional food offerings may be available but no full kitchen or food-service requirement

Economic & Community Benefits

Tourism Retention

As the regional gateway to Zion, Bryce Canyon, the Grand Canyon, and surrounding public lands, visitors to Kanab increasingly expect:

- Walkable downtown experiences
- Evening gathering places
- Responsible, regulated options for adult beverages

Providing this option helps **retain visitor spending within Kanab's downtown**, rather than displacing it to other communities.

Local Economic Impact

- Creation of local jobs
- Increased sales and tax revenues
- Increased foot traffic benefiting nearby retailers and restaurants
- Activation of existing commercial space without new infrastructure demands

Additional Consideration

We recognize and respect that some Kanab residents have thoughtful concerns about alcohol-related uses. Our business model would be structured to **limit risk, encourage responsibility, and maintain community standards**, consistent with the Kanab's emphasis on quality of life and public safety.

Responsible Use Philosophy

- No drink specials intended to encourage excessive consumption
- Calm, seated service environment
- Designed for adults but respectful of nearby family-oriented uses
- Non-alcoholic beverages prominently available

Safety & Oversight

- Full compliance with Utah DABC regulations
- Staff trained in responsible alcohol service

- Zero tolerance for disorderly or disruptive behavior
 - Coordination with local law enforcement as needed
-

Zoning Request

Kanab's current zoning code does not clearly define or allow a tavern or brewery taphouse use, particularly one that does not include full food service. We respectfully request consideration of one of the following:

- A **zoning text amendment** creating a clearly defined brewery taphouse use within the downtown core
- Approval as a **conditional use**, subject to enforceable operational standards

Suggested Conditions for Approval

- Defined hours of alcohol service
- Capacity limits
- Noise and exterior behavior standards
- Ongoing compliance with state and local regulations

These measures would provide the City with clear oversight, while allowing a business model that complements existing downtown uses rather than competing with nearby restaurants.

We appreciate the Council's time and thoughtful consideration.

LICENSEE HANDBOOK TAVERN LICENSE



UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE SERVICES

P.O. Box 30408
Salt Lake City, UT 84130-0408
Telephone: 801-977-6800 Fax: 801-977-6889
Website: www.abs.utah.gov

Effective Date June 2022

TO ALL LICENSEES

As a licensee of the Utah Department of Alcoholic Beverage Services, you are required to be aware of the responsibilities, procedures, and potential liabilities regarding the sale and service of alcoholic beverages.

This handbook has been prepared to help you with the lawful handling of alcoholic beverages. Please review this information and keep the handbook available for reference. This version of the handbook is issued in June 2022. Previously issued handbooks should be discarded as they may contain outdated information.

Our website (www.abs.utah.gov) has information about the liquor laws and rules with direct links to the complete code and administrative rules, as well as information about stores and agencies, products and prices, server training, and other interesting links. The website is regularly updated. Please review the website for information and services as they are developed.

It is our responsibility and desire to be of service and assistance. If you have questions after consulting the handbook, please call us at 977-6800, or write, or e-mail the compliance division of this department at dabscompliance@utah.gov.

TAVERN LICENSE



Allows the storage, sale, service, and consumption of beer (not heavy beer) on the premises of a tavern.

Tavern licenses run from March 1st to the last day of February. License fees are not prorated, so full fees will be due even if a new license was issued at any time during the previous year. To apply for a tavern license, a non-refundable application fee of \$300 plus a \$1,500 initial licensing fee is required. All license renewals are due by January 31st every year and the renewal fee is \$1,250.

Be prepared to renew licenses beginning January 1st through January 31st annually.

TAVERN LICENSES

are limited to a quota, formulated by the population of the state. Taverns are defined as:



- beer bars
- parlors
- lounges
- cabarets
- nightclubs

Taverns have no food requirement, but food is a good idea because it helps slow intoxication, generates additional revenue, and gives patrons something else to do besides drink. Remember it is illegal to allow someone to become intoxicated.



OPERATIONAL REQUIREMENTS

DISPLAY SIGNS - A tavern licensee must display:

- **A Warning Sign** - The template may be downloaded from our website.

The warning sign contains two messages, each of which must be in a different font. It may be used as-is or custom-made, but the size of the sign and the size of the fonts may not be any smaller than the template. The color of the print does not have to be red, and the sign does not have to be white, but it has to be easily readable and *posted in a prominent place* on the tavern premises.



- **DABS and local licenses** also need to be posted in a prominent place.



LOCAL CITY LICENSE

SOMESWHERE REC LLC
1234 SOMESWHERE STREET
SOMESWHERE CITY, UT 84000

SALES AND CONSUMPTION HOURS



Beer may be sold on any day from 10:00 a.m. until 1:00 a.m. Consumption of beer is prohibited between the hours of 2 a.m. and 10 a.m. Taverns must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming:

- a single serving of beer not exceeding 26 ounces

Taverns do not have to remain open after all patrons have vacated the premises, or during an emergency.

PURCHASE OF BEER

Beer must be purchased from beer distributors. Licensees must call and set up an account with the appropriate distributor for their area. A list of distributors may be found on the DABS website.

Beer may also be purchased from any licensed Utah small brewer that manufactures beer. However, bar licensees may not purchase beer from any other retail outlet such as grocery or convenience stores, etc. for resale at the licensed establishment.



BEER STORAGE



Beer may only be stored in a designated place approved by DABS on the initial application floor plan. *Any changes in the storage area(s) must first be approved by DABS.*

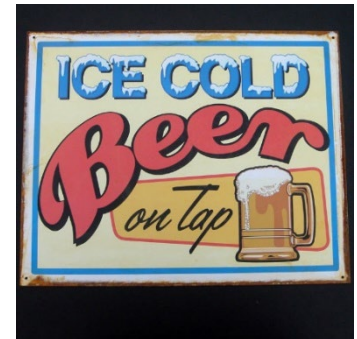
A tall, slender glass filled with a golden beer topped with a thick white head of foam. The glass is set against a dark background, and the beer has a thick, creamy head of foam.

-

[illegible]

A bar must have readily available for its patrons, a printed alcoholic beverage price list, or a menu containing current prices of all alcoholic beverages.

Signs advertising the availability of alcoholic beverages may be displayed.



The ID scanner requirement applies to all taverns whether or not they choose to restrict access by way of membership.

Taverns must electronically verify age before anyone who appears to be 35 years of age or younger may gain admittance.

Taverns must be able to read, print, or download the data in the ID scanners.
Owners/managers should have the knowledge and capability to produce the data upon request of a peace officer or an authorized representative of the DABS.

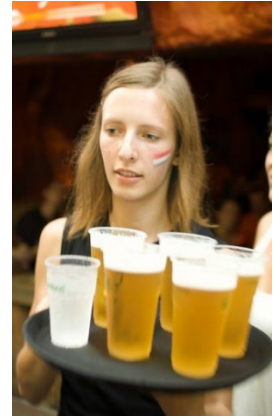


NO MINOR EMPLOYEES ARE ALLOWED

- Minors may not be employed on the premises of a tavern. This includes band members, construction workers, etc.
- Minors may not be admitted into, use, or be on the premises of a tavern EVER – even if closed.

EMPLOYEES

- Any employee who sells, serves, dispenses, or handles beer must be twenty-one years of age or older.
- Servers of beer must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer and must be worn above the waist.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.



Employees can be FINED for violations.

The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.

TRAINING

SERVER TRAINING:

The Utah Division of Substance Abuse and Mental Health Server training is required for all owners, managers, supervisors, and employees who serve (or manage those who serve) alcohol. They must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment. Go to our website for information on state-approved training programs.



DABS MANAGER TRAINING:

- EVERY MANAGER must complete the DABS "Manager Training Program" as a condition of obtaining their DABS license. Any new manager must take the training within 30 days of hire.
- A manager includes owners and employees that act in a supervisory or managerial capacity over the furnishing of an alcoholic product or the employees who serve alcoholic products.
- Training will be conducted by the DABS and the fee is \$25 per manager.

Please be careful off-duty owners or employees who have been drinking must not step back in and perform any on-duty type functions.

RECORDKEEPING

Tavern licensees are required to keep current, detailed quarterly records for expenses and sales of alcohol and food. All records must be kept for a minimum of three years.



BROWN BAGGING

Patrons may not bring in or store any alcohol on the premises of a tavern.

TEMPORARY CLOSURE OF MORE THAN 10 DAYS

You MUST notify your compliance specialist in writing if you are going to be closed for more than 10 days. Emergency closures may be granted by telephone. NOT DOING SO is an automatic forfeiture of the retail license. Failure to RE-OPEN by the approval date also results in automatic forfeiture.



DISCOUNTING PRACTICES PROHIBITED

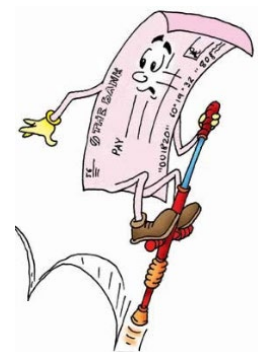
Beer may not be sold at a discount at any time.

Other discounting practices are prohibited that encourage over-consumption of beer (i.e. happy hours, two for ones, all you can drink for a set price, free beer, or selling at less than cost).

A tavern licensee or employee may not purchase an alcoholic beverage for a patron.

BAD CHECKS

The DABS may immediately suspend the license if it receives a bad check as payment for licensing or bond fees, fines, and costs for violations, etc. A fee will also be assessed for bad checks and the licensee will be required to pay the full amount and the fee.



PROHIBITED CONDUCT

- **LEWD ACTS** - attire and sexually-oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.
- **GAMBLING** - NO paying to play a game of chance to win money or a prize. Licensees may not engage in or permit any form of gambling on its premises including contests or gaming schemes that require risking something of value for a chance of a return - including raffles, bingo, poker, etc.
- **ILLEGAL DRUGS** or drug paraphernalia - A retail licensee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance or use, deliver, or possess with the intent to deliver drug paraphernalia.



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Kanab City Council Staff Report

File Number 20260303.1

Date:	March 2, 2026
Meeting Date:	April 14, 2026
Agenda Item:	Approve or deny a text amendment for Land Use Ordinances, Chapter 7 Signs.

Attachments:

- Exhibit A: Proposed Amendment(s) with Red Lines

Summary:

A text amendment to update the Land Use Ordinance, Chapter 7 Signs. The amendment is to consider amendments to the prohibited or temporary signs. Recently the Land Use Department sent voluntary compliance letters to multiple businesses in Kanab that had temporary signs (pennant, flag, snipe) that are prohibited. Business owners contacted Mayor and City Council members to reconsider the sign ordinance.

During the February planning commission meeting, staff and planning commission members discussed the prohibited signs and the temporary signs listed in Chapter 7. After discussion, planning commission directed staff to update Section 7-13 (5) to increase the time allowed for pennant and inflatable signs during a grand opening or significant change.

Public Hearing

During the April 7, 2026 meeting one public comment was made in support of the proposed amendments and planning commissions direction of the proposed amendments to staff. A suggestion was made by the commenter that for wall murals the planning commission may consider a color palette.

Planning Commission

During the February 3, 2026 meeting Planning Commission and staff discussed the sign ordinances specifically related to temporary signs. Staff explained that an voluntary compliance letter was sent to multiple business owners that had signs prohibited or not in compliance with the sign ordinances. Some of the business owners reached out to City Council who requested that planning commission visit the ordinance for any amendments that may be needed.

Planning commission was comfortable with the temporary and prohibited signs except for sales events and grand openings. Direction to staff was to allow for pennant and inflatable signs

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for grand openings or significant changes for up to 60 days.

During the April 7, 2026 meeting staff informed planning commission that a few additional changes were made to the proposed amendments after some discoveries and inquiries received. Specifically for temporary signs that are placed on city property and mural signs.

Planning Commission agreed with staff's additional amendments and the comment regarding the color palette for the wall murals. Legal council recommended that language regarding lewd and offensive depictions be added to the sign ordinance. A motion was made for a positive recommendation to the amendments in the staff report and the amendments discussed in the meeting; vote was unanimous.

Suggested Motion

I make a motion to adopt changes to the Kanab City Land Use Ordinances identified in exhibit A of the Staff Report for 20260303.1 and approve ordinance 10-XX-26 O

I move to make a motion to deny the proposed changes to the Kanab City Land Use Ordinances identified in exhibit A of the staff report for 20260303.1

I make a motion to adopt changes to the Kanab City Land Use Ordinances identified in exhibit A of the staff report 20260303.1 and approve Ordinance 10-XX-26 O with the following amendments:

I move to continue the discussion to the following meeting:

— A Western Classic —

Mayor
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City Manager
Kyler Ludwig
Treasurer
Danielle Ramsay



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Exhibit A: Proposed Amendment with Red Lines

Kanab

Land Use Ordinance

Chapter 07 – Signs

Revised May 9, 2023

Section 7-1	General Requirements
Section 7-2	Interpretation
Section 7-3	Application and Review Procedures
Section 7-4	Sign Defined
Section 7-5	Awnings and Canopies
Section 7-6	Banners
Section 7-7	Freestanding Signs
Section 7-8	Wall Signs
Section 7-9	Projecting Sign
Section 7-10	Window Signs
Section 7-11	Monument Signs
Section 7-12	A-Frame Signs
Section 7-13	Temporary Signs
Section 7-14	Signs in Residential Areas
Section 7-15	Directional or Guide Signs
Section 7-16	Public Necessity Signs
Section 7-17	Entrance/Exit Signs
Section 7-18	Electronic Message Signs
Section 7-19	Lighting
Section 7-20	Removal of Abandoned, Dangerous or Defective Signs
Section 7-21	Prohibited Signs
Section 7-22	Non-Conforming Signs
Section 7-23	Safety in Construction and City Non-Liability

Section 7-1 General Requirements

The City Council of Kanab, Utah, finds and declares that by controlling and standardizing signs in the City, the regulations set forth in this chapter will reduce potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to, the buildings and sites which they occupy; encourage legibility through the elimination of excessive and confusing sign displays; prevent confusion of business signs with traffic regulations; preserve and improve the appearance of the city as a place in which to live and trade; preserve our legendary night skies; allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner; to safeguard and enhance property values; to protect public and private investment in buildings and open space; and supplement and promote the health, safety and general welfare of the citizens of Kanab, Utah.

To protect the public and promote the general welfare of the citizens of Kanab, the public signs allowed in this Chapter may not include material, taken as a whole, that appeals to the prurient interest or depicts sexual conduct in a patently offensive way, which lacks serious literary, artistic, political, or scientific value.

Section 7-2 Interpretation

The Planning Commission shall have the authority and duty to interpret the provisions of this

Adopted January 22, 2008; Amended April 14, 2026

Kanab

Land Use Ordinance

Chapter 07 – Signs

Revised May 9, 2023

chapter. In interpreting and applying the provisions, the sign requirements contained in this chapter are declared to be the maximum allowable for the purpose set forth.

Notwithstanding anything to the contrary in this Chapter, the Planning Commission and City staff shall interpret and apply the provisions in this Chapter in a content-neutral manner, avoiding, to the extent possible, content or viewpoint-based discrimination, except as it relates to federal and state constitutionally based obscenity standards.

Section 7-3 Application and Review Procedures

No person shall erect, structurally alter, or relocate any permanent or temporary sign without first obtaining a sign permit, or a building permit from the City, unless the sign is exempt under this chapter. Sign permits shall be procured from the Kanab City office within 30 days.

Section 7-4 Sign Defined

A "sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, or other features used to draw the attention of observers to the sign.

Section 7-5 Awnings and Canopies

A. Definitions:

1. Awning: A covered structure of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building only.
2. Canopy: A roofed structure constructed of fabric or other material placed so as to extend outward from a building, providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilever from the building, or freestanding, supported from the ground.

B. Where Allowed:

1. Awnings and canopies are permitted as signs in commercial and manufacturing zones but should not be the dominant architectural features.
2. Awnings must be located in a traditional manner above doors, windows, or walkways, provided that walkways lead to a bona fide entrance. All other locations for awnings

Adopted January 22, 2008; Amended April 14, 2026

Kanab

Land Use Ordinance

Chapter 07 – Signs

Revised May 9, 2023

are prohibited. In the Commercial C-1 zone, the City has adopted design standards that are contained in Chapter 20 Commercial Zones, Section 20-8.

C. Maximum Allowed:

1. Awnings and canopies are counted as signs to the extent that a part of the awning or canopy is used for advertising purposes. The square footage of the advertising portion of an awning or canopy shall be no greater than ten percent (10%) of the total square footage of each elevation of the building, and the sign area used on the awning will be considered part of the overall 20% percent sign area allowance for each elevation plane of a building.
2. All awnings and canopies shall conform to all provisions of the building code. An awning or canopy shall maintain a minimum of eight feet (8') of clearance above any sidewalk. Any additional signs affixed to the awning or canopy, or its support, will count toward the 20% maximum area allowed for the relevant elevation plane of the building.
3. No awning or canopy may extend over public property, except in the C-1 zone.

Section 7-6 Banners

- A. Definition: A sign made of fabric or other non-rigid material with no enclosing framework and securely attached at each end to posts or to some rigid structure or hung flush against the building wall.

Banners are intended to be of a temporary nature and not a permanent installation.

B. Advertising Banners on Private Property:

1. Banner signs for new businesses awaiting permanent signs may be installed on the premises of a new business in order to announce the opening of such new business, provided that such signs may only be erected for one continuous period not to exceed six (6) months.
2. Banners for special items and sales events may be installed for the advertised period of the sales event, and such events shall be separated by a minimum of a six (6) month period of time unless otherwise extended by approval of the city staff.
3. A permit shall be issued by the city staff for any banner request. The banner location shall be approved by the city staff.
4. Banners that which are flush against a building wall shall not exceed ten percent (10%) of the elevation plane of the building.
5. No more than one banner per street front may be displayed at any one time on any business property.

Section 7-7 Freestanding Signs

Adopted January 22, 2008; Amended April 14, 2026

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- A. Definition: A permanent sign which is supported by one or more uprights, or braces which are fastened to, or embedded in the ground, or in a foundation in the ground. A freestanding sign is self-supporting and stands in place without support from any other source. For purposes of this chapter, low-profile monument signs shall be considered as a separate sign category and not as a "Free-standing Sign".
- B. Where Allowed: Freestanding signs are permitted in the commercial C-2 and C-3 zones and manufacturing zones. (Not allowed in the C-1 zone) See Monument Signs for allowed signs.
- C. Maximum Height, Size and Number Allowed:
 - 1. Freestanding signs shall not exceed thirty feet (30') in height at grade level. A freestanding sign shall have a minimum clearance of 14 feet over driveways. A freestanding sign shall not impair the line of sight of a motor vehicle when located on private property.
 - 2. Freestanding signs are limited to a maximum sign area of 150 square feet unless the lot has more than two hundred fifty (250') feet of public street frontage in which case a larger sign may be permitted based on the following formulae: An additional five (5) square feet of sign area for each 25' of public street frontage over 250', up to a maximum size of 225 square feet.
 - 3. Parcels are limited to one freestanding sign, except that properties with more than two hundred fifty feet (250') of public street frontage, may, with approval of the Planning Commission, install a second freestanding sign subject to a minimum separation of 100' between free-standing signs, and the second sign may only be up to 75% of the size of the first (main) sign. The maximum number of free-standing signs on any one parcel shall be two signs.
Exception: Corner properties are allowed to have a second sign on an adjacent street equal to the same size as the first sign.
 - 4. Freestanding sign support poles shall be located on private property and not within a public right of way, but the sign cabinet may project over the right of way a maximum of four (4) feet and meet required heights.
- D. Free-Standing signs, OFF-PREMISE:
 - 1. In commercial zones, one off-premise sign may be permitted for businesses without highway frontage but within one block of Highway 89 or 89A, provided that the property (business or service) being advertised is located within 600 feet of the off-premise sign.
 - 2. The off-premise sign must be at least 100' from any other free-standing sign on the same property unless the signs are combined on the same pole and must also be at least 100' from a residential zone.

Adopted January 22, 2008; Amended April 14, 2026

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3. The off-premise sign shall be limited in sign area to 50% of the allowed sign area if it ~~would have been~~ located on premises, but in no case shall an off-premise sign exceed 100 square feet in area. ~~An off-premises sign shall not be an electronic message sign.~~
4. Other regulations or permits may be required from the Utah Department of Transportation for off-premise signs located on a highway.

Section 7-8 Wall Signs

- A. Definition: Any sign erected parallel and attached to or painted on the outside wall of a building and extending not more than eighteen inches (18") from the wall, and shall not extend above the wall area. A wall includes all ~~window the windows~~ and wall area of each elevation of the building.
- B. Maximum Size Allowed: The total area of all wall signs shall not exceed twenty percent (20%) of each elevation of the building. Wall signs shall have a maximum size of up to 130 square feet.
 1. Signs on an awning, window, canopy, or mansard roof will be considered to be a part of a wall sign and calculated as a part of the total square footage allowed.
 2. Wall murals ~~are permitted but must comply with applicable obscenity laws, as defined by federal and state standards, and shall not include Murals must not create a public safety hazard, such as by obstructing or obscuring traffic signs, or causing undue distraction to drivers, which are purely decorative in nature and content, and do not include advertising by picture or verbal message may be approved for front and side wall by the planning commission.~~
 - 2.3. In the Commercial C-1 zone, the City has adopted design standards that are contained in Chapter 20 Commercial Zones, Section 20-8, which shall apply to wall signs and murals.

Commented [KC2]: This is very discretionary without standards/requirements.

Section 7-9 Projecting Signs

- A. Projecting signs that are eight (8) feet to twelve (12) feet in height may project from the front wall of a building a maximum of six (6) feet. The maximum sign area for projecting signs that are eight (8) feet to twelve (12) feet in height shall not exceed 25 square feet.
- B. Projecting signs that are over twelve (12) feet in height may project from the front wall of a building up to a maximum of ten (10) feet. The maximum sign area for projecting signs over twelve (12) feet in height shall not exceed 50 square feet.

Adopted January 22, 2008; Amended April 14, 2026

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[Revised May 9, 2023](#)

- C. A projecting sign may also project over a public right of way up to 6' maximum, provided that a minimum ground clearance of 8' over sidewalks, and 14' over driveways is maintained.

Section 7-10 Window Signs

- A. Definition: Any sign placed in a window or door of a commercial business or professional office for the purpose of advertising any product or service offered inside the business.
- B. Where Allowed: In any window or door of a commercial business or professional office located within a commercial or manufacturing zone. Window signs are exempt from the permit procedures in Section 7-3 of this chapter.
- C. Maximum Size Allowed: Window signs shall not cover more than 60% of the window or door area and are included in the overall 20% sign area allowed for any elevation, which includes walls, windows, and doors.

Section 7-11 Monument Signs

- A. Definition: A permanent on-premises sign, having a maximum height of ten feet (10') including base, and having a closed base that provides support for the sign.
- B. Where Allowed: Monument signs are permitted in all commercial and manufacturing zones.
- C. Maximum Size and Number Allowed:
 - 1. The maximum size of a monument sign is eighty (80) square feet.
 - 2. One monument sign shall be allowed for every 100' of public street frontage, up to a maximum of two (2) signs.
- D. No sign shall interfere with the public right of way or clear view area at an intersection or driveway.
- E. Monument signs in residential areas:
 - 1. Monument signs may be used at the permanent entrance to a subdivision, other planned residential development, parks, schools, churches, and similar areas. Such signs will comply with all monument sign requirements set forth below:
 - i. Sign height shall be limited to six feet (6'), and a width of eight feet (8').
 - ii. The monument sign shall be located a minimum of two feet (2') behind the property line.

[Adopted January 22, 2008; Amended April 14, 2026](#)

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- iii. Two monument signs are allowed for each subdivision to be located at different entrances to the subdivision.

Section 7-12 A-Frame (Sandwich) Signs

Definition: A-Frame (Sandwich) Signs are self-supporting signs with only two visible sides used for temporary advertising purposes, and may be permitted on commercial property subject to the following conditions:

- a. Placed so as not to obstruct the clear view of intersections and driveways as set forth in this chapter.
- b. Allowed on the City right of way when there is a zero setback for the building. Businesses that meet this requirement shall not place signs on the sidewalk where that it would impede pedestrian foot traffic. Sign shall not exceed eight (8) sq. ft., shall not exceed 4 feet in height, and must be brought in during non-business hours.
- c. The maximum sign area for all other buildings without a zero setback, shall not exceed 32 square feet, and shall not exceed 4 feet in height. — One A-frame sign is allowed per business or each-per street frontage of the business.

Section 7-13 Temporary Signs

- A. Definition: A sign intended for outdoor use for a limited time, not to exceed 30 days. Temporary signs shall not include illumination and shall be removed upon expiration of the permit period. Uses of temporary signs include temporary sales, grand openings, holiday promotions, and approved residential banners. Temporary signs are usually installed on private property.
- B. Temporary signs shall require a permit.
- C. Maximum Allowed: Temporary signs are allowed thirty (30) days before an event and should be removed within five (5) days following the event:
 - 1. Temporary signs shall be maintained in good repair at all times.
 - 2. Temporary signs that violate this ordinance may be removed by the city if doing so will not damage the sign after reasonable attempts have been made to ask for compliance. The sign will then be ~~given-back~~returned to the owner or discarded if considered abandoned.

Adopted January 22, 2008; Amended April 14, 2026

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3. Temporary signs are permitted in any zone in the City, provided that they are located a minimum of two feet (2') behind the property line. Only one temporary sign is allowed on any street frontage of the property.
 4. A temporary sign shall not exceed thirty-two (32) square feet in area and four feet (4') in height.
 5. Pennants and inflatable signs may be used for grand openings for new businesses or significant changes (e.g., additions or changes in uses) to the business. The pennants and inflatable signs are allowed to remain on the premises for up to 60 days after the event as described in this section.
- D. Commercial and private signs are not allowed on City-owned or City-maintained property. Authorized Civic Event signs are allowed on City-owned property after obtaining a permit from the City and under the following conditions:
1. Such signs shall not block the visibility (for vehicle or pedestrian traffic) of existing signs.
 2. Such signs shall not unsafely obstruct or hinder the views of vehicle or pedestrian traffic.
 3. Such signs can only be placed within 30 days of the Civic Event or election and must be removed within 5 days after the conclusion of the Civic Event or election.
 4. Such signs must not exceed 32 square feet. Temporary block letter signs will be measured by individual letter.

Civic Events are defined as a temporary or seasonal event open to the local community that are is sponsored by, partnered with, or organized by the City, and other government entity.

A sponsor is defined as an entity that has formally agreed to provide financial, in-kind, or other support or remuneration in exchange for the name and logo to be added as a sponsor of the event in all print, video, internet publications, advertising or signs. A contribution of financial, in-kind, or other support or remuneration alone does not indicate an event is sponsored.

Commented [KC3]: Need to define/clarify

Section 7-14 Commercial Signs in Residential Areas

Adopted January 22, 2008; Amended April 14, 2026

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Generally, non-commercial signs on private property in residential areas that do not amount to a nuisance are allowed. However, commercial signs in residential areas are only allowed under the following requirements:

- A. A "Promotional sign" for new Residential Developments is allowed, provided such a sign does not exceed 12' in height, ~~and is~~ not larger than 64 square feet, and is setback from the property line at least 10'. Such promotional sign shall be removed when all lots have been sold once. Promotional signs must be maintained and kept in good repair.
- B. Bed and Breakfasts, Home Occupations, or other Approved Commercial Conditional Uses may have one sign up to 16 square feet, setback at least 5' from the curb line or front property line where no curb exists.
- C. Short-term yard signs may be used in residential areas immediately prior to and during a yard sale, garage sale, or while an open house is in progress. Such signs do not require prior city approval but shall be removed within one day following the yard or garage sales.

Section 7-15 Directional or Guide Signs

- A. Definition: "Directional or guide signs" are government-owned signs ~~which that~~ give direction to areas recognized by the ~~City of Kanab~~ to be of regional importance; ~~they~~ may be installed at locations approved by the Kanab City Staff.
- B. Where Allowed: At sites specifically approved by the Kanab City Staff, and by the Utah Dept of Transportation for directional signs placed along Highways 89 and 89A.
- C. Maximum Allowed: No sign may exceed thirty-two (32) square feet in area, unless otherwise approved by the Kanab City Staff.

Section 7-16 Public Necessity Signs

- A. Definition: "Public necessity signs" include such things as no parking signs, street name signs, bus stop signs, speed limit signs, and other similar signs as approved by the city. These signs contain no advertising of any kind.
- B. Where Allowed: Wherever it is determined by Kanab City that such signs are needed to provide information to residents and visitors to the city.
- C. Maximum Allowed: These signs may be allowed by the city without specific permits being granted for specific signs. However, permission for signs included in this category requires specific approval by Kanab City and may require city installation.

Section 7-17 Entrance/Exit Signs

Adopted January 22, 2008; Amended April 14, 2026

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- A. Definition: Signs allowed at the entrances to and from commercial, planned development, or mixed-use property adjacent to a public street, or any way where one-way driveways have been approved by the city.
- B. Where Allowed: Not more than one sign is allowed at the entrance driveway, and one sign is allowed at the exit driveway of business or professional locations. Entrance and exit signs do not apply to individual residential properties but may be used in subdivision areas prior to the project being sold out, or in other areas subject to prior city approval.
- C. Maximum Size and Height Allowed: Each sign shall be no more than four feet (4') in height and may contain no more than six (6) square feet in area.

Section 7-18 Electronic Message Signs

- A. Definition: An electronic message center (EMC) is a sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.
- B. Electronic message signs are permitted in the commercial and manufacturing zones when integrated into a permanent free-standing or monument-type sign. —A separate, stand-alone electronic message sign is not permitted within Kanab City. ~~On off-~~premises, stand-alone electronic message sign is not permitted within Kanab City.
- C. The electronic message portion of a free-standing or monument-type sign shall not exceed 80% of the overall sign area, with a maximum area of 50 sq. ft.
- D. Flashing or blinking images or lights are not permitted.
- E. Electronic message signs shall not contain any noise or audible verbal message.
- F. EMC shall not exceed 0.3-foot candles over ambient lighting conditions when measured at the recommended (ISA) distance, based on EMC size.
- G. EMCs shall incorporate a photocell or other technology to ensure the display can adjust according to ambient light conditions (day versus night). Illumination measurements shall be in foot candles, not NITS.

Section 7-19 Lighting

Adopted January 22, 2008; Amended April 14, 2026

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[Revised May 9, 2023](#)

- A. External lighting: All flood lights, spotlights, and clear or white exposed bulbs must be shielded or hooded to reduce light trespass and to focus the light onto the sign.
 - a. Neon signs are acceptable without shielding.
- B. Internal Lighting: Light source from inside of the sign is encouraged. The side panels diffuse the light, reduce glare, and light trespass.

Section 7-20 Enforcement of Abandoned, Dangerous, Illegal, or Defective Signs

- A. Definition: Any sign ~~which that~~ is applicable to any use ~~which that~~ has been discontinued. Any sign in which the sign structure or body of advertisement is not kept safe and in good repair, or is defective, unreadable, or otherwise not compliant with this chapter.
- B. Requirements: All signs are to be kept in good repair physically, and the sign appearance shall be kept in good, readable condition at all times.
- C. Any sign that is abandoned, dangerous, illegal, defective, or in any way violates this ordinance is deemed a nuisance and therefore is subject to the civil, criminal, and enforcement provisions of the Nuisance ordinance found in Section 10 of the Kanab General Ordinance.

Section 7-21 Prohibited Signs

- A. Definition: These signs include types of signs that are not allowed within the city limits of Kanab City. These signs include any sign or advertising structure that was unlawfully erected without a required permit, or which fails to conform to any requirements of this chapter, or the requirements of building codes adopted by the City.
- B. Signs in this group are not permitted anywhere within Kanab City.
- C. Type of Signs Included in This Category
 - 1. Abandoned signs
 - 2. Billboards/Oversize Sign
 - 3. Animated, rotating, or Flashing signs.
 - 4. Hazardous or unsafe signs.
 - 5. Mobile or portable signs, including snipe signs or similar flag or pennant-style signs (except A-frame signs or other signs as specified in this chapter).
 - 6. Off-premises signs (except for off-premise signs as specified in this chapter).
 - 7. Roof signs projecting above the roofline.
 - 8. Signs of any type in zones where they are not permitted by this chapter.
 - 9. Signs resembling traffic control signs, not properly authorized.

[Adopted January 22, 2008; Amended April 14, 2026](#)

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10. Any sign within the public right-of-way other than official government-approved traffic, safety, or directional signs (except for A-frame signs or other signs as specified in this chapter).
11. Any non-approved sign attached to a light or traffic signal pole, or attached to a similar type pole or tree.
12. No noise-emitting signs unless allowed by the Utah Department of Transportation (e.g., assist with hearing impaired)

D. Obstruction/Interference Prohibited: Any sign erected at or near the intersection of any street, or driveway, in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape, color, size, or lighting, may interfere with, obstruct the view of, or be confused with, an authorized traffic sign, signal, or device, or which makes the words "stop", "drive-in", "danger", or any other phrases, symbols or characters, in such a manner as to interfere with, mislead, or confuse traffic.

Section 7-22 Non-Conforming Signs

Any sign that was lawfully in existence at the time of the effective date of this Ordinance that does not conform to the provisions herein, and any sign that is accessory to a non-conforming use, shall be deemed a non-conforming sign and may remain on a lot of record, except as qualified below. Non-conforming signs shall not be enlarged, extended, structurally altered, or reconstructed in any manner.

Non-conforming signs may remain on a lot of record, provided they are kept in good repair, except for the following:

1. Remodeling. Signs undergoing structural changes or signs that have been removed from the building shall not be permitted to remain without being modified in such a manner as to be in full compliance with these sign regulations.
2. Relocation. No non-conforming sign shall be moved for any distance on the same lot or to any other lot unless such changes in location will make the sign conform to the provisions of this Ordinance.
3. Damage or Destruction of Sign. A non-conforming sign that is destroyed or damaged (excluding damage caused by vandalism or an act of God/Nature) to an extent exceeding 50 percent of its fair market value shall not be repaired, altered, replaced, or reinstalled unless it is made to be in conformance with these regulations. If the damage or destruction is 50 percent or less of the fair market value, the sign may be restored within (1) one year of the destruction, but shall not be enlarged in any manner.
4. Damage or Destruction of Use. A non-conforming sign shall be removed if the structure to which it is accessory is destroyed or demolished to an extent exceeding 50 percent of the

Adopted January 22, 2008; Amended April 14, 2026

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principal structure's fair market value.

Section 7-23 Safety in Construction and City Non-Liability

- A. Sign Erection Safety Precautions for Streets and Sidewalk - Whenever any sign or other advertising structure is erected in whole or in part on or over any public street or sidewalk, the person or persons performing the work shall, before proceeding to erect the same, take all precautions necessary to ensure the safety of persons and property on such street or sidewalk. Before hoisting any material whatsoever above the surface of any street or sidewalk or placing any material upon the traveled portion of any street or sidewalk, the persons or person performing such work shall exclude the traveling public from the portion of such street or sidewalk in which such work is to be done by means of suitable barriers, protected walkways and warning devices approved by the Building Inspection Department; and whenever the Department shall deem it necessary under the conditions then existing, shall provide a guard or guards to exclude all persons not concerned in the work from the portion of the street or sidewalk in which the work is to proceed. When hoisting any sign or advertising structure above the surface of any street or sidewalk, the same shall be accompanied by hoisting devices of approved design and adequate capacity to accomplish the work in accordance with approved engineering practices, all of which hoisting equipment shall be kept and maintained in good and workable condition.
- B. City Non-liability - The City of Kanab, its Building Inspector, and its other agents shall in no way be liable for any negligence of the owner, or the person responsible for the sign.
- ~~C.~~ Any sign installation or modification shall meet the International Building Code and all other adopted or approved national building codes.

~~D.C.~~ _____

Adopted January 22, 2008; Amended April 14, 2026

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



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

Kanab City Council Staff Report

File Number 20260105

Date:	February 2, 2026
Meeting Date:	April 14th, 2026
Agenda Item:	Approve or Deny a text amendment for Land Use Ordinances, Chapter 4 Supplementary Regulations to adopt a minimum set back along Highway 89A for any development along the highway frontage.

Attachments:

- **Exhibit A: Proposed Amendment(s) with Red Lines**
- **Exhibit B: Staff Report UDOT Meeting**
- **Exhibit C: Updated UDOT drawing**

Summary:

A text amendment to update the Land Use Ordinance, Chapter 4 Supplementary Regulations. The amendment is to adopt setbacks preserving the highway corridor for future growth and expansion.

Public Hearing:

During the public hearing one member of the public spoke in favor of UDOT being proactive and planning ahead to help mitigate traffic.

Planning Commission:

During the February 3, 2026 meeting, planning commission discussed the UDOT requested setbacks to prepare for possible future expansion, whilst lowering the potential cost by keeping developments out of the proposed expansion areas. Planning commission agreed with the UDOT request and provided direction for staff to draft a proposed amendment for the next meeting.

On April 7, 2026, planning commission discussed the UDOT setbacks, what UDOT requested, and what currently stands. It was talked about to add a 15ft setback to the west side. The planning commission unanimously agreed on amending and adopting a new setback, with the condition that UDOT is contacted to see if they would allow a lesser setback north of Plum Tree Dr. as the road already has 4 lanes with a turn lane.

Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



City Council

Arlon Chamberlain

Chris Heaton

Boyd Corry

Peter Banks

Steve Shrope

Suggested Motion

I make a motion to adopt changes to the Kanab City Land Use Ordinances identified in exhibit A of the Staff Report for 20260105 and approve ordinance 10-XX-26 O

I move to make a motion to deny the proposed changes to the Kanab City Land Use Ordinances identified in exhibit A of the staff report for 20260105

I make a motion to adopt changes to the Kanab City Land Use Ordinances identified in exhibit A of the staff report 20260105 and approve Ordinance 10-XX-26 O with the following amendments:

I move to continue the discussion to the following meeting:

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



City
Council
Arlon Chamberlain
Chris
Heaton
Boyd Corry
Peter Banks

Exhibit A: Proposed Amendment with Red Lines

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Lots or parcels

- 4-1 Substandard Lots at Time of Ordinance Passage
- 4-2 Lot Standards
- 4-3 Cul-de-Sac Lot Frontage Requirements
- 4-4 Highway Corridor Setbacks
- 4-45 Every dwelling to be on a Lot – Exceptions
- 4-56 Yard Space for One Building Only
- 4-78 Sale or Lease of Required Space
- 4-89 Minimum Lot Size Required for Subdivision

Buildings, Dwellings, and Yard Setbacks

- 4-67 Residential Occupancy Standards
- 4-9 ~~Yards to be Unobstructed – Exceptions~~
- 4-10 Area of Accessory Buildings – Guest Houses
- 4-11 Building Height Calculation
- 4-12 Exceptions to Building Height Limitations
- 4-13 Minimum Height of Main Buildings
- 4-14 Maximum Height of Accessory Buildings

Miscellaneous development standards

- 4-15 Clear View of Intersecting Street
- 4-16 Maximum Height of Fences, Walls, and Hedges
- 4-17 Water and Sewer Requirements
- 4-18 Curbs, Gutters and Sidewalks
- 4-19 Effect of Official Map
- 4-20 Flag Lots - Special Provisions
- 4-21 Private Lanes - Special Provisions
- 4-22 Temporary Lodging
- 4-25 Domestic Farm Animals
- 4-26 Residential Zones Design Standards
- 4-27 American National Standard Manufactured Home Installations
- 4-29 Streets and Trails Connectivity
- 4-32 Outdoor Residential Lighting

Home Occupations, Group Homes, Leasing Property, R&D, and IADUs

- 4-23 Handicapped Residential Facilities
- 4-24 Elderly Residential Facilities

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- 4-28 Home Occupations**
- 4-30 Residential Facilities for Persons with Disability**
- 4-31 Research and Development Activities**
- 4-33 Short Term Leases of Residential Properties**
- 4-34 Internal Accessory Dwelling Units**
- 4-35 Archery Range**
- 4-34 Internal Accessory Dwelling Units**
- 4-35 Archery Range**

Section 4-1 Substandard Lots at Time of Ordinance Passage

Any lot legally held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the district in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two (2) yards be less than five (5) feet or the total width of the two (2) yards be less than thirteen (13) feet.

Section 4-2 Lot Standards

Except as provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width, and depth as is required by this Ordinance for the zone in which such lot is located and shall have frontage upon a dedicated public street, unless a private lane has been approved in accordance with section 4-21 of this chapter, or private street approved through the subdivision platting process as set forth in Kanab City Subdivision Ordinance, before a building permit may be issued.

Section 4-3 Cul-de-Sac Lot and Street Requirements

Lots in an approved subdivision, which front on a cul-de-sac shall be approved for construction with frontages as shown on the plat. The lots shall be required to meet the frontage requirements of the zone in which they are located, at the required front yard setback. See Exhibit A, Illustration 13 Kanab City Transportation Master Plan for specific configurations.

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Land Use Ordinance

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Section 4-4 Highway Corridor Setbacks

In coordination with the Utah Department of Transportation (UDOT), and to accommodate current and future highway corridor needs, Kanab City requires a minimum setback of forty-five feet (45') from the property line along the east side and a minimum of fifteen feet (15') from the property line along the west side of Utah Highway 89A.

This setback requirement shall apply to all zoning districts and all properties located on the east side of Utah Highway 89A and shall apply to all new principal, accessory structures, and additions.

Section 4-54 Every Dwelling to be on a Lot – Exceptions

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage on a city street as required by this Ordinance for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the Kanab City Planning Commission, may occupy one (1) lot for each such multi-structure complex.

Section 4-65 Yard Space for One Building Only

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where on a building is to be erected or established.

Section 4-76 Residential Occupancy Regulations

Purpose: Over-occupancy of dwelling units creates health and safety dangers to home occupants and their neighbors. These dangers include fire hazards, spread of disease to occupants and the general population, an opportunity for domestic violence and abuse, effects to mental health and other adverse impacts on the peace, comfort, and safety of residents. To protect against these dangers, the City established regulations limiting the number of occupants in a residence. These regulations are intended to ensure a good living environment in residential neighborhoods and reduce vehicle congestion, noise and overwhelming of public utilities. In general, the limitations are based on the size of the

Adopted January 22, 2008; Amended February 11, 2025

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Commented [KC1R2]: Updated redline to accommodate a walk/bike lane on one side of the highway.

So the east side of the highway is not the only side effected by the future corridor expansion, the additional 15' needed for the right of way of a walk/bike lane was accommodated on the west side of the highway.

Commented [KC1R3]: Planning Commission motion included a condition that UDOT would approve that the 45' set back on the east side would begin south of Plum Tree Dr.

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Kanab

Land Use Ordinance

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house, the size and number of bedrooms, the relationships of the residents, and fire safety standards. Failure to comply with any portion of these requirements constitutes a violation of legal occupancy allowances.

A. Occupancy Standards Based on the Size of the Residence.

The City limits the number of adult occupants in a house based upon the size of the entire dwelling unit. The following table outlines these limits for each type of dwelling unit. (*see* Table A1)

Table A1

Livable Floor Area of Dwelling Unit (in square feet)	Maximum Numbers of Adult Occupants*
1,200 and under	4 adult occupants
1,201 to 1,750	5 related adult occupants
1,751 to 2,400	6 related adult occupants
2,401 to 3,150	7 related adult occupants
3,151 to 4,000	8 related adult occupants
4,001 to 4,500	9 related adult occupants
4,501 to 5,000	10 related adult occupants
*Adult Occupant means any individual 18 years of age or older, living or sleeping in a building, or having possession of space within a building.	

In a condominium or apartment, the number of adults allowed is calculated by taking the square footage of the unit and dividing by 200. The result gives the number of adults who

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may live in that unit according to this standard (e.g., 4 adults are allowed in a 1000 square foot unit, though the standards of Section 2 will likely reduce the number allowed).

B. Occupancy Standards for Bedrooms: One occupant - requires at least 70 square feet of floor area. Two or more occupants require at least 50 square feet of floor area per person.

Bedroom Size (square feet)	Maximum Number of Occupants per Room*
70	1
100	2
150	3
200	4
*Number of Occupants includes adults and children	

An Example: Applying the Standards in a Single-Family Dwelling.

Suppose you live in a townhouse with a livable floor area of 1,325 square feet and three bedrooms measuring 85, 108, and 156 square feet.

To figure out the number of people who can live in your home, calculate how many people are allowed based on the tables in Sections 1 and 2 and then confirm the relationships allowed in Section 3. The standards in Section 1 (based on the size of the residence) permit five related adult occupants plus all related (based on the size of the residence) permit five related adult occupants plus all related children.

The occupancy standards in Section 2 (bedroom size) allow six related persons (1 in the 85 square foot bedroom, 2 in the 108 square foot bedroom and 3 in the 156 square foot bedroom). The maximum number of people permitted in the residence must conform to the limits of both standards. Thus, this unit could house six persons, but not more than five adults may live there. Please note that if more than four persons live in the residence, they must all be related (Section 3).

C. Relationship of Occupants.

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Residential dwellings may be occupied by any one of the following groups of persons or types of families:

1. Persons who are all related to one another by blood, marriage, or adoption. This includes husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, and first cousins, including "step" or "half" such relationships, as demonstrated by official public records such as drivers' licenses, birth or marriage certificates. (Subject to building and bedroom size regulations).
2. Up to four persons who are not all related to one another by blood, marriage, or adoption.
3. Two unrelated persons and any children related to either of them.
4. No more than eight persons who are residents of a group home or residential facilities for persons with disabilities as defined in the Utah Fair Housing Act, or who are handicapped or disabled as defined in the Fair Housing Act, federal law, or applicable jurisprudence.
5. Additionally, up to two persons who may be servants, live-in companions to the elderly or disabled, or "au-pair" employees may occupy the residence in addition to members of the family as defined above, EXCEPT a family as described in 3b above.

Section 4-87 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot or building.

Section 4-98 Minimum Lot Size Required for Subdivision

No parcel of land that has less than the minimum width and area requirements for the district in which it is located may be subdivided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

Section 4-10 Area of Accessory Buildings

- A. No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.
- B. No building that is accessory to a single-family or multi-family dwelling shall be erected to a height greater than twenty-five (25) feet.

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- C. Accessory buildings shall not have fluorescent or metallic colors on the exterior of any structure.
- D. All accessory buildings shall have front yard, rear yard, and side yard setbacks as required by the applicable Land Use Ordinance. Accessory buildings shall not be built over dedicated easements or septic systems.
 - 1. Accessory buildings shall have a minimum 10-foot separation from any other building on the property
 - 2. Accessory buildings allowed in the front yard, or for corner lots with a street-facing side yard, shall:
 - a. Be painted the same or similar color as the main residence.
 - b. Be placed at an angle or offset from the primary residence.
 - c. Not obstruct the primary residence's front elevation more than 20% (standing centerline of the residence).
 - d. Not have a combined footprint (sq. ft.) greater than 100% of the living area of the primary residence (see additional requirements for guest houses below).
 - e. Meet the guest house setbacks required by the applicable Land Use Ordinance (except for corner lots with side yards facing a public street, where setbacks shall be 25 ft.).
 - 3. Accessory buildings, with the exception of a guest house, allowed in the rear yard, shall have a minimum 2-foot setback from rear property line (except for corner lots, which shall maintain a minimum 25-foot setback along the street-facing side yard).
- E. Guest Houses: The square footage of the garage or guesthouse shall not be greater than fifty (50) percent of the area of the main floor of the primary residence. Guest houses shall meet the setback requirement for residential structures by the zoning ordinance for front, side, and rear yards and have a minimum 10-foot separation from any other building on the property.
- F. Cargo or other similar storage containers may be placed in the rear or side yard only and shall be painted one solid color.
- G. Accessory buildings are permitted in residential single-family zones (R-1-8, R-1-10, R-1-15, R-1-20, MH-KCR, and RR-1) without a primary residence under the following conditions:
 - 1. Shall not be used as a temporary or permanent residence (except as allowed in section 4-22 (3) Temporary Lodging used during construction).
 - 2. Shall only be used for non-commercial, storage, or agricultural use. See also section 4-25 Domestic Farm Animals.
 - 3. Shall have a maximum size of 10% of lot size, with a maximum of 5,000 sq.ft. (whichever is less).

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- H. Chicken coops are only allowed in the side and rear yard and shall be enclosed.
- I. Sheds used for storage and maintenance equipment (excluding private garages or private shops) may be placed in the side and rear yard only.

Section 4-11 Building Height Calculation

The height of a building or structure is the vertical dimension measured from the highest point on the exterior of the building or structure to the nearest point of finished grade. For purposes of measuring height, finished grade shall mean the highest grade within five (5) feet of the structure or wall of the building, which has a grading and/or drainage plan approved. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable.

Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade. No part of any building or structure may exceed the maximum structural height allowed in a specific zoning district except as allowed in section 4-12.

On sloping building sites, no part of any building or structure shall exceed the maximum height as measured from the highest point on the exterior of the building or structure to the nearest point of finished grade except as allowed in section 4-12, nor shall the height of the building or structure facing the downhill side, as measured from the highest point of the building or structure to the lowest point of finished grade on the downhill side, exceed 125% of Maximum Height. See Exhibit "D" for diagrams.

Section 4-12 Exceptions to Building Height Limitations

The following are exceptions to the building height limitations:

- A. Commercial Zones: communication antennas; steeples on non-commercial buildings; and FAA required lighting.
- B. Non-commercial Zones: steeples; flagpoles; wireless communication; and chimneys.

All height exceptions listed in this section are subject to a conditional use permit.

Section 4-13 Minimum Height of Main Buildings

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No dwelling shall be erected to a height less than one (1) story above grade. An underground dwelling designed with full front exposure may be approved by the Planning Commission if it meets the appropriate building codes.

Section 4-14 Maximum Height of Accessory Buildings

No building which is accessory to a single-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than twenty-five (25) feet.

Section 4-15 Clear View of Intersecting Street

At every intersection there shall be a triangular area (shown in Figure 1 of this section) deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a local classification; one hundred (100') feet from the intersection of such centerlines for a street with a collector classification; and one hundred fifty (150') feet from the intersection of such centerlines for a street with an arterial classification.

In residential and commercial districts, a clear unobstructed vision at the corners of intersecting streets shall be maintained between the height of two (2) feet and seven (7) feet above the established elevation at the intersecting property lines nearest the corner.

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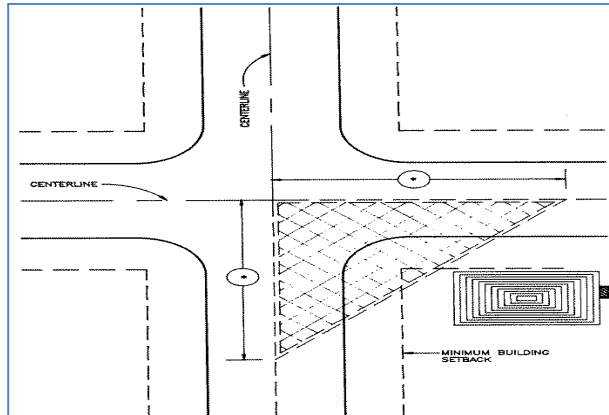


Figure 1 - Clear View of Intersecting Street

Section 4-16 Maximum Height of Fences, Walls, and Hedges

Purpose:

To regulate the construction and maintenance of fences on public and private property. The regulations outlined in this section aim to promote safety, privacy, and aesthetic appeal while addressing potential issues such as obstructed views, property line disputes, and neighborhood cohesion.

This section regulates the minimum and maximum fencing standards for residential, commercial, and manufacturing areas in Kanab City. These standards are applicable to all public and private development, unless otherwise specifically stated.

A building permit is required for the construction of all fences and walls over 7 feet in height in order to ensure that the construction meets the current building codes for safety and suitability.

- A. All fences, walls or hedges that will be constructed along street frontage shall not be required to have a setback.
- B. Front Yards. Fences, walls, or hedges are allowed in the front yard provided they do not exceed a maximum height of four (4) feet. "Front yard" is defined in Chapter 1; however, for parcels or lots with homes or buildings considered nonconforming in their orientation (i.e., the home or building does not face the most proximate/adjacent street

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frontage), any fence, wall, or hedge must not exceed a maximum height of four (4) feet along the street frontage for an interior lot. Legal non-conforming structures, that are non-conforming as to their orientation to the closest adjacent road subsequently installed, improved and dedicated to the city may have a 6-foot fence with a zero foot setback on the street side.

- C. Side and Rear Yards. Fences, walls, or hedges are allowed in the side and rear yard provided they do not exceed a maximum height of eight (8) feet, shall be located outside the required front yard setback outlined in the Residential Zones and the Manufactured Home - KCR zone.
- D. Corner Lots. Any fence, wall or hedge within the front yard shall not exceed four (4) feet in height provided they meet the sight vision requirement outlined in F below. Any fence or wall within the side yard fronting a street is permitted provided the fence, wall or hedge does not exceed a maximum height of eight (8) feet, shall be located outside the clear sight triangle (see Figure 1 in section 4-15) and located outside the required front yard setback outlined in the Residential Zones and the Manufactured Home - KCR zone.
- E. Clear View at Driveways. The clear view area shall be defined by drawing a line between two (2) points that are a minimum of ten (10) feet from the driveway and street lines. Shall meet the sight vision requirements in letter F.
- F. Sight Vision. Fences within the clear sight triangle or clear view areas shall have a 70% visibility factor.
- G. Commercial and manufacturing fence regulations.
 - 1. In C-2, C-3, and M-1 zones, a fence up to eight (8) feet in height shall be permitted on the rear, side and front property lines. When property fronts on Highway 89 and/or Highway 89A, a fence that exceeds four (4) feet in height shall be approved by conditional use permit. A fence up to ninety-six (96) Inches in height in the side and rear property lines shall be by conditional use permit. Razor or barbed wire is not allowed as fence material in the above zones.
 - 2. Fences in M-2 and M-3 zones shall not exceed eight (8) feet in height and shall be allowed in the rear, side and front property lines. Razor or barbed wire is permitted and shall be included in the maximum fence height. When a side yard fence in a commercial or manufacturing zone is adjacent to a private or commercial driveway, the fence shall meet clear view requirements above three (3) feet height and ten (10) feet from the front property line.
 - 3. When a fence on commercial and/or manufacturing property abuts a residential lot, the fence is required and shall be at least eight (8) feet in height in the side and rear yard and be constructed of privacy materials.

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H. Permitted fencing materials include:

1. Post and rail
2. Chain link
3. Wood plank, diminished lumber
4. Block or masonry wall on foundation
5. Vinyl fencing
- ~~6-1.~~ 6-1. Picket fencing
- ~~7-2.~~ 7-2. Wrought iron
- ~~8-3.~~ 8-3. Corrugated Metal with trim or framing around perimeter edges
- ~~9-4.~~ 9-4. Welded wire and smooth wire with trim or framing around perimeter edges
- ~~10-5.~~ 10-5. Cedar or other poles with bark
- ~~11-6.~~ 11-6. Rough-sawn half rounds

Fence materials not permitted on residential lots include:

1. Barbed wire
2. Wire, Mesh, or Nylon Net fencing
3. Chicken wire
4. Pallets
5. Any other materials not listed as permitted.

Materials listed in numbers one through three (1-3) are permitted in Rural Residential (RR-1) and Residential Agricultural (RA) zones.

- I. Any fencing constructed must allow free and easy access to all utility meters located within the fenced area.
- J. For the purpose of this Section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.
- K. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
- L. Fencing and walls six (6) feet in height, including protective gates, must be installed around the following:
 1. in-ground swimming pools.
 2. Above-ground swimming pools, jacuzzies, and similar structures that have a deck at the same grade or less than thirty-six (36") inches from the rim of the structure.

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Above fence requirements may be waived if the structure has a safety cover that meets ASTM F standards per building code regulations to prevent people and animals from accidental drownings.

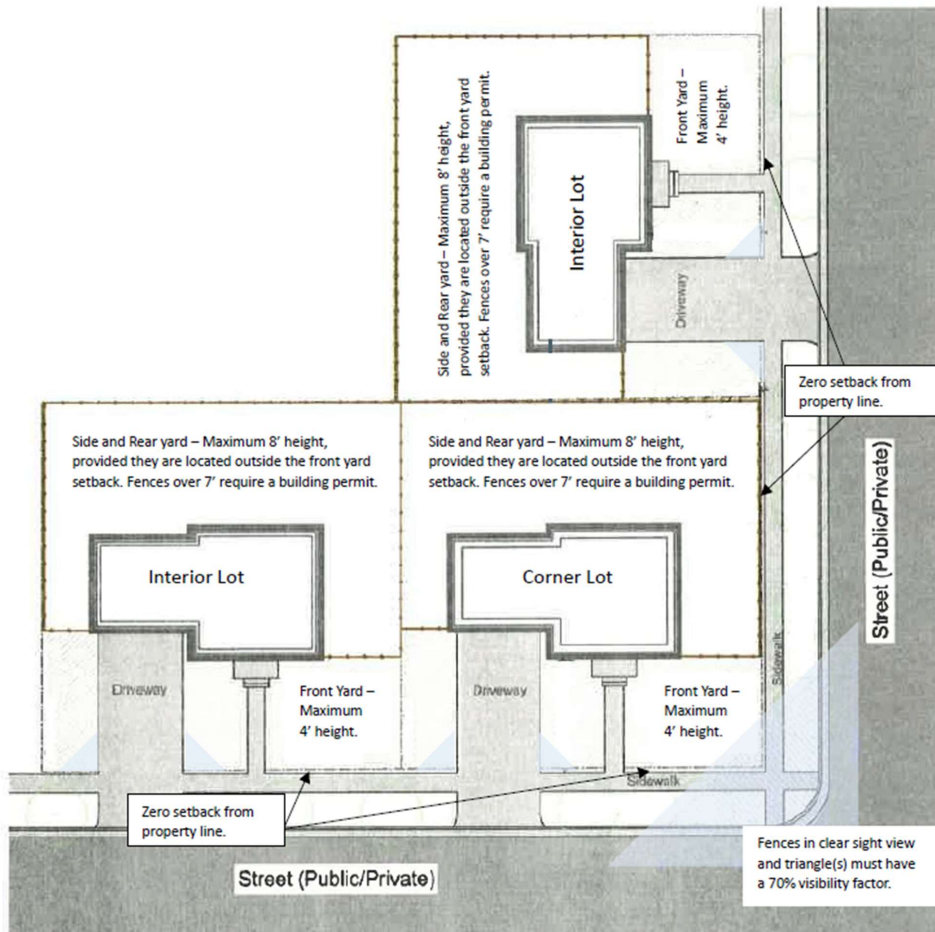
Above-ground swimming pools, jacuzzies, and other similar structures that have a minimum of thirty-six (36") from grade level to the rim of the structures are not required to be fenced.

- M. To determine the "visibility factor" of fence material as that term is used in this Ordinance, one square foot of the fence material is viewed perpendicular to its installed surface. The square inches of solid fence material contained in the square foot of fence material is subtracted from 144 to determine the square inches of open area within that square foot of fence material. The "visibility factor" is the percentage obtained by dividing the square inches of open area by 144.
- N. Tennis courts, sport courts, batting cages, etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than eight feet (8') but not more than eighteen feet (18'), including any retaining walls, provided:
1. Such enclosure does not constitute a part of a fence enclosing a property.
 2. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.
 3. All portions of the enclosure above a height of eight feet (8') shall be non-sight obscuring.
 4. The enclosure shall be set back from the property line of adjoining properties and also the main building upon the lot to which it is appurtenant for a distance of not less than twenty feet (20').
 5. On corner lots, the enclosure shall be set back not less than ten feet (10') from the street.

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Section 4-17 Water and Sewer Requirements

All proposed buildings or proposed use shall be connected to a public water system within the city limits of Kanab. Sewer hookups are required in areas served by the Kanab City Sewer System.

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Section 4-18 Curbs, Gutters and Sidewalks

- A. Improvement Requirements for Building Permits in Commercial, Manufacturing, Industrial and Multi-Family zones
- B. The installation of curb, gutter, and sidewalks in accordance with Kanab City Standards shall be required on any existing or proposed street adjoining a lot on which a commercial or multi-family building is to be constructed or expanded, or on which a new use is to be established within a commercial and, multi-family zone.

The installation of curb and gutter in accordance with Kanab City Standards shall be required on any existing or proposed street adjoining a lot on which a manufacturing or industrial building is to be constructed or expanded, or on which a new use is to be established within a manufacturing and industrial.

Such curbs, gutters, or sidewalks shall be required as a condition of building or use permit approval. Said curb, gutter, or sidewalk shall be constructed to match existing improvements on any contiguous lot or parcel*.

Lots or parcels in the following areas shall require curb, gutter, and sidewalk:

- 1. Any lot or parcel in the C-1 Commercial zone;
- 2. Any building, lot, or parcel that has frontage to the continuous section of street that starts as 300 West, then Center Street and continuing into 100 East and between the northern city entrance (approximately one block north of 300 North) to Kanab Creek Drive and East on Highway 89 to 900 East.

For lots or parcels in a commercial, manufacturing, industrial, and multi-family zone that have frontage on a bike or pedestrian trail/walkway found on the Kanab City Master Plan shall require curb, gutter, and an approved hard surface, in place of sidewalks, for the development of the bike or pedestrian trail/walkway.

For lots or parcels, other than identified in this subsection, that contain street frontage on Highway 89 or Highway 89A, UDOT shall be consulted to determine if the proposed project adheres to the long-range transportation plan as it relates to curb, gutter, and sidewalk improvements.

If curb, gutter, and sidewalk are present on a contiguous lot or parcel* to the proposed project, the Planning Commission shall require the following:

- 1. Curb and gutter along the perimeter of any area that requires a hard surface
- 2. All landscaped areas abutting paved areas shall be curbed

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3. Landscaping planter and/or raised sidewalks shall be installed along buildings and areas requiring hard surface.

*Contiguous lots or parcels means a lot or parcel sharing a common border, touching, or directly adjacent to another lot or parcel that has curb, gutter and/or sidewalk. Lots or parcels across the street are not considered contiguous. Corner lots or parcels contiguous with another lot or parcel with curb, gutter, and sidewalks, shall require curb, gutter, and sidewalk on both property boundaries facing public streets.

- C. Improvement Requirements for Building Permits for Single-Family Residential lots or parcels.

This section does not apply to lots or parcels being created through the Subdivision process. Refer to the Kanab City Subdivision Ordinance for specific requirements.

- D. For single-family residential lots or parcels that contain street frontage on Highway 89 or Highway 89A, UDOT shall be consulted to determine if the proposed project adheres to the long-range transportation plan as it relates to curb, gutter, and sidewalk improvements.
- E. Occupancy permits shall not be issued until utilities are available for connection and adequate fire protection is in place to the lot or parcel proposed for construction, in accordance with City requirements. A utility plan may be required by the utility provider as part of this process.
- F. Notwithstanding the foregoing, a certificate of occupancy shall be issued if all other requirements have been met entitling the applicant to its issuance, except for the installation of curb, gutter, and sidewalks, upon the applicant submitting an Improvement Completion Assurance. Such assurance shall be in the form and amount as approved by the City, upon recommendation of the City Engineer, and may be in the form of a surety bond, financial institution bond, letter of credit, cash, or lien. The Improvement Completion Assurance shall guarantee the proper completion of curb, gutter, and sidewalks in accordance with Kanab City Standards. Upon recommendation of the City Engineer or Building Inspector, the City may authorize a partial release of the Improvement Completion Assurance, upon inspection and acceptance of a portion of the completed curb, gutter, and/or sidewalk.

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When an applicant submits an Improvement Completion Assurance, the curb, gutter, and sidewalk must be installed and meet Kanab City Standards within one (1) year of the issuance of the certificate of occupancy.

- G. Property owners installing curb and gutter, must address and mitigate anticipated storm water flowing to adjacent property owner(s), as a result of the curb and gutter.

Section 4-19 Effect of Official Map

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the Kanab City Official Map.

Section 4-20 Flag Lots - Special Provisions (see Subdivision Ordinance)

Section 4-21 Private Lanes - Special Provisions

- A. Because it may be in the interest of Kanab City to allow certain residential development without frontage upon public streets and only on a private lane, such approvals may be granted by the Planning Commission, upon satisfaction of the following conditions:
1. A scale drawing of the proposed private lane and lot(s)/parcel(s) shall be submitted in support of an application for approval, together with all other documents required and an agreement to abide by all provisions of this ordinance. The lot shall meet all size and setback requirements of the zone in which the lot is located.
 2. A determination shall be made as to the future width of a dedicated street that may be needed to serve the lot(s)/parcel(s), based upon the City Master Plan of streets. If the proposed private lane is not identified as a major or collector street, it shall be improved with a minimum of road base and the improved portion be at least twenty (20) feet wide. The full length of the private lane is required to be paved if servicing more than three (3) residences.
 3. The applicant for the private lane shall record a written agreement to dedicate the private lane at such time as the City shall require dedication, if the location of the private lane is identified on the Master Transportation Plan at the time of application. In addition to the dedication of the private lane, the recorded agreement shall include an exhibit of the scale drawing of the private lane and easement and the property owner's/owners' agreement to dedicate "any additional width required under the City's ordinances for the type of street for which the City is requesting

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the private lane to be dedicated.” The agreement shall be signed by all individuals owning any interest in the private lane, with a recorded copy being provided to the City.

4. All easements required to serve the property shall be recorded, which includes the full length of the private lane and the full width of the private lane plus the width necessary to meet the class of street as identified in the City’s Master Plan. If the private lane is not identified on the City Master Plan, then the easement shall encompass the private lane, plus the width necessary to meet the width requirement for a public or rural road. The easement shall provide for installation and maintenance of utility lines and services, emergency vehicle access, and access of City or public personnel or vehicles as may be required in order to carry out the responsibilities of the City and other governmental entities. A recorded copy of the easement shall be provided to the City.
 5. The private lane shall be improved with a road base or better surface across such width as outlined herein. The driving surface shall be well maintained, and it shall be readily passable by a standard passenger car and emergency vehicles.
 6. Utility lines shall be extended at the cost of the applicant from the public street to the subject dwelling at such size as may be required by the City to serve the applicant or future development in the area. Upon installation and acceptance, the lines on the City side of the meter shall become the property of the City. The City will then assume responsibility for the upkeep and maintenance of the line. No reimbursement contracts will be issued by the City to the property owner for any future connections to any required utility line that may be installed as a part of the private lane approval.
 7. Water meters shall be located at the future property line in front of the dwelling. Other meters, such as electricity, shall be located as required by the City.
 8. All dwellings shall be no further than two hundred and fifty (250) feet from an approved fire hydrant. If installation of a hydrant is necessary, it shall be done at the expense of the applicant.
 9. A letter of consent and non-opposition to any future improvement district initiated by the City shall be recorded against the land and shall run with the land. The City, at its option, may initiate a special improvement district for the improvement of any private lane approved for use under these conditions.
- B. In the event any private lane is proposed to serve more than one lot, an agreement executed by all holding an interest in the lots shall be recorded providing that each owner shall contribute his pro-rata share of the cost of maintenance and improvement

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of the private lane, which obligation shall be secured by a lien on the lots. A private lane shall only service up to five (5) lots.

Section 4-22 Temporary Lodging

A. Hotel - Motel - Extended Stay - Bed and Breakfast Establishments

Are conditional uses and permitted uses within certain zones as provided hereafter in this ordinance and must comply with the following requirements:

1. Purpose

This ordinance will help promote the Health, safety and welfare of the general public that utilizes the establishments listed in this section.

2. General Provisions

Extended-Stay Establishments: Structures consisting of one or more buildings with provisions for living, eating, and kitchen facilities. Rooms designated as Extended-Stay room(s) shall have a food preparation area, which includes but is not limited to, refrigerators, conventional microwave ovens, and/or a stove or cooktop. For sanitation purposes, a separate bathroom and kitchen sink, and bed(s) in each unit. Maximum stay is limited to 240 days. Each room shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space. Minimum weekly services for each dwelling unit of linen change, towel change, soap change, and general clean-up. A registration lobby and/or a phone number provided by the management are both required. For purposes of this Section, all references to "hotel" or "motels" include Extended Stay Hotels or Motels.

Motels – Hotels: Refer to definitions in Chapter 1 of the Kanab City LUO for a description of a Motel and or Hotel.

Bed and Breakfast: Refer to Subsection 2 of this Section for specific requirements.

3. Definitions

"Owner" means any person, operator, firm or corporation, or an agent of any person, operator, firm or corporation who is authorized to act on the Owner's behalf, and being one or more of the following:

- a. Having a legal or equitable interest in the property;

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- b. Recorded in the official records of the State, County, or Municipality as holding title to the property; or
- c. Otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Premises" means the site upon which the hotel, motel, extended-stay, and bed and breakfast facilities are located, including the land and all buildings.

"Establishment" means a hotel, motel, extended-stay or Bed and Breakfast facility.

4. Kanab City Business License Required

A Kanab City Business License is required for these establishments. *See* Kanab City General Ordinance, Section 9, for business license requirements.

5. Fees

The Owner shall pay an annual Business License Fee.

6. Inspections

The Zoning Administrator may inspect all establishments within its jurisdiction referenced in this section once a year to determine if the establishment is in compliance with all applicable provisions of the City's Ordinances, including the receipt of a Business License from the City.

The Owner of an Establishment in the City shall allow the Zoning Administrator to inspect the establishment at any reasonable time. The Owner of the establishment shall provide the Zoning Administrator access to all areas of the Premises at all reasonable times for the purpose of such inspections. Every guest of an establishment shall provide the Owner or manager thereof with access to their guest room for the purpose of inspection and compliance with the City's Ordinances.

7. Staffing

Every hotel, motel, extended-stay or bed and breakfast establishment operating within the City of Kanab shall be adequately staffed to maintain the establishment in a safe and sanitary condition.

8. Transfer of Ownership

It shall be unlawful for the Owner of any hotel, motel, or extended-stay establishment who has received a Notice of Violation or order and who is not in compliance with the notice or order, to sell, transfer, or lease the establishment until it has been brought

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into compliance with this Chapter; provided, that the Owner may sell, transfer or lease the establishment if the Owner furnishes the buyer, transferee or lessee with a true copy of the Notice of Violation or order, and provides to the Zoning Administrator a signed and notarized statement from the buyer, transferee or lessee acknowledging receipt of such Notice of Violation or order and fully accepting responsibility without condition for making the corrections required to bring the establishment into compliance with the provisions of this Chapter.

B. Bed and Breakfast Inn

1. A Bed and Breakfast Inn is a conditional use within certain zones as provided hereafter in this ordinance and must comply with the following requirements:
2. The owner of the premises must reside therein.
3. There must be a minimum of one guest room and not more than five guest rooms. No more than four guests may occupy any room. No guest may stay more than fifteen consecutive days.
4. One off-street parking stall must be provided per guest room with two off-street parking stalls provided per premise owner.
5. No cooking facility may be present in any guest room. No cooking may occur in any guest room. Meal services may be offered only to overnight guests.
6. Other than a sign permitted for a Bed and Breakfast Inn, established by a conditional use permit, a Bed and Breakfast Inn may have no advertising of any type.
7. Any permit granted is revocable upon notice and hearing if the use of the property creates traffic, noise, health, safety, parking, or other problems in the area.
8. A site plan that complies with Chapter 9 must be submitted.
9. Any hearing for the establishment of a Bed and Breakfast Inn conditional use permit shall be advertised as required by this ordinance.

C. Temporary Lodging used during construction

A recreational vehicle may be placed upon any lot during the actual period of construction of a principal dwelling or commercial building on the premises subject to the following limitations:

1. A recreational vehicle shall be permitted to remain upon premises for a maximum of 180 days during the construction of a residential structure. Approval may be granted by the Kanab Land Use Coordinator or assigned agent with the following conditions;
 - a. Must be connected to approved sewer system, electric, and city water.

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- b. Must be parked on the property.
- c. Must have a valid building permit issued by the Kanab Building Department.
- 2. A recreational vehicle shall be permitted to remain upon the premises during construction of a commercial or industrial building for a period of time not to exceed the time limit for construction under the contract or one (1) year, whichever is shorter.
- 3. The time limits provided herein shall not be extended without approval of the Planning Commission.

D. See Chapter 13 for Recreational Vehicle Park regulations.

Section 4-23 Handicapped Residential Facilities

- A. Permitted Use - Multiple Family Zone - A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for handicapped persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council, which shall be issued if the applicant can show that:
- 1. the facility meets all Kanab City building, safety, zoning, and health ordinances applicable to similar dwellings;
 - 2. the residents of the facility will be properly supervised on a 24-hours basis;
 - 3. a community advisory committee will be established through which all complaints and concerns of neighbors may be addressed;
 - 4. adequate off-street parking space is provided;
 - 5. the facility is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
 - 6. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
 - 7. no person who is violent will be placed in a residential facility for handicapped persons;
 - 8. Placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
 - 9. Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council

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determine that the residential facility for handicapped persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.

10. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or, if the structure fails to comply with the City ordinances.

B. Conditional Use - Single-Family Zones - Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in a municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

1. Conforms to all applicable health, safety, zoning, and building codes;
2. is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
3. conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings;
4. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
5. no person who is violent shall be placed in a residential facility for handicapped persons;
6. placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
7. meets conditions stated in Chapter 8 of this ordinance;
8. the use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

C. Discrimination – Discrimination against handicapped persons and against residential facilities for handicapped persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on the handicapping conditions of the facility's residents.

Section 4-24 Elderly Residential Facilities

A. Permitted Use - Multiple Family Zone - A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for elderly persons, a permit must be obtained by application to the Planning

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Commission and thereafter to the City Council which shall be issued if the applicant can show that:

1. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
 2. adequate off-street parking space is provided;
 3. the facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 4. no person being treated for alcoholism or drug abuse may be placed in the residential facility for elderly persons;
 5. Placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
 6. Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council determine that the residential facility for elderly persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.
 7. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or, if the structure fails to comply with the City ordinances.
- B. Conditional Use - Single-Family Zones - Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district which is zoned to permit exclusively single-family dwelling use, if that facility:
1. conforms to all applicable health, safety, zoning, and building codes;
 2. is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 3. Conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.
 4. no person being treated for alcoholism or drug abuse may be place in the residential facility for elderly persons;
 5. placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
 6. Meets requirements in Chapter 8 of this ordinance.

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The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

- C. Discrimination – Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.
- D. Other Permitted Uses Not Limited - The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets existing zoning ordinances that allow a specified number of unrelated persons to live together.

Section 4-25 Domestic Farm Animals

The following conditions apply to Residential Agriculture, Rural Residential, Single-Family and Kanab Creek Ranchos KCR-720 residential zones:

- A. These conditions establish the standards by which domestic farm animals may be kept within Kanab City in a manner that will protect health and minimize the potential for nuisance.
- B. Animal Allowances. The minimum residential lot size for the keeping of farm animals within any zone district and the type of animals shall be permitted per the following chart (not including immature offspring):
- C.

Lot size 0.6 to 1 acre	Lot Size 0.23 to 0.59 acre	Lot size less than 0.22 acre
One of the below groups or equivalent combination:		
2 horses	Horses are not permitted	
2 cows	Cows are not permitted	
1 pig (see D(2))	Pigs are not permitted	
2 mules/donkeys	Mules and donkeys not permitted	
4 sheep	2 sheep	Sheep are not permitted
4 goats	2 goats	Goats are not permitted
50 fowl (see E)	15 fowl (see E)	15 chickens (see E)
50 rabbits	10 rabbits	10 rabbits

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- D. On each lot or parcel larger than 1-acre additional animals can be per the following chart:

On each additional 1/3 acre one of the below groups or equivalent combination:
1 horse
1 cow
1 mule or donkey
2 sheep
2 goats
20 fowl
20 rabbits

- E. For the purpose of this ordinance, domestic farm animals that belong to or are owned by the resident(s) similar in size or weight to the chart above shall be with the same allowances described in the chart.
1. Exotic animals defined in the Utah Office of Administration Rule 58 are not permitted on any lot or parcel in Kanab City.
 2. Additional Pig or Swine are permitted at one per each additional acre.
- E. Roosters, Toms or similar male fowl are permitted only in Rural Residential and Residential Agriculture zones.
- F. In the Residential Agriculture zone, animals, stables, and barns are permitted regardless of if a private occupied residence exists on the same lot. All other zones must have a private occupied residence to keep or house domestic farm animals.
- G. All permitted animals and fowl are to be adequately maintained in a sanitary and healthy manner. All animals must be adequately restrained to prevent escape from the lot, marauding nuisance, or damage to other property.

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- H. The following separation shall be maintained from a pre-existing dwelling on adjacent lot and any building, structure, or enclosure housing livestock:

Lot size 0.6 or larger	Lot Size 0.23 to 0.59 acre	Lot size less than 0.22 acre
50 Feet	15 Feet	

- I. The keeping of domestic farm animals in accordance with this section and with generally accepted agriculture and management practices, shall not be found to be a public or private nuisance.

In the Residential Agricultural zone, the allowable number of domestic farm animals for those in the livestock industry may be significantly increased for purposes of industry practices.

Section 4-26 Residential Zones Design Standards

The following conditions apply to all single and multiple family structures within the residential zones:

- A. Each dwelling must be taxed as real property. If the dwelling is a manufactured home, affidavits as required by Utah Code Annotated Section 70D-2-401 must be filed under that section and a copy thereof submitted to the city prior to receiving a Certificate of Occupancy.
- B. Each dwelling shall have a code-approved site built concrete, masonry, steel, or treated wood permanent foundation which meets the requirements of the City adopted building codes, Utah Code, as set forth in Utah Code Annotated Section 15A-2-103, and the International Code Council (ICC) guidelines for the manufactured housing installations, including any amendments or successors thereto, and must be capable of transferring design, dead loads and live loads and other design loads unique to local home sites due to wind, seismic, soil and water conditions that are imposed by or upon the structure into the underlying soil or bedrock without failure. All perimeter footings must be minimum of 18 inches below grade. All tie down devices must meet City adopted building codes or other applicable building codes. The space beneath the structure must be enclosed at the perimeter of the dwelling with concrete or masonry type foundation materials. At each exit door there shall be a landing which meets the minimum requirements of the City Building Codes. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

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- C. The roof surface shall consist of wood shakes, asphalt, composition wood shingles, off-white membrane material, tile, metal, or fiberglass shingles.
- D.
 - 1. All dwelling units (building front) shall face the public street where adequate public street frontage exists, unless otherwise approved by the city council upon recommendation of the planning commission.
 - 2. The City Council upon recommendation of the planning commission may reduce the front setback on a public street to fifteen feet (15') for homes with a covered, but otherwise open front porch. The front porch shall be part of the overall house design and extend at least one-half (1/2) of the width of the home with a minimum depth of eight feet (8'). The porch covering shall be part of the roof or roof extension and of the same material as dwelling and not simply an awning over the porch. The front setback to the garage or carport shall be at least twenty-five feet (25') on public streets.
 - 3. Existing single-family dwellings shall not be converted to multi-family units, except when permitted and licensed as an internal accessory dwelling unit.
 - 4. Multi-family housing shall be new construction. Additions to legally existing multi-family buildings shall be considered a conditional use and shall require a conditional use permit.
 - 5. No garage, carport or parking space shall be converted to living space unless the building inspector determines that adequate off-street parking is available.
- E. Each dwelling shall have exterior materials of sufficient quality, durability and resistance to the elements to satisfy the purpose of this section. Exterior siding materials shall consist of wood, hardwood, brick, stucco, glass, metal, lap vinyl, lap tile or stone meeting the requirements of the City Building Codes.
- F. The width of the dwelling shall not be less than twenty-four feet (24) feet at the narrowest point of its first floor exclusive of any garages, bay windows, room additions or other similar appendages. A basement shall not be considered as a first floor. The width shall be considered as the lesser of the two primary dimensions. Manufactured homes shall be multiple transportable sections at least twelve feet (12) wide unless transportable in three (3) or more sections, in which case only one section needs to be twelve (12) feet wide.
- G. Replacement of an existing non-conforming manufactured home on any lot must comply with all the requirements contained in this section.
- H. Each dwelling shall have a minimum floor area on the main floor or floors, exclusive of garages as shown in Section 15-2. A basement shall not be considered as a floor.

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Measurements to determine the minimum area of the dwelling shall be taken from the outside of the foundation walls.

- I. Any manufactured home that has been previously owned or has been modified is subject to inspection by the building inspector. The building inspector may deny hookups and occupancy if the unit is found to be in noncompliance with Annex A (a final inspection checklist) and Annex C of and ANSI A225.1 - 1994, of the American National Standard Manufactured Home Installations, approved January 4, 1994, by the American National Standards Institute, Inc. A decision of the inspector is considered to be an administrative decision and may be appealed to the Appeals Officer and then to the District Court.

Section 4-27 American National Standard Manufactured Home Installations

- A. Final Inspection Checklist - Final inspection shall be made when the home installation (set-up) is complete. A checklist such as the one given below should be developed to ensure that no items have been overlooked and that work has been properly completed.
 1. Water and Drain Systems. Check to ensure that:
 - a. Correct materials for water and drain lines have been used.
 - b. Connections and splices are properly made.
 - c. Supports are of correct material and are properly spaced.
 - d. Necessary inspections and tests have been made.
 - e. Water lines are protected from freezing when applicable.
 - f. Proper slope has been maintained on drain lines.
 2. Electric Systems. Check to ensure that:
 - a. Panel amperage matches connection to home.
 - b. Electrical inspections have been performed; connections between multi-sections are in accordance with MHCSS and access covers are in place.
 3. Gas/fuel Oil Systems. Check to ensure that:
 - a. Correct materials and fittings are used.
 - b. The pressure test has been conducted on the gas system.
 - c. The connection between multi-sections are in accordance with the MHCSS, with access as required.
 4. Appliance Function, Operation, and Venting. Check to ensure that:
 - a. Vent or chimney extensions shipped loose on the home have been mounted and serviced in accordance with the manufacturer's instructions.
 - b. Appliances and valves have been tested and are properly working.
 - c. Venting of appliances under unit is in accordance with the MHCSS.
 - d. Dryer is properly vented.

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- e. Solid-fuel-burning fresh air intake is properly installed
- f. Temporary shipping blocks have been removed.
- g. Exhaust fan operation and air flow are correct.
- 5. Windows and Doors. Check to ensure that:
 - a. Windows meet egress requirements and have operation instructions on them.
 - b. Doors function properly.
 - c. Temporary shipping hardware has been removed from windows and doors.
- 6. Exterior of Home. Check:
 - a. For damage to under carriage or bottom board.
 - b. Chassis, floor joists, or both for installation/transportation damage.
 - c. Bottom board for rips or tears.
 - d. For damage to siding (cracks, breaks, holes, nail pops., etc.)
 - e. For damage to metal or composition roof.
 - f. For holes or rips in metal roof.
 - g. Shingles for damage and sealing.
 - h. Drip edge or fascia damage.
 - i. Roof openings for sealing (vents, stacks, etc.)
 - j. To ensure that when gutters and downspouts are installed, the water is diverted away from the home.
- 7. Interior of Home. Check:
 - a. For damage to floor coverings (vinyl, carpet.)
 - b. For damage to wall finish (holes, cracks, nail pops, etc.)
 - c. For damage to ceiling finish (holes, cracks, nail pops, etc.)
 - d. For damage to interior trim (splits, cracks, nail pops, etc.)
 - e. Multi-section common areas for correct finishing.
- 8. Skirting. Check to ensure that:
 - a. Skirting used is in accordance with owner's specifications.
 - b. Venting is in accordance with the manufacturer's specifications.
 - c. Skirting is constructed to prevent frost movement in areas of where it occurs.
 - d. Polyethylene ground cover is correctly installed.
- 9. Blocking/footings. Check to ensure that:
 - a. Footings are of proper size and construction for soil conditions.
 - b. Spacing of piers is in accordance with the manufacturer's guidelines.
 - c. Footing depth is below frost line.
 - d. Foundation walls, if required, meet local codes, ordinances, or covenants.
 - e. Pier construction meets manufacturer's specifications.
- 10. Anchoring. Check to ensure that:

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- a. Approved anchors are used.
 - b. Correct numbers of anchors, straps, or both are used according to the manufacturer's instructions.
 - c. Anchors are installed at correct angles and in accordance with the anchor manufacturer's listing for approval.
11. Miscellaneous. Check to ensure that:
- a. The smoke detector(s) is operating correctly.
 - b. Construction seals (the "HUD Label") have not been damaged, removed, or covered by skirting.
 - c. Installation/anchoring certificates, seals, or both have been issued and installed if required.
 - d. Data plate is intact and legible.
 - e. Low-hanging tree branches and bushes have been trimmed.

All transit and installation damage are required to be reported to the manufacturer if the home is a new unit. Check with local authorities having jurisdiction prior to installation for code requirements and permits/inspections required.

Section 4-28 Home Occupations

Home Occupations, as defined by this Ordinance, must comply with the following requirements:

- A. The Zoning Administrator shall determine whether the home occupation is classified as "Home Occupation - light" or "Home Occupation - heavy" as defined by this Ordinance.
- B. The Home Occupation shall not occupy a total area greater than twenty-five (25) percent of the improved portions of the dwelling and shall not change the character thereof.
- C. Accessory buildings may be used, but outside storage or activities are not permitted except for nursery schools, in which case.
- D. Any signs or other outside displays shall not be allowed. Any employee that does not reside at the residence shall not be allowed
- E. Off-Street Parking will be provided which will, in the opinion of the Zoning Administrator, be adequate to accommodate all vehicles which will be parked on or about the premises by customers, clients or occupants of the dwelling. Said off-street parking will be provided so that it will not decrease residential amenities in the area surrounding the dwelling.
- F. Prohibited Home Occupation Uses - The following list presents examples that are not incidental to nor compatible with residential activities and are prohibited:

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1. Businesses which entail the harboring, breeding, and raising of dogs, cats or other large or small animals on the premises;
 2. Primary Medical and Dental offices, clinics and laboratories;
 3. Mini storage;
 4. Vehicle repair (body or mechanical), and vehicle painting;
 5. Any other use determined by the Zoning Administrator to be neither incidental nor compatible with residential activities.
- G. Revocation - A home occupation permit shall be revoked by the Zoning Administrator if any one of the following findings can be made:
1. That the use has become detrimental to the public health, safety, traffic or constitutes a nuisance;
 2. That the permit was obtained by misrepresentation or fraud;
 3. That the use for which the permit was granted has ceased or was suspended for six or more consecutive calendar months;
 4. That the condition of the premises, or the area of which it is a part has changed so that the use is no longer justified under the meaning and intent of this Chapter;
 5. That the use is in violation of any statute, ordinance, law or regulation.

Section 4-29 Streets and Trails Connectivity

- A. Streets and trails in new residential developments must have connectivity to other surrounding residential neighborhoods.
- B. Continuation of master-planned streets and trails: The arrangement of streets and trails shall provide for the continuation of master-planned streets and trails between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and where such continuation is in accordance with the city's general plan, transportation master plan and/or recreation master plan.
1. Temporary turn-around: If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right of way shall be extended to the property line and a temporary turnaround shall be provided.

Section 4-30 Residential Facilities for Persons with Disability

- A. Applicability: If any facility, residence or other circumstance meets the definition of a residential facility for persons with a disability as set forth herein, the requirements of this section shall govern the same, notwithstanding any other provisions of this title.

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If any provision of this section conflicts with the Utah Fair Housing Act or Fair Housing Amendments Act (collectively the "Acts"), the Acts shall be controlling.

B. The purposes of this section are:

1. To comply with Utah Code Annotated section 10-9a-516, and Utah Code, Title 57, Chapter 21; and
2. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Fair Housing Amendments Act as interpreted by courts having jurisdiction in Utah.

C. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

1. **DISABILITY:** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
2. **RESIDENTIAL FACILITY FOR THE DISABLED:** A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty-four (24) hour per day basis in a family type arrangement under the supervision of the resident family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah department of human services division of services for people with disabilities, or department of health and is operated by or under contract with that department. The dwelling must be owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident.
3. "Residential facility for the disabled" shall not include facilities for the following: secure treatment, adult daycare, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment, as defined in Utah Code Annotated section 62A-2-101.

D. Permitted Use Requirements: A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

1. **Building and Safety Standards:** The facility shall comply with all building, safety and health regulations applicable to similar structures. As part of this requirement, the following site development standards and parking standards shall be applicable:
2. Each facility shall be subject to minimum site development standards applicable to a dwelling in the zone in which the facility is located.
3. The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a dwelling located in the same zoning district in which the facility is located, subject to the following:

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- a. If support staff is employed on the premises of a facility, one additional parking space shall be required for each staff member.
 - b. Parking shall not be located within the front yard setback.
- E. Prohibited Uses: No facility shall be made available to an individual whose tenancy would:
 - 1. Constitute a direct threat to the health or safety of other individuals; or
 - 2. Result in substantial physical damage to the property of others.
- F. Requirements of Licensee: Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - 1. Provide a copy of such license or certification to the city; and
 - 2. Certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:
 - a. Constitute a direct threat to the health or safety of other individuals; or
 - b. Result in substantial physical damage to the property of others.
- G. Nontransferable; Termination: The use permitted by this section is nontransferable and shall terminate if:
 - 1. The facility is devoted to a use other than a residential facility for persons with disabilities; or
 - 2. The license or certification issued by the Department of Human Services or the Department of Health terminates or is revoked; or
 - 3. The facility fails to comply with the conditions enumerated in this section.
- H. Number of Persons Limited: No residential facility for persons with a disability shall house more than eight (8) disabled persons, not related by blood or marriage.
- I. Distance to Similar Facilities: No residential facility for persons with a disability, licensed for the housing of more than three (3) disabled persons, shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
 - 1. Another residential facility for persons with a disability licensed for the housing of more than three (3) disabled persons; or
 - 2. A residential facility for elderly with more than three (3) elderly persons in residence.
- J. Business License Required: For a residential dwelling for four (4) or more persons, as licensed by the Department of Human Services, Division of Services for People with Disabilities, the owner or provider shall be required to maintain a valid business license with the city.

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- K. Exemptions: A residential facility for the disabled shall not include facilities which house persons being treated for alcoholism or drug abuse, persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation or treatment in a correctional facility.
- L. Reasonable Accommodation: None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
 - 1. Any person or entity who wishes to request a reasonable accommodation shall make application therefore to the City Council, or the Council's designee, and shall articulate in writing the basis for the requested accommodation.
 - 2. Each application for a reasonable accommodation shall be decided within not more than thirty (30) days.
 - 3. If a request for a reasonable accommodation is denied, such decision may be appealed to the Appeals Officer in the manner provided for appeals of decisions applying this title.

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Section 4-31 Research and Development Activities

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Research and Development (R and D) includes work directed toward innovation, introduction, and improvement of products and processes. Research and Development activities are permitted to operate as an ancillary use to listed allowable permitted and conditional uses, as defined by this ordinance.

Section 4-32 Outdoor Residential Lighting

Down Lighting: To protect the views of the night sky, and to keep light from unreasonably interfering with another's property enjoyment, all outside lighting shall be "down lighting" so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded, hooded, or directed so that no direct light is allowed to directly trespass onto adjacent properties.

*The above restrictions do not apply to street lights or public parking lots, or holiday lighting.

See Chapter 22 for Outdoor Lighting Ordinance for additional requirements.

4-33 Short-Term Leases of Residential Properties.

- A. Purpose: The purpose of this section is to promote the health, safety, and general welfare of the residents of Kanab City by establishing zoning regulations for short-term leases of residential property to ensure:
1. Protection of neighborhoods and the community, including compatibility with existing residences.
 2. The peace and quiet of residential neighborhoods, and preservation of property values.
 3. Promotion of tourism, and the generation of revenue for community members.
- B. Definition:
1. Short-Term Rental Property, also referred to as a Vacation Rental Property, is property which is used by any person or entity, for temporary transient lodging use where the term of tenancy of the property is for less than thirty (30) consecutive days, for direct or indirect compensation. For this section, compensation means money, rent, or other consideration given in return for occupancy, or use of the property.

Examples of Dark-Sky Sensitive Lighting



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- C. Short-Term Residential Rental Properties (also known as Vacation Rental Properties) in residential zones cannot operate until they have met the following terms:
1. Must obtain a business license in accordance with Section 9 of the Kanab City General Ordinances.
 2. Any new structure built for the purpose of human occupancy must meet the underlying setback requirements for the residential home under its relative zone.
 3. Any previously built accessory building converted for the purpose of human occupancy must meet the underlying setback requirements for the residential home under its relative zone.
 4. Living space cannot be shared by more than one private renter (no separate bookings for any space that has common/shared living areas).
 5. There shall be no more than two (2) rentals per property in Single-Family Zones.
 6. There must be an additional off-street parking space beyond the number of vehicles already normally parked at the property for every increment of four guests allowed to book.
 7. Owners are responsible for posting at the rental a list of rules as provided by the City Office.
- D. Exception to the requirements of this section:
1. A single-family owner-occupied dwelling that is part of a Home Exchange where the owners are trading rights or money to use each other's home for a short-term period. The exchange is only for a dwelling that is usually owner-occupied, and the total number of home rentals or exchanges shall not exceed six home exchanges per year, unless a Conditional Use Permit is approved for more than six rental periods per year.
- E. A Guesthouse may not be rented out at the same time an IADU is rented.

4-34 Internal Accessory Dwelling Units

- A. Purpose: To add to the long-term rental stock in Kanab City, in compliance with Utah Code § 10-9a-530, and related provisions, and to promote the health, safety, and general welfare of the residents of Kanab City, internal accessory dwelling units are established as a permitted use in any area zoned primarily for residential use, in accordance with the restrictions and requirements outlined in this section.
- B. Definition:
1. "Internal accessory dwelling unit" (IADU), as defined in Utah Code § 10-9a-530, means an accessory dwelling unit created:
 - a. within a primary dwelling unit;

Kanab

Land Use Ordinance

Chapter 04 – Supplementary Regulations

- b. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
 - c. for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
- 2. "Primary dwelling" means a single-family dwelling that
 - a. is detached; and
 - b. is occupied as the primary residence of the owner of record.
- C. In any area zoned primarily for residential use, the use of one IADU per lot is a permitted use, subject to the following restrictions and requirements:
 - 1. The IADU must be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
 - 2. There must be one additional on-site parking space for the IADU above what is already required;
 - 3. The primary dwelling must not be a mobile home as defined in Utah Code § 57-16-3;
 - 4. The applicant must receive an IADU license from the City;
 - 5. The IADU cannot be created within a dwelling unit that is served by a failing septic tank; and
 - 6. The lot upon which the IADU is located must be at least 6,000 square feet.

4-354 Archery Range

Outdoor archery range(s) shall require a Conditional Use Permit and all applications shall be reviewed and approved by the Planning Commission. Planning Commission may recommend to City Council approval of the proposed location of an archery range for a suitable site. All of the following requirements must be met to approve the Conditional Use Permit for the archery range:

- A. Archery range may be located in any zone where a park is listed as a permitted or conditional use
- B. Archery range shall require an impermeable barrier/backstop when adjacent to any residential or commercial structures down-range (i.e. at the point of impact).
- C. Establishments must have posted and comply with rules and regulations that at a minimum meet the following:
 - Individuals under 18 must be accompanied by an adult member
 - Alcohol and any forms of intoxication shall be prohibited
 - Crossbows shall be prohibited
 - Operating hours shall not be before sunrise or after sunset (unless adequate lighting is provided)

Kanab

Land Use Ordinance

Chapter 04 – Supplementary Regulations

- D. A site plan, in accordance with Chapter 9 of the Kanab City Land Use Ordinance.
- E. A method for locking and securing the facility when not in use.
- F. At the firing line, there shall be a 50-yard distance from any non-common adjacent property lines.

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



City
Council
Arlon Chamberlain
Chris
Heaton
Boyd Corry
Peter Banks

Exhibit B: Staff Report UDOT Meeting

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

DATE: January 20, 2026
TO: Mayor and City Council
SUBJECT: Preservation of US89-A Corridor
PREPARED BY: Kyler Ludwig, City Manager

Background:

The Utah Department of Transportation (UDOT) is actively working to preserve the future right-of-way (ROW) along US-89A, from Kanab to the Arizona state line. This preservation effort is part of UDOT's long-range transportation planning and is intended to accommodate future roadway and multi-modal improvements in a rapidly developing area.

In December 2025, representatives from UDOT Region 4 met with the Mayor and City staff to discuss the corridor and review existing local development standards. While Kanab City currently maintains a setback on the east side of US-89A, UDOT is requesting additional coordination to establish a defined corridor width and protect the ROW from development until acquisition occurs.

Analysis:

UDOT has submitted a request for input on two proposed cross-section options for US-89A, with key design elements including:

- A minimum 125-foot right-of-way for a five-lane section
- Optional expansion to 150 feet if multi-modal facilities (shared-use path and sidewalk) are included on both sides

UDOT is requesting Kanab City's feedback on the following items:

1. Preferred total ROW width for long-term preservation (e.g., 125' vs. 150')
2. Which side of the corridor should accommodate the shared-use path
3. Drainage preference: urban curb & gutter or rural swale design

UDOT intends to conduct a corridor survey in the coming weeks and has committed to covering the cost of surveying and deed preparation for willing property owners through its corridor preservation program.

A formal ordinance to preserve the right-of-way will be brought to the Planning Commission for

— 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**

review. The item was scheduled for the January meeting but will now be considered in February due to a meeting cancellation.

Legal:**Financial:**

There is no immediate financial impact. UDOT will fund surveying and acquisition costs of property.

Recommendations/Actions:

It is recommended the City Council provide direction on the following:

- Preferred right-of-way width (minimum 125' or expanded 150' cross-section)
- Preferred location of shared-use path (north or south/east or west side of US-89A)
- Preference for curb & gutter vs. rural swale drainage treatment

Input will be shared with UDOT to support next steps in their preservation and design process.

Attachments:

– A Western Classic –

Jeffery Albrecht <jalbrecht@utah.gov>

to cjohnson, me, Riley, Tracy, Chris, Cody, Kurt, Kirk, ccram@kanab.utah.gov 

Mayor Johnson,

Thank you for taking the time to meet with Cody Marchant and I last month to discuss the corridor preservation between Kanab and the Az. Stateline, along Highway 89A..

We are appreciative of the efforts you have already made to help preserve the area for the future Right of Way, and look forward to solidifying a Right of Way Width that meets the needs and vision of Kanab City..

As you can see below, the current right of way is around 80+/- feet but varies some through the corridor.



We have put together 2 potential cross sections for the 5 lane section, and want to get the City's feedback on which width you would like to move forward with. UDOT is proposing, at a minimum, we plan for approximately 125 feet as shown on the attached cross section. If the City wants one or more shared use paths along the alignment, it would likely widen from there.. We do need to plan for at least one side of the road as being for All Users, bikes, etc., which will affect the overall width.. We can just do a 10 foot path on one side and sidewalk on the other. We need to know which side of the highway makes sense for the shared use path. We need to get the width established so we can record an agreement that protects the areas, until UDOT can purchase the properties.

Questions for Kanab City:

1- Do you want curb and gutter on both sides of the highway, or would you prefer a more rural feel, with drainage swales? (The more development there will be the harder it will be to construct over the drainage swales.)

2-Which side of the highway would you prefer a shared use path?

Our Survey Crew will be flying the corridor in the next few weeks, and UDOT will be hiring a consultant to Conduct the Right of Way Survey, and establish the parcels to be Purchase from owners, by UDOT. Once completed, any willing parcel owners can then sell UDOT the property for Market Value.

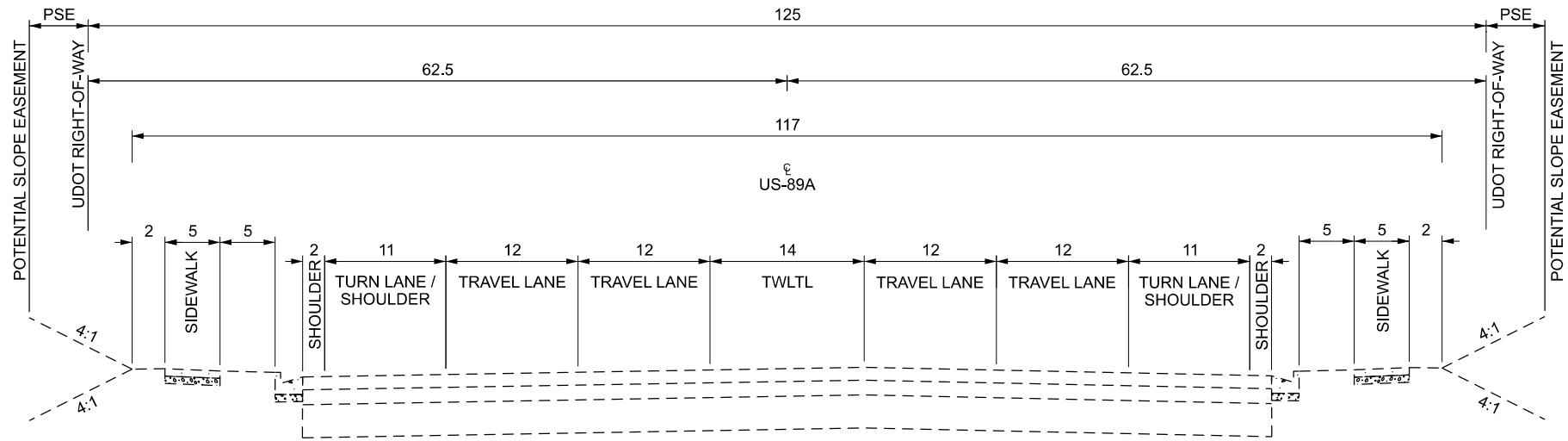
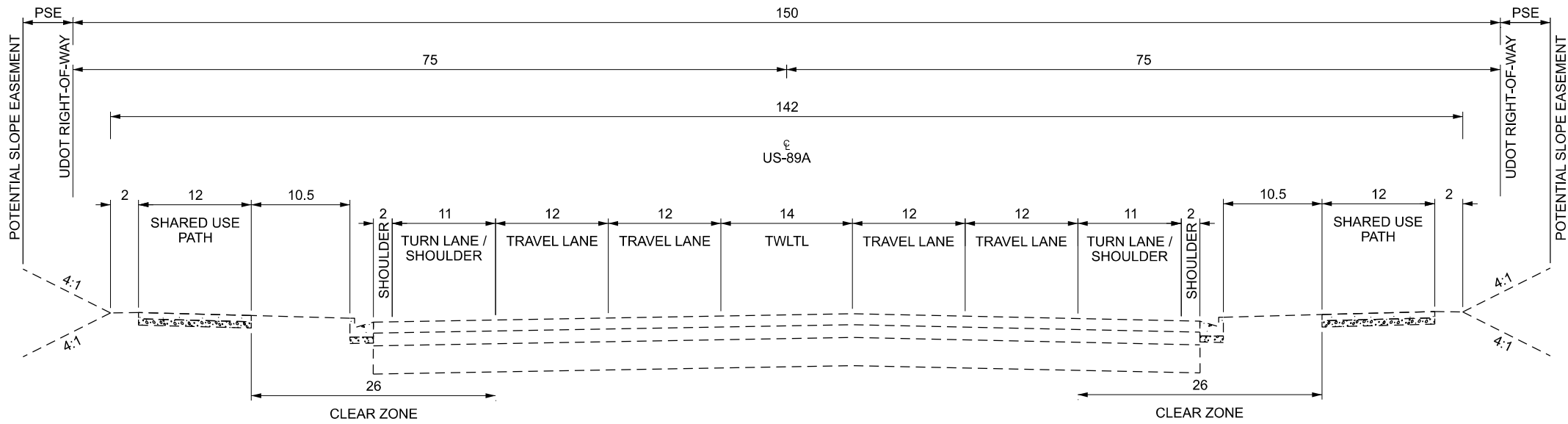
Please discuss this Right of Way width with your City Staff. We can set up another meeting in the next month to finalize the width as your schedule allows.. The costs for surveying and writing deeds for parcels will be covered by UDOT's corridor preservation program.

Thanks again for working with UDOT on this corridor preservation project. We will follow back soon..

Thank you,

--
Jeff Albrecht P.E. - P.L.S.
 UDOT Region 4 Preconstruction Engineer
 Office: (435) 893-4732
 Cell: (435) 689-0299
jalbrecht@utah.gov





PROJECT		US-89A; STATE LINE TO KANAB		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR DESIGN				REVISIONS									
		CORRIDOR PRESERVATION															
PROJECT NUMBER	PIN		APPROVED		DRAWN BY		QC CHECKED BY		NO.		DATE		APPROVED BY		REMARKS		
				1/7/2026		PROFESSIONAL ENGINEER		DATE									
SHEET NO. _____																	



Measurement



1 Feet (US) ▼

Measurement Result

78.3 Feet (US)

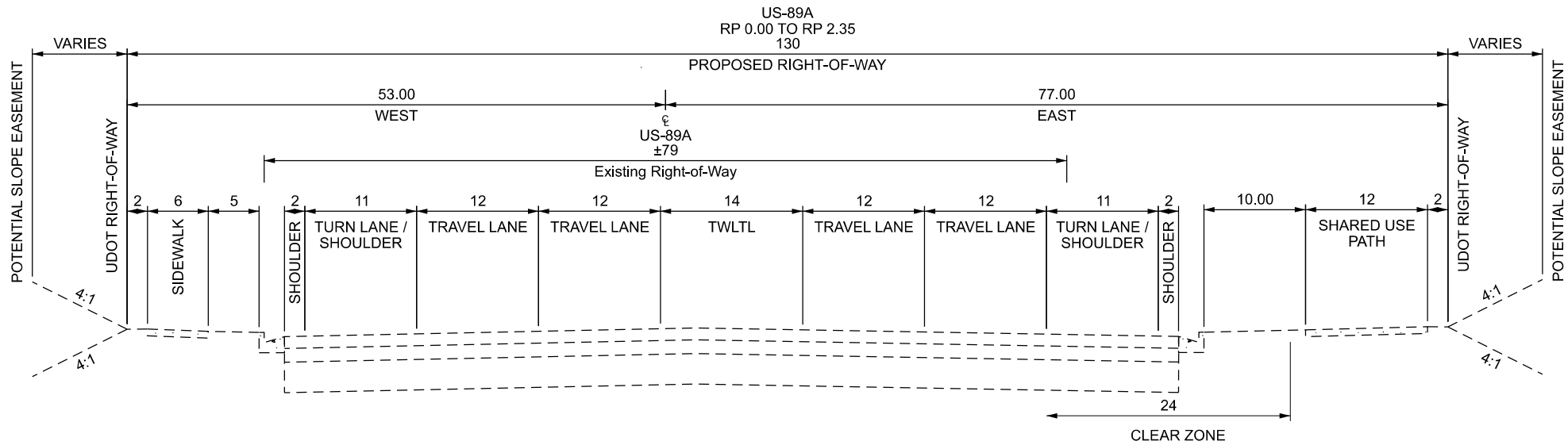
Clear

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



City
Council
Arlon Chamberlain
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Heaton
Boyd Corry
Peter Banks

Exhibit C: Updated UDOT drawing



PROJECT		UTAH DEPARTMENT OF TRANSPORTATION		REVISIONS	
PROJECT NUMBER		REGION FOUR DESIGN			
		APPROVED			
		DRAWN BY			
		QC			
		CHECKED BY			
		DATE			
		PROFESSIONAL ENGINEER			
		DATE			
		APPROVED BY			
		REMARKS			

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: April 14, 2026
TO: Mayor and City Council
SUBJECT: Personnel Policies Draft
PREPARED BY: Kyler Ludwig, City Manager

Background:

Over the past year, the City Attorney and Human Resources Manager have undertaken a comprehensive update of the City's Personnel Policy Manual. The draft policies are based on the Lexipol system, which provides standardized personnel policies grounded in current state and federal law.

City-specific revisions have been incorporated to reflect Kanab City's organizational structure, operational practices, and administrative needs. The draft has been presented to the City Council for review over multiple meetings and has also undergone internal staff review and feedback.

Analysis:

The updated Personnel Policy Manual includes provisions addressing recruitment, employee conduct, evaluations, discipline, compensation and benefits, leave policies, grievance procedures, anti-retaliation protections, workplace safety, and related administrative processes.

This update:

- Aligns City policies with current legal standards
- Improves internal consistency and clarity
- Provides uniform guidance for employees and supervisors
- Reduces legal exposure through standardized procedures

The Personnel Policy Manual is intended to serve as an administrative policy framework only and does not create a contract of employment, express or implied. All employment with the City remains at-will, unless otherwise expressly provided by written agreement approved by the City.

The Mayor may participate in discussion and vote on this item, as the Personnel Policies relate to administrative functions, roles, and responsibilities within the City's organizational structure.

— A Western Classic —

Mayor

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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:

Approved as to form

Financial:

Recommendations/Actions:

It is recommended the City Council:

- Adopt the Personnel Policy Manual by resolution

Attachments:

— A Western Classic —

Chapter 1 - Role and Authority

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

Policy Manual

[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.

Policy Manual

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 accept~~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.

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.

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- (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

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

[At the direction of the City Manager or authorized designee, an employee's access to the City's email system may be suspended or reassigned to another.](#)

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.

ADA Compliance

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.

ADA Compliance

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

ADA Compliance

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.

ADA Compliance

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:

ADA Compliance

- (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.

ADA Compliance

- (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.

ADA Compliance

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.

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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.

Volunteers

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.

Volunteers

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.

Purchasing and Procurement

- (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 ~~could~~ 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.

News Media and Community Relations

- (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.

News Media and Community Relations

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.

Draft

Chapter 3 - Facilities

Draft

Key and Electronic Access Device Controls

300.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Key - All electronic or mechanical devices used to access or exit city buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

300.2 POLICY

It is the policy of the City that all keys used to access local government buildings and facilities are inventoried and controlled.

300.3 RESERVED KEY IDENTIFICATION

~~All keys that open any doors or locks to buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.~~

~~A separate secure document identifying all keys will be maintained by the or the authorized designee.~~

300.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the City. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the City Manager or the authorized designee.

The City Manager or the authorized designee should regularly inventory all city keys.

[Keys may be checked out to non-employees for specific facilities, as authorized by the City Manager or authorized designee.](#)

Key and Electronic Access Device Controls

300.5 LOCK POLICY

All city buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to city buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to city buildings and facilities unlocked or propped open.

300.6 TESTING

The City Manager or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

300.7 EMERGENCY KEY SET

At least one key set containing every key for city buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the City Manager or the authorized designee in the event of an emergency.

300.8 MISSING KEYS

Any employee who discovers that a key or key set is missing shall report it to a supervisor as soon as reasonably practicable. If a reasonable effort to locate the key fails, the supervisor shall notify the City Manager or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The City Manager or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

300.9 DAMAGED KEYS OR LOCKS

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

300.10 KEY CONTROL RECORDS

The City Manager or the authorized designee will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with established records retention schedule.

300.11 DIGITAL OR CODE LOCKS

Digital or code locks should be changed on a routine schedule (e.g., quarterly, semi-annually), or whenever an employee has been terminated that previously had access to the building or facility. The City Manager or the authorized designee should be informed whenever digital or coded locks are changed and a record properly kept.

Public Safety Video Surveillance System

301.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of city public safety video surveillance, as well as the storage and release of the captured images.

301.2 POLICY

The City operates a [limited](#) public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist city officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

301.3 OPERATIONAL GUIDELINES

Only city-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The City Manager or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

301.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the City Manager or the authorized designee should confer with any appropriate city department and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement.

~~Cameras should only record video images and not sound.~~ The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To respond to critical incidents.
- (c) To augment resources in a cost-effective manner.
- (d) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate department should be notified in a timely manner.

The City Manager or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by law

Public Safety Video Surveillance System

enforcement, government agencies [or agency officials acting in their official capacity](#), road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

301.3.2 CAMERA MARKINGS

[All](#) public areas monitored by public safety surveillance equipment should be marked in a conspicuous manner with appropriate signs to inform the public that the area is under surveillance by the City. Signs should be well lit, placed appropriately, and without obstruction to ensure visibility.

301.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The City may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The City should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

[If the public safety video surveillance system utilizes or is integrated with mobile applications, only authorized employees should view or access such applications.](#)

301.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure employees follow city policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

301.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and department of the person being given access to the images.
- (c) Name of the person authorizing access.
- (d) Identifiable portion of images viewed.

[If a mobile application is used to access the public safety video surveillance system, an employee's usage of such an app is subject to audit by the City Manager or authorized designee.](#)

Public Safety Video Surveillance System

301.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

301.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

301.5.1 EVIDENTIARY INTEGRITY

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

301.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the City.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be referred to the City Manager.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established city subpoena process.

[The City Attorney may disclose or disseminate, or direct the disclosure/dissemination of recorded video images gathered by the public safety video surveillance equipment, or other video records, pertaining to a criminal investigation, or pending or ongoing criminal or civil litigation.](#)

301.7 VIDEO SURVEILLANCE AUDIT

The City Manager or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed

Public Safety Video Surveillance System

and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the City Manager or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

301.8 TRAINING

All city employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and a review of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Draft

Use of Public Facilities

302.1 PURPOSE AND SCOPE

This policy provides guidance regarding the permitting process for the use of city facilities by members of the public.

This policy does not apply to spontaneous expressive activities such as demonstrations or to expressive activities of groups of fewer than 50 people. [Nor does it apply where the City ordinance governing Special Events or Municipal Property are controlling. Furthermore, this policy does not](#) **it** apply to other gatherings of fewer than 50 persons when the department head has developed appropriate nondiscriminatory application or request processes for the use of city facilities under the control of the department head.

302.1.1 DEFINITIONS

Definitions related to this policy include:

Applicant - Any individual, group, or organization seeking approval to use city facilities.

Facilities - Any buildings, rooms, structures, sites, complexes, parks, roads, walkways, parking areas, equipment, and other real or personal property owned or leased by the city that are made available for use by the general public.

302.2 POLICY

It is the policy of the City to make certain facilities available for public use in a fair and equitable manner based on an established application and permitting process.

302.3 PERMIT PROCESS

The City Manager or the authorized designee should develop, implement, and maintain a permitting process for the use of city facilities. The process should include:

- (a) A standardized application and reservation system.
- (b) An application submittal period and review process.
- (c) A method of communicating confirmations and denials of applications, as well as an appeals process for denials.
- (d) Permit forms for facility use.
- (e) A fee schedule for facility use and for payment of deposits, balances due, and refunds.
- (f) A nondiscriminatory process for establishing how much liability insurance will be required from applicants.
- (g) A process for making changes to existing reservations and for cancellations.
- (h) The designation of city employees responsible for enforcing permit terms.
- (i) Rules and regulations for facility use (e.g., cleaning, smoking/vaping, alcohol use, food and beverage sales or service, insurance coverage).

Use of Public Facilities

- (j) A process for determining when free speech expression areas will be necessary and a process for designation and monitoring of such areas, when used.

The City Manager should also adopt and maintain city requirements related to facility use permits, including duration of use, traffic control, [access](#), and noise limitations.

302.3.1 APPLICATION REVIEW

- (a) The following should be considered when determining whether to grant or deny an application for facility use:
 1. The application should be complete and not contain false or misleading information.
 2. The activity or event should not pose unreasonable health or safety risks.
 3. Appropriate ancillary facilities such as parking and sanitary facilities should be available and adequate for the activity or event.
 4. The activity or event should not pose an unreasonable risk of damage to city facilities.
 5. An application should be denied if the applicant has damaged city facilities in the past and has failed to pay for the damages.
 6. Adequate supervision and security personnel for the activity or event should be provided by the applicant.
- (b) When determining whether to grant or deny an application for facility use, the City shall not consider an applicant's:
 1. Actual or perceived classification or status protected by law, such as religion, race, or gender identity or expression.
 2. Political, social, or ideological beliefs.
 3. Viewpoint, message, or program content and any anticipated response.

302.3.2 PERMIT TERMS

Permits should contain the applicant's agreement to:

- (a) Return the facilities to their original condition and assume responsibility for any damage or loss sustained.
- (b) Comply with all federal, state, and local laws, regulations, and ordinances, as well as all permit requirements and conditions imposed by the City.
- (c) Refrain from promoting, permitting, or engaging in illegal activity.
- (d) Obtain a general liability insurance policy in the amount required naming the City as an additional insured and identifying the policy as primary to the city's insurance coverage.
- (e) Make it clear to the public that the activity or event is the applicant's and that any message is not endorsed or made by the City.

Use of Public Facilities

Permits should also contain notice to the permittee that failure to comply with permit terms may result in enforcement action and denial of future applications.

302.4 DISTURBANCES OR CRIMINAL ACTIVITY

Non-law enforcement employees should not attempt to physically control a person or group that is creating a disturbance or engaging in criminal activity on city property during a permitted activity or event. Such instances, as well as unapproved demonstrations or acts of civil disobedience, should be reported to law enforcement for handling.

302.5 RECORDS

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

Draft

Holiday Displays

303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on holiday displays by the City.

The use of city facilities by members of the public or private groups is addressed in the Use of Public Facilities Policy.

Memorials on city property are addressed in the Memorials on Public Property Policy.

303.2 POLICY

It is the policy of the City that city seasonal temporary holiday displays be appropriate and lawful.

303.3 RESPONSIBILITIES

The City Manager should review and approve each city holiday display.

The City Manager's review should be completed prior to installation of the display and should include a review of the following:

- (a) The location of the display, including the types of structures and properties immediately adjacent to the display.
- (b) The manner and format in which the different secular and non-secular decorations will be displayed.
- (c) Whether the display complies with the criteria set forth in this policy.

If the City Manager has any concerns regarding the content of the display, [legal](#) counsel should be consulted prior to proceeding.

303.4 REVIEW CRITERIA

A city holiday display should not have an overall effect of supporting or endorsing a religion or denigrating or inhibiting any religion or religious belief. When reviewing a proposed display, the City Manager should consider the following:

- (a) The holiday display should:
 - 1. Have a primary purpose that is secular.
 - 2. Recognize the celebration of the holidays and/or seasonal traditions (e.g., lights, snowflakes, Santa Claus in the winter; bunnies, baskets, eggs in the spring).
 - 3. Include religious symbols only if they are accompanied by numerous other non-religious holiday items and in a non-religious setting.
- (b) The holiday display should not:
 - 1. Include religious symbols (e.g., a nativity scene, a cross, a menorah) alone or in a setting that focuses on or draws attention to a specific religion or the religious nature of a symbol.

Holiday Displays

2. Be placed in any location that makes it appear that the display endorses a religion (e.g., on property adjacent to a church, other religious institution, or area connected to a religion; on city property that has a statue, monument, or sign that in combination with a holiday display might appear to endorse a religion).
3. Be used for any religious practices or ceremonies.

Draft

Memorials on Public Property

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the review and approval of city memorials and the relocation, alteration, or removal of existing memorials on city property.

This policy addresses memorials established by the City and memorials requested or donated by members of the public.

This policy does not apply to the following:

- (a) Works of art that are not memorial or commemorative in nature
- (b) Signage or plaques placed on city property for the purpose of acknowledging a donor or sponsor
- (c) Historical markers or placards that provide information to the public

Temporary displays on city property are addressed in the Holiday Displays and the Use of Public Facilities policies, [and in the City's Sign ordinance](#). [Portions of this policy may not apply where the Sign ordinance is controlling.](#)

304.1.1 DEFINITIONS

Definitions related to this policy include:

Memorial - A permanent monument, museum, building, garden, plaque, sculpture, or the like intended to commemorate or preserve the memory of a person, group, action, or event.

304.2 POLICY

It is the policy of the City that memorials on city property be considered and approved pursuant to this policy.

304.3 RESPONSIBILITIES

The City Manager or the authorized designee should:

- (a) Establish procedures for the submission, review, and approval of requests by members of the public for new city memorials or for the removal, alteration, or relocation of existing memorials. The procedures should include:
 - 1. That all requests be submitted in writing.
 - 2. For new memorials, that the request includes detailed information regarding the form and substance of the proposed memorial, the proposed location, and the proposed source of funding.
 - (a) The proposed memorial should be presented either in fully finished form or in a model prior to final acceptance by the City.
 - 3. For existing memorials, that the request includes the reason for the requested removal, relocation, or alteration.
 - (a) Requests for relocation should identify the new proposed location.

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- (b) Requests for alteration should detail the type and form of the proposed alteration.
- 4. Review by any appropriate department.
- 5. The opportunity for input from members of the public.
- 6. The opportunity for the City to ask the requester for modifications to a proposed memorial, relocation, or alteration consistent with this policy.
- 7. That any denial of a request be documented.
- 8. An appeal process to the City Manager or the governing body for application denials or modification requests.
- (b) Provide notice to members of the public making requests that:
 - 1. For new memorials, the memorial becomes the property of the City upon installation.
 - 2. The City may deny any request after a review of the request under the procedures established by this policy.
 - 3. The City will make a final determination as to the location of all new or relocated memorials within the City.
 - 4. Existing memorials on city property do not establish a precedent for any future approvals.
- (c) Adopt and maintain additional city requirements relating to new memorials or the removal, alteration, or relocation of existing memorials.
 - 1. Requirements may include size, material quality, and appearance standards.
- (d) Coordinate a process for the periodic review of existing memorials to consider whether:
 - 1. Relocation, alteration, or removal is appropriate. This process should include the evaluation of the overall condition of the memorial and whether there are any reasons to consider the relocation, alteration, or removal of the memorial.
 - 2. Designation as a historic landmark or district under federal, state, or local laws or guidelines is appropriate for any memorials.
- (e) Create a list of all memorials within the City that includes the type of memorial, the current location of the memorial, and any specific maintenance, safety, or access information relevant to the memorial.

304.4 CONSIDERATIONS FOR NEW MEMORIALS

The following criteria should be considered for all new memorials:

- (a) The memorial should:
 - 1. Support or promote the common history of the City, local culture, civic identity, or mission of the City.
 - 2. Be of historical or social significance.

Memorials on Public Property

3. Be located in an area that is connected with the person or event being commemorated.
4. Be compatible with the area surrounding the proposed location.
 - (a) The size, content, and appearance of the memorial should improve or otherwise enhance the social and physical environment of the surrounding area.
5. Comply with any additional city requirements related to memorials.
- (b) The memorial should not:
 1. Present unreasonable maintenance, security, environmental, or access issues.
 2. Be offensive to a reasonable person.
 3. Reasonably appear to be promoting, favoring, or inhibiting any religion or political affiliation.

Consideration should be given to how the memorial corresponds with other memorials in the immediately surrounding area and in the City generally.

304.5 CONSIDERATIONS FOR THE REMOVAL, ALTERATION, OR RELOCATION OF EXISTING MEMORIALS

The following criteria should be applied to all cases where the removal, alteration, or relocation of a memorial is being considered, whether initiated by a request from members of the public or internally by city officials or staff.

- (a) The memorial should be removed, altered, or relocated, as appropriate, if:
 1. The memorial has deteriorated to the extent that it cannot be safely maintained in its current location.
 2. Security issues make the current location unreasonable.
 3. The memorial is damaged beyond reasonable repair.
 4. Social or environmental changes to the location or surrounding area have made the memorial no longer appropriate for the location.
 5. The memorial is no longer sufficiently connected to the common history, local culture, or mission of the City.
 6. A more appropriate alternative location for the memorial is reasonably available.
- (b) The memorial should not be removed, altered, or relocated:
 1. If federal, state, or local laws restrict the removal, alteration, or relocation of the memorial.
 2. Without appropriate pre-approvals from federal, state, or local officials, as required.
 3. If removal, alteration, or relocation is not consistent with additional requirements adopted or maintained by the City Manager.

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4. Without final approval of the City's governing body.

304.6 DAMAGE OR DETERIORATION

Employees who observe damage to or significant deterioration of an existing memorial should report the damage to a supervisor. Appropriate repairs may be made with supervisory approval.

If damage or deterioration to a memorial reasonably appears to present a safety issue, access to the memorial should be restricted and a supervisor should be immediately notified.

304.7 DOCUMENTATION

The following should be created and maintained consistent with the established records retention schedule:

- (a) The list of memorials within the City.
- (b) Documentation relating to the approval of any new memorials.
- (c) Documentation relating to the removal, relocation, or alteration, of any memorial, including the reason for the action, and whether the memorial has been stored or otherwise disposed of.

Flags

305.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper display of flags at city facilities.

305.2 POLICY

It is the policy of the City to display flags in compliance with federal and state laws and local ordinances.

305.3 DISPLAY OF FLAGS

Flags flown at city facilities will be displayed in the following order of prominence:

- (a) The United States flag
- (b) Flags of foreign governments recognized by the United States when flown with the United States flag
- (c) The state flag
- (d) The city flag
- (e) ~~The flag~~
- (f) Any commemorative flags

305.4 DISPLAYING THE FLAG OF THE UNITED STATES

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the "Flag Code." The City will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

305.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

- (a) The United States flag should be conspicuously posted on all city facilities during hours of operation.
- (b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).
- (d) The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree, and on Memorial Day until noon (4 USC § 7).

Flags

Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the "Place of Honor" (4 USC § 7).

305.5 DISPLAY OF THE STATE FLAG

The City will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

305.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS

Employees should review state law for guidance whenever the flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

- (a) The flag should be conspicuously posted on all city facilities during hours of operation.
- (b) Generally, the flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- (d) The flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.
- (e) Whenever the flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

305.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS

City flag displays, including but not limited to flagstaffs, [must comply with state law requirements and limitations. City flag displays](#) are not intended to serve as a forum for free expression by the public. Commemorative flags or flags not identified in this policy, including flags of a government not recognized by the United States, should not be displayed by the City without prior approval from the City Manager.

Facility Security

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the safety and physical security of all City facilities. Additional guidelines can be found in the Key and Electronic Access Device Controls Policy.

For information related to the protection of information systems and information technology infrastructure, see the Information Technology Use and Cybersecurity policies.

306.2 POLICY

It is the policy of the City to provide physical security measures to safeguard facilities under City control.

306.3 SECURE FACILITY ACCESS

All City facilities that are not open to the public should be equipped with self-closing and self-locking exterior doors. All exterior doors should remain closed and locked at all times, unless secondary barriers are in place or a City employee is present to prevent unauthorized access. Other points of entry to the City facility and all exterior units, including storage rooms and lockers, should remain closed and locked unless directly monitored by a City employee.

The City Manager or the authorized designee should develop and implement a process for vendor and contractor access to secure facilities.

306.3.1 PUBLIC FACILITY ACCESS

All City facilities with public access should remain open and accessible during established business hours. All exterior doors that do not provide public access should remain closed and locked at all times. Each facility should maintain a designated reception area or secondary barriers to prevent unauthorized access to restricted areas. Restricted areas should be clearly and prominently marked. Sufficient staffing should be available to monitor visitor movement and prevent access to restricted areas (see the Public Safety Video Surveillance System Policy).

The City Manager or the authorized designee should develop and implement a visitor control process for each City facility that allows public access.

306.4 SUSPICIOUS ACTIVITY

City employees should remain vigilant for any suspicious activity occurring in or around City facilities and should promptly report any such activity to a supervisor. Suspicious activity may include but is not limited to:

- Anyone loitering in the vicinity of the facility for an extended period of time.
- Unauthorized individuals photographing or taking images of the facility, employees of the City assigned to the facility, or City vehicles.

Facility Security

- Unknown individuals who appear to be monitoring the activities taking place at the facility.
- Anyone attempting to gain access or requesting access to City facilities without proper authorization.
- Any unknown or abandoned packages, vehicles, or other items left on City grounds or adjacent to City facilities.
- Unmanned aerial systems (drones) operating over or near City facilities without authorization, especially when hovering, filming, or flying at low altitudes.

306.5 THREATS AGAINST CITY FACILITIES

If a City employee receives a threat against a City facility that presents immediate danger (e.g., bomb threat, active shooter, other imminent risk to life or safety), the employee should obtain as much information about the threat as reasonably possible and immediately contact law enforcement. As soon as practicable afterward, the employee should notify the Department Head, who will notify the City Manager.

If the threat does not pose an immediate danger, the employee should obtain as much information about the threat as reasonably possible and promptly notify the Department Head, who will notify the City Manager. The Department Head or the City Manager will notify law enforcement and assist with coordination, if requested.

306.6 BREACH OF SECURITY

Any breach in security at a City facility should be immediately reported to a supervisor, who should address the incident and report it to the Department Head.

If the breach presents an active or imminent threat to safety, the employee should first contact law enforcement, then notify the Department Head as soon as practicable.

In either case, the Department Head will notify the City Manager of the breach.

306.6.1 POST-INCIDENT REVIEW

In the event of a breach in security at a City facility, the City Manager, the Department Head, or an authorized designee should conduct a post-incident review to evaluate the nature of the breach and determine appropriate follow-up actions based on the level of risk involved.

306.7 BUILDING EVACUATION PLAN

The City Manager or the authorized designee should establish a general evacuation plan for each City facility for use during any emergency requiring the evacuation of employees or the public. The plan should include clearly marked exits, evacuation maps, and specific instructions for assisting individuals with disabilities.

In the event of an evacuation, all employees should follow the established evacuation plan and comply with posted exit strategies.

See the Emergency Management Plan Policy for additional guidance.

Facility Security

306.8 SECURITY ASSESSMENTS

The City Manager should designate an employee or external consultant to periodically conduct facility risk assessments to identify vulnerabilities and improve security plans.

Draft

Chapter 4 - Equipment and Technology

Local Government-Owned and Personal Property

400.1 PURPOSE AND SCOPE

This policy addresses the care of city-owned property and the role of the City when personal property, the property of another person or entity, or city-owned property is damaged or lost.

400.2 POLICY

The City will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The City will take steps to minimize the cost associated with maintaining city property, including personal property authorized for use in the employee's duties.

400.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all property and equipment issued by the City in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving employee's signature. Upon separation from the City, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of city property that has been assigned or entrusted to them.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any city-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, city-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) City-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval, unless the item is of de minimis value and routinely disposed of as part of an employee's regular duties.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

400.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the City Manager or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

Local Government-Owned and Personal Property

The City will not replace or repair property that is not reasonably required as part of work.

400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the City Manager or the authorized designee, who will then forward the claim to the department responsible for issuing payments.

400.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the City Manager or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any city function shall promptly report the damage to a supervisor.

400.6.1 DAMAGE BY OTHERS

Employees who observe damage to the real or personal property of the City should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

Personal Communication Devices

401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the City or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets and similar wireless two-way communications, and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

401.2 POLICY

The City allows employees to utilize city-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours, for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either during work hours or non-work hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

401.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the City and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city PCDs or networks (see the Information Technology Use Policy for additional guidance).

Employees have no expectation of privacy regarding any communications while using a personally owned PCD for city-related business or when the use reasonably implicates work-related misconduct.

Personal Communication Devices

401.4 LOCAL GOVERNMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the City may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. City-issued or funded PCDs may not be used for personal business during or after work hours unless authorized by the City Manager, the authorized designee, [or explicitly by this policy](#). Such devices and the associated telephone number, if any, shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

[Unless their job function requires it, employees shall not download or use non-essential PCD applications \(e.g., social media, sports betting, entertainment, etc.\).](#)

~~Unless an employee is expressly authorized by the City Manager or the authorized designee to use the PCD during non-work hours, the PCD will be either secured in the workplace at the completion of the workday or turned off when leaving the workplace.~~

401.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The City accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems) or as otherwise authorized by city procedures.
 1. Use of a personally owned PCD for work-related business **constitutes consent** for the City to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 3. Searches of a personally owned PCD by the City should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any city business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the City, without the express authorization of the City Manager or the authorized designee.

Personal Communication Devices

- (f) If the PCD is carried during work hours, employees will provide the City with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on an employee's personally owned PCD should be transferred to the City and deleted from the employee's PCD as soon as reasonably practicable **but no later than the end of the employee's workday.**

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in city business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document city-related business activities conducted during non-work hours in any manner shall promptly provide the City with a copy of such records to ensure accurate recordkeeping.

401.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct city business:

- (a) All PCDs in the workplace shall be set to silent or vibrate mode, [when in work-related meetings or other appropriate settings.](#)
- (b) A PCD may not be used to conduct personal business during work hours except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists. [De minimis personal use during work hours may be approved by an employee's supervisor.](#)
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of city-provided communications methods is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular city-provided communications methods.
- (d) Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official city business. Disclosure of any such information to any third party through any means requires the express authorization of the City Manager or the authorized designee.
- (e) Employees will not access social networking sites for any purpose that is not official city business. This restriction does not apply to a personally owned PCD used during authorized break times.

Personal Communication Devices

- (f) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

401.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the City Manager or the authorized designee.

401.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other city communications network.

401.9 USE WHILE DRIVING

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to urgent business-related calls.

Vehicle Maintenance

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that city vehicles are appropriately maintained.

402.2 POLICY

The City will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

402.3 GENERAL DUTIES

Employees are responsible for assisting in maintaining city vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

402.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

402.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

402.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

402.4.3 REMOVAL OF WEAPONS

Only authorized firearms, weapons, or control devices shall be carried in city vehicles. Any authorized firearms, weapons, and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service, or repair.

402.5 VEHICLE REFUELING

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than one-half quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

Vehicle Maintenance

402.6 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the City.

Employees using a vehicle shall remove any trash or debris **at the end of their workday**. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Draft

Vehicle Use

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for city business. This policy does not create or imply any contractual obligation by the City to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

403.2 POLICY

The City authorizes the use of certain vehicles for official city business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

403.3 USE OF VEHICLES

Only City employees and authorized Fire Department volunteers are allowed to operate a City vehicle except as otherwise authorized by this policy.

403.3.1 VEHICLE ASSIGNMENTS

City vehicles may be assigned to individual employees at the discretion of the City Manager or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other city employees at the discretion of the City Manager or the authorized designee.

The City Manager or the authorized designee is responsible for creating a vehicle assignment/usage roster or calendar ~~each day~~ and for maintaining the rosters/calendar in accordance with the established records retention schedule.

403.3.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the City shall:

- (a) Possess a valid driver's license.
 1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent city vehicle use or personal vehicle use for city business.
 2. Employees must possess a valid commercial driver's license or special class license when applicable.

Vehicle Use

- (b) Provide the city with a driver's history report upon request.
- (c) Possess appropriate insurance as required for personal vehicles used for city business.
 - 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
 - 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws.
- (f) Maintain any personal vehicles used for city business in safe working order.

403.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned city vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

403.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any city equipment prior to parking or leaving the vehicle.

403.3.5 VEHICLE LOCATION SYSTEM

City vehicles, at the discretion of the City Manager, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require City Manager approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

Vehicle Use

403.3.6 KEYS

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

403.3.7 AUTHORIZED PASSENGERS

Employees operating assigned vehicles shall not permit unauthorized persons to ride as passengers in the vehicle. [Authorized passengers include other City employees and individuals assisting with City-related business.](#)

403.3.8 PARKING

Employees should obey parking regulations at all times.

City vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to city vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

403.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories from city vehicles without written permission from the City Manager or the authorized designee.

403.3.10 EXTENDED TRAVEL

[While on official extended travel, the vehicle may also be used for incidental purposes during the travel such as traveling to restaurants, retail establishments, or traveling to evening entertainment for leisure activities, so long as the travel is minimal, and reasonably within the same area as the official city business, and has so little value that accounting for it would be unreasonable or administratively impracticable. For purposes of this policy, traveling less than 25 miles for personal use shall be considered to fall under the threshold of little value.](#)

[If an employee is on official extended travel for which a City vehicle is available, and the employee would like to take one or more non-authorized passengers \(e.g., family members\), the employee may take their personal vehicle, but may only submit for one-half \(1/2\) the mileage reimbursement rate.](#)

403.3.11 USE OF VEHICULAR EQUIPMENT

[Large motorized equipment, such as a bucket truck, skid steer, front-end loader, or lawn maintenance equipment, is not authorized for personal use.](#)

403.4 UNSCHEDULED TAKE-HOME USE

Employees may take home city vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the City.
- (b) Other reasonable transportation options are not available.

Vehicle Use

- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the city limits.
- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.
- (f) All portable city equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the City Manager or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster [calendar](#).

If a non-Public Safety employee is using a vehicle for official travel and will be leaving or returning home during hours of darkness or under other conditions where there may be a safety concern, they may receive approval from their supervisor to take the vehicle to their home to mitigate the safety hazard. All employees who are traveling for work should consider weather, road conditions, and the type of vehicle that will be used prior to traveling to ensure reasonably safe travel under the circumstances.

403.5 ASSIGNMENT OF TAKE-HOME VEHICLES

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

Employees are cautioned that under federal and local tax rules, personal use of a city vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

In order to enhance the safety of our community by decreasing response times, public safety and public works employees may take an assigned City Vehicle home and use the vehicle to commute to and from work assignments. No other employee may use a city vehicle for purposes of travel to and from work (commuting), unless authorized by the City Manager.

403.5.1 TAKE-HOME VEHICLE AGREEMENT

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the City Manager or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the City Manager or the authorized designee. If

Vehicle Use

the vehicle is not secured inside a locked garage, all removeable city equipment shall be removed and properly secured in the residence.

- (c) Vehicles are to be secured at the employee's residence or the appropriate city facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the employee's residence, the City shall have access to the vehicle.

403.6 DAMAGE, ABUSE, AND MISUSE

When any city vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. [An accident report form should be completed and provided to the City Manager or authorized designee.](#) Any [law enforcement](#) traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the City Manager or the authorized designee.

Damage to any city vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format [or accident report form](#), which shall be forwarded to the City Manager or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

403.7 TOLL ROAD USAGE, FUEL, AND MILEAGE

Employees operating vehicles for city business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the City for toll fees and fuel expenses incurred in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for city business [only when a City vehicle is unavailable](#).

Vehicle Safety Restraints/Safety Belts

404.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in city vehicles.

Individual department policies may provide additional guidance.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

404.2 POLICY

It is the policy of the City that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

404.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this city, or in any privately owned vehicle when conducting city business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the City, are properly restrained.

404.4 TRANSPORTING CHILDREN

Child passengers--i.e., when considered authorized passengers--shall be transported using an approved child restraint system in compliance with federal and state law.

404.5 INOPERABLE SAFETY BELTS

City vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

City vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the City Manager or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

404.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

Vehicle Safety Restraints/Safety Belts

404.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Personal Protective Equipment

405.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the City.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

405.2 POLICY

The City endeavors to protect employees by supplying certain PPE as provided in this policy.

405.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

405.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

405.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)

Personal Protective Equipment

405.6 RECORDS

Supervisors are responsible for maintaining records of all:

- (a) PPE training.
- (b) PPE procurement and distribution.
- (c) Fit tests and medical evaluations related to respiratory protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results related to respirator use shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the city records retention schedule.

405.7 TRAINING

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Physical Asset Management

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the city's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Physical assets – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

406.2 POLICY

It is the policy of this city to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

406.3 RESPONSIBILITIES

The City Manager should assign a person or persons to be responsible for the inventory, maintenance, and disposal of city physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
 - 1. Procedures for disposal of all city-owned physical assets in accordance with federal, state, and local law.
 - 2. Procedures for safe disposal of hazardous waste.
 - 3. Procedures for inter-department transfers of physical assets.
 - 4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the city's physical assets and maintain accurate and complete records related to these assets. The plan should include:
 - 1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
 - 2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the city's physical assets.
 - 3. Routine internal and external audit practices.

Physical Asset Management

4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

406.4 IDENTIFICATION AND TAGGING

Physical assets should be tagged using a bar code or other system to identify and locate the items. Tags should be affixed in the same manner and location on each item, when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping established in the physical asset management plan:

- (a) A description of the item, including but not limited to:
 1. Make, model, and serial number
 2. Physical dimensions and weight
 3. Color, material, and other physically distinct qualities
 4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

406.5 SURPLUS OR OBSOLETE ASSETS

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy.

[If an asset has value estimated to be greater than \\$1,000, it shall be surplus by resolution of the City Council. Items under \\$1,000 may be surplus with approval of the City Manager.](#)

406.5.1 STORAGE

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy.

Physical Asset Management

406.5.2 TRANSFERS

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

406.6 LOSS, DAMAGE, OR DESTRUCTION

Circumstances surrounding loss, damage, or destruction of the city's physical assets shall be promptly reported to and investigated by the City Manager or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy.

406.7 USAGE MONITORING

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the city's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

406.8 MAINTENANCE

Routine maintenance of physical assets should be proactive to limit interruption of the city's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The City Manager or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

406.9 DISPOSAL

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy.

406.10 INVENTORY AND REPORTS

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

Physical Asset Management

406.11 TRAINING

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all city physical assets should receive training regarding their responsibilities under the physical asset management plan.

Draft

Generative Artificial Intelligence Use

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for city use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of city information technology resources are found in the Information Technology Use and Cybersecurity policies.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, [documents](#), images, or video) input by the user.

407.2 POLICY

The use of GenAI systems carries unique benefits within a local government entity, providing ways to increase operational efficiency, enhance city procedures, and improve the overall effectiveness of the City.

However, the prompts input into GenAI systems can present risks to both individuals and local governments by making accessible to the public information such as facility security records, security procedures, personal information, certain law enforcement records, and other confidential information (e.g., protected information, social services records, financial records). In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the City to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by an employee of the City using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

[GenAI inputs and outputs should be maintained in accordance with records retention schedules. Employees have no expectation of privacy in these records. An employee's use of GenAI for work-related purposes may be inspected at anytime, may be required to be disclosed through a GRAMA request, or during the discovery process in civil or criminal litigation.](#)

407.3 RESPONSIBILITIES

Generative Artificial Intelligence Use

407.3.1 CITY MANAGER

The City Manager or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any city functions.

407.3.2 AI COORDINATOR

The City Manager or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the City Manager or the authorized designee. [If an AI Coordinator is not appointed, then the City Manager or the authorized designee shall serve and fulfill the responsibilities of the AI Coordinator.](#)

The responsibilities of the AI coordinator include, but are not limited to:

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the City Manager or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the City consistently over time.
 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the city's use of the system.
 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)). [The ability to use the system as a closed versus open system.](#)
 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of city data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., HIPAA requirements) should be used to outline the roles, responsibilities, and data ownership between the City and third-party vendor.

Generative Artificial Intelligence Use

- (c) Coordinating with the Information Security Officer and others within the City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, secured, and used appropriately.
- (d) Maintaining a list or inventory of city-approved GenAI systems and, when appropriate for city transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.
- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each city-approved GenAI system.
- (h) Ensuring access to city GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the City to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the city's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and city practices and proposing updates as needed to the City Manager or the authorized designee.

407.4 USE OF GENERATIVE AI

The use of city GenAI systems by city employees shall be limited to official work-related purposes, and employees shall only access and use GenAI systems for which they have been authorized and received proper training.

Employees shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Employees should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, employees should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable.

Generative Artificial Intelligence Use

- (c) [Certain employees \(e.g., law enforcement\) shall be required to](#) include a statement in the final document or work product that GenAI was used to aid in its production. [The AI Coordinator shall determine what categories of documents require a disclosure that GenAI was used to produce the document.](#)

407.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential security information, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Employees should instead use generic unidentifiable inputs, such as "person," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

407.5 PROHIBITED USE

Employees shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the City Manager or the authorized designee for the intended use.

407.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Information Technology Use

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of city information technology resources, including computers, electronic devices, hardware, software, and systems.

Additional guidelines for the use of city information technology resources are found in the Cybersecurity Policy.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

408.2 POLICY

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

408.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system.

The City reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password

Information Technology Use

will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

408.4 RESTRICTED USE

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

408.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

408.4.2 HARDWARE

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

408.4.3 INTERNET USE

Internet access provided by or through the City shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

Information Technology Use

408.4.4 USE DURING NON-WORK HOURS

Employees shall only use technology resources provided by the City during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours. [Also see the Authorized Personal Use of Public Property Policy.](#)

408.5 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall immediately report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) pursuant to the incident reporting procedures established by the Information Security Officer.

408.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a [pending or active](#) lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

Information Technology Use

Employees shall not dispose of, delete, or fraudulently modify computer files when a litigation hold is in effect, and shall otherwise maintain computer files in accordance with records retention schedules.

Draft

Local Government Use of Social Media

409.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

409.2 POLICY

The City will use social media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

409.3 AUTHORIZED USERS

Only employees authorized by the City Manager or the authorized designee may utilize social media on behalf of the City. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The City Manager may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over city social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

409.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the City mission, and that conforms to all city policies regarding the release of information may be posted. Examples of appropriate content include:

Local Government Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

409.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the City Manager or the authorized designee will be responsible for the compilation of information to be released.

409.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

409.5.1 PUBLIC POSTING PROHIBITED

City social media sites shall be designed and maintained to prevent posting of content by the public.

The City may provide a method for members of the public to contact city employees directly.

Local Government Use of Social Media

409.6 MONITORING CONTENT

The City Manager will appoint a supervisor to review, at least annually, the use of city social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

409.7 RETENTION OF RECORDS

The City Manager should work with the City Recorder to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

409.8 TRAINING

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

Draft

Cybersecurity

410.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to protect the city's information technology infrastructure from cyber threats.

Additional guidelines for the use of city information technology infrastructure are found in the Information Technology Use Policy.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Cybersecurity – The practice of protecting an information technology infrastructure from digital attacks.

Cybersecurity incident - Any incident that compromises the security of the information technology infrastructure of the city. This includes but is not limited to data breaches, unauthorized access attempts, malware infections, phishing attacks, and any other suspicious activity.

Cyber threats – Unauthorized access, use, disclosure, disruption, modification, or destruction of the city's information technology infrastructure.

Information technology infrastructure – All electronic devices, networks, systems (e.g., hardware, software, firmware), and data owned, operated, or managed by the City, including but not limited to computers, servers, mobile devices, networking equipment, and cloud-based services.

410.2 POLICY

The City is committed to maintaining the security and integrity of its information technology infrastructure and will take reasonable cybersecurity measures to safeguard its information technology infrastructure from cyber threats.

410.3 CITY MANAGER RESPONSIBILITIES

The City Manager is responsible for securing and allocating the necessary resources, support, and guidance to provide effective cybersecurity measures.

The City Manager shall appoint an Information Security Officer (ISO) to oversee and implement the city's cybersecurity efforts. [The ISO may be an outside contractor.](#) The ISO should report directly to the City Manager. [The responsibilities of the ISO may be split between the ISO and the City Manager or authorized designee.](#)

The City Manager should ensure that the appointed ISO receives appropriate training and maintains [the](#) appropriate credentials needed to complete the assigned job responsibilities.

410.4 INFORMATION SECURITY OFFICER (ISO) RESPONSIBILITIES

Responsibilities of the ISO include but are not limited to:

Cybersecurity

- (a) Overseeing the city's cybersecurity efforts. This includes assessing and implementing appropriate cybersecurity technologies, including firewalls, antivirus software, intrusion detection systems, and data encryption tools.
- (b) Developing procedures related to specific city cybersecurity efforts, such as acceptable use, password management, and remote access.
- (c) Remaining familiar with and facilitating city compliance with all applicable and emerging federal, state, and local laws related to cybersecurity, such as the Federal Information and Security Modernization Act (FISMA) (44 USC § 3551 et. seq.) and the Cybersecurity Information Sharing Act (CISA) (6 USC § 1501 et. seq.).
- (d) Conducting periodic risk assessments to identify potential vulnerabilities in the city's information technology infrastructure.
 - 1. The risk assessment should include a review of the city's cybersecurity technologies to address emerging threats, as appropriate.
- (e) Developing and implementing risk mitigation strategies based on the findings of the risk assessment, including updates to the city's cybersecurity technologies.
- (f) Developing and maintaining procedures for data protection, including classifying data based on the sensitivity of the data, performing data backups, and securely disposing of sensitive data.
- (g) Developing and implementing procedures for employees and elected officials to report suspected or potential cybersecurity incidents.
- (h) Developing and implementing an incident response plan to address potential cybersecurity breaches or attacks.
- (i) Coordinating with the training manager to develop and implement a comprehensive cybersecurity training program for all employees and elected officials.
- (j) Responding to and advising employees and elected officials on cybersecurity questions or issues related to city cybersecurity practices.
- (k) Coordinating with city department staff and Department Heads to ensure compliance with this policy.
- (l) Ensuring that protocols are in place to require all vendors and contractors handling city data to adhere to this policy's cybersecurity standards and any and all procedures or practices established by the ISO. This may be accomplished by including provisions for data protection, breach reporting, and secure data handling practices in contractual agreements.
- (m) Regularly reviewing this policy and related policies or procedures and recommending amendments as needed.

410.5 EMPLOYEE AND ELECTED OFFICIAL RESPONSIBILITIES

All City employees and elected officials share responsibility for proactively protecting the city information technology infrastructure from cyber threats and cybersecurity incidents.

Cybersecurity

Employees and elected officials shall immediately report any suspicious activity, actual or suspected cyber threats, or cybersecurity incidents pursuant to the procedures established by the ISO.

410.6 ACCESS CONTROL, PASSWORD, AND USER MANAGEMENT

Access to city information technology infrastructure shall be granted based on the principle of least privilege so that city employees have only the necessary access rights required for their specific job duties.

The city shall require password access to the city information technology infrastructure. Passwords shall be required to meet the minimum length and complexity requirements, be changed periodically, and not be shared, reused, or stored in plain text. The City shall implement multi-factor authentication for systems containing sensitive or critical information.

Upon separation from employment, an employee's access to the city information technology infrastructure shall be immediately terminated.

410.7 NETWORK SECURITY

The City shall implement firewalls and other intrusion prevention systems to protect the city information technology infrastructure from unauthorized access, malware, and other cyber threats.

The City shall ensure that city wireless networks are secured using encryption, strong passwords, firewall configurations, and any additional security protocols necessary to protect against cyber threats.

Information systems shall be configured securely to protect the security of city data.

410.8 DATA CLASSIFICATION, PROTECTION, AND DISPOSAL

Data should be classified by the City based on its sensitivity. Appropriate security controls should be implemented based on the classification level of the data.

Regular data backups shall be performed by the city and shall be stored in a secure location. The process used for data backup and recovery shall be regularly tested to confirm it can adequately recover data if needed. All testing should be documented.

The ISO shall also ensure that sensitive data at rest and in transit is encrypted using industry-standard encryption algorithms and protocols.

The disposal of sensitive information should follow appropriate protocols to prevent unauthorized retrieval (e.g., secure erasure, destruction of data).

When an employee and the City no longer have need of a computer device, cell phone, or other personal communication device (PCD), and the data from that device has been properly backed up, it shall be properly forensically wiped of all City-related data, making that data unrecoverable from the device itself, before being surplussed and disposed of properly.

Cybersecurity

410.9 INCIDENT RESPONSE PLAN

The City should maintain an incident response plan that addresses cybersecurity incidents promptly. The incident response plan should include procedures for:

- (a) The receipt and processing of reported cybersecurity incidents or events.
- (b) Specific steps for identifying, containing, and mitigating security incidents.
- (c) Coordination with relevant departments, external agencies, and other stakeholders to develop an appropriate response.
- (d) Regular audits to determine compliance with incident response procedures.
- (e) Post-incident recovery actions and protocols, including:
 - 1. Containment and eradication of threat.
 - 2. Recovery of data.
 - 3. Required reporting.
 - 4. Continuity of services.
- (f) The investigation of any reported cybersecurity incidents, including steps to prevent future occurrences.
- (g) Regular interactive simulations and practical exercises to test compliance and awareness of incident response procedures.

410.10 CYBERSECURITY TRAINING PROGRAM

All employees and elected officials shall complete initial and annual cybersecurity awareness training consistent with the requirements established in the cybersecurity training program.

The cybersecurity training program should include instruction on the following:

- (a) Recognizing and avoiding threats (e.g., phishing awareness, social engineering tactics, safe browsing).
- (b) Secure device use (e.g., keeping devices updated and secure, mobile device security, physical device security).
- (c) Safe network practices (e.g., Wi-Fi security considerations, virtual private networks, firewall and antivirus software).
- (d) Data security (e.g., data encryption and backup, handling confidential data).
- (e) This policy and all related policies and procedures, including:
 - 1. Acceptable use, password protection, and remote access procedures.
 - 2. Procedures for data classification.
 - 3. Incident reporting procedures.
 - 4. Incident response plans.
 - 5. Applicable state and federal law related to cybersecurity.

Authorized Personal Use of Public Property

411.1 POLICY

This policy provides guidance to City employees as to authorized personal use of public property, as defined in Utah Code § 76-8-101, to help them avoid unintentional violations of Utah Code, Title 76, Chapter 8, *Offenses Against the Administration of Government*. Such violations may be criminally prosecuted.

This policy outlines City employees' authorized personal use of City property. A public servant is not guilty for authorized personal use of public property as set forth in this policy.

Employees are responsible to protect and conserve City-owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant employees or create an inherent right to use government resources, and no inference should be made. The privilege and authorization to use public property for personal purposes may be limited or revoked at any time by the City Manager or supervisor.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time, including when using government property for authorized personal purposes.

The following personal use of public property is hereby authorized. If another policy discusses a more specific authorization or restriction of personal use, that section shall apply to the extent that it is specifically more or less restrictive.

- (a) Incidental Personal Use or De Minimus Personal Use: The occasional or infrequent personal use of any city property that results in little or no cost to the City and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical is authorized. In determining whether the use is de minimus, the frequency and the value shall always be considered. Additionally, incidental personal use shall also include the incidental use as set forth in Utah Code § 76-8-402.
- (b) Publicly Available Use: The use of any City property that is available for general public use is authorized, so long as the employee uses the property in accordance with the policy that allows general public use.
- (c) Fringe Benefits: Any City property is authorized for personal use when the property is provided or required to be provided to the employee as a benefit or convenience, such as break rooms, the City pool, on site fitness rooms and equipment, and/or nursing room facilities, and their associated supplies and equipment. The use of City property for occasional parties or picnics that fall within IRS guidelines for non-taxable fringe benefits is also authorized.
- (d) Inadvertent or Accidental Personal Use: Employees who may inadvertently and unintentionally use City property or funds in a manner not consistent with the authorizations in this policy shall, upon discovery:

Authorized Personal Use of Public Property

1. Immediately report the use to their department head, and/or immediate supervisor; and
 2. Shall, within 14 days, repay any costs that may have been incurred; and/or
 3. Take all necessary steps to ensure that the City is not injured by the use.
- (e) Personal Use for Pay: The personal use of City property, such as office supplies and copiers or printers, where there is a direct attributable and easily determined cost to the City, is authorized for use so long as the employee pays for the use as set forth within a written policy approved by the supervisor. For example, a supervisor may approve the personal use of an office printer if an employee pays five cents per copy. If a supervisor does not authorize personal use under this section, personal use may still be allowed under the authorization of Incidental Personal Use.
- (f) Personal Use of Vehicles during official travel as set forth in the Vehicle Use Policy.
- (g) Personal Use of Equipment for training or skill development: The personal use of City property that has been issued to a City employee is authorized regardless of the amount of personal use when the personal use results in the development of a skill that is related to the employee's official duties.
- (h) Individually Approved Personal Use: A relevant supervisor is authorized to approve other types of personal use so long as it is not specifically prohibited by this policy. Such personal use shall be authorized in writing, and the value to the City shall substantially outweigh the personal benefit received by the employee. Prior to authorizing any additional personal use under this policy the supervisors shall consult with the City Manager and the Human Resource Director to determine if the personal use is a taxable benefit under IRS regulations, to mitigate liability for the use, and to ensure that there is a benefit to the City.

Notwithstanding the above authorizations for personal use, personal use does not include any use that: significantly interferes with the mission or operations of the City; significantly interferes with the performance of the employee's or any other employee's official duties; or significantly compromises the integrity of public property.

The personal use of public funds or public monies is prohibited, and no authorization for personal use of public funds or public monies is hereby granted.

Chapter 5 - Records and Documents

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 AND EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

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.

Regular full-time employees are those who are scheduled to work 32 hours or more per week for the City on a continuing basis.

Temporary or seasonal employees are hired to work for a limited period of time. They are always in a probationary status, and may be terminated at will, with or without cause or prior notice.

Recruitment and Selection

Part-time employees are those who were hired to work 32 hours or less each week. They may be regular or temporary employees.

600.8 PROBATIONARY PERIODS

All new employees, reinstated employees, and employees assigned to a different position 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.

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.

Recruitment and Selection

"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.

600.10 EMPLOYMENT CLASSIFICATION AND CHANGES

600.10.1 CLASSIFICATION, SALARY RANGE, AND COLA

All City positions are comparatively evaluated on a set of common factors and assigned a specific salary grade or range. Unless otherwise specified in an employment contract, all employees eligible for benefits will receive compensation according to the classification of the position for which they are hired. Employees will be hired at a specific salary or step within a salary grade and will progress through the salary range conditional upon performance warranting such advancement. Salary ranges and an employee's salary may or may not be adjusted annually based on an adopted cost of living adjustment (COLA).

600.10.2 REDUCTION IN FORCE, TRANSFERS, REASSIGNMENTS, RESIGNATION, PROMOTION

Reduction in Force: At such time when circumstances (such as lack of funds or lack of work) dictate that there needs to be a reduction in force, the City Council shall lay-off the necessary number of employees according to the affected class(es) considering among other things, and without limitation: length of service and performance and in consultation with the department head(s).

Transfers: A transfer is defined as a move from one department to another, and should not be confused with the managerial function of moving personnel from one position to another within the same department by promotion, demotion, or reassignment. Transfers must be cleared with department heads. A transferring employee must qualify for the job to which a transfer is made. A transferred employee shall retain all accumulated sick leave and annual leave from the former position.

Reassignment: Employees who are reassigned shall be paid at the same salary that they received prior to reassignment, unless the reassignment is made in connection with a disciplinary pay reduction.

Resignation: Employees who resign and desire to leave the City in good standing should give at least two weeks' notice in writing.

Promotion: Any employee receiving a promotion shall start within the salary range or grade of the class/position to which he/she is promoted, and be eligible for merit increases as elsewhere provided.

Abandonment of Position: One unauthorized absence may constitute cause for separation. An employee who fails to notify their supervisor to report their absence for one (1) working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and may be deemed to have resigned.

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.

Professional Organizations and Career Development

602.1 PROFESSIONAL ORGANIZATIONS

It shall be the policy of the City to encourage participation by City employees in those professional and technical organizations which will further their knowledge and professional contacts for the benefit of the City as well as the employee.

It is the purpose of this directive to outline the procedure by which employees can join professional and technical organizations with the City participating in the cost associated with those memberships. In most instances, both the City and the employee will benefit from an employee belonging to professional or technical organizations.

Upon direction of the City Manager, during the budget preparation stage, each department head will list as part of the his/her budget request; those professional and technical organizations which he/she feels should be paid for by the City.

The City Manager will review the requests and include those he/she feels should be funded for consideration as part of the budget.

A professional or technical organization may or may not be paid by the City unless authorized in advance by the City Manager.

602.2 CAREER DEVELOPMENT

Employees are encouraged to take advantage of education and training benefits to improve their job skills and to qualify for transfers and promotions. These benefits are limited to training and education which is relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional education or training. These benefits may be available to all employees subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or the department head. Reference to training received should be made on the Performance Evaluation form or formal written request. Final decisions on requests for education and training will be made by the City Manager.

Discriminatory Harassment

603.1 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.

603.2 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.

603.3 DEFINITIONS

Definitions related to this policy include:

603.3.1 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

603.3.2 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.

603.3.3 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.

603.3.4 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.

[As it pertains to references to another individual by name, pronoun, or other gender-specific language, employees shall comply with state and federal law.](#)

[The City is committed to adherence to state and federal law, as amended from time to time, as it relates to disciplinary action and discrimination. See e.g., Utah Code, Title 34A, Chapter 5, Utah Antidiscrimination Act, and Section 112, Religious liberty protections -- Expressing beliefs and commitments in workplace -- Prohibition on employment actions against certain employee speech; and see Utah Code, Title 67, Chapter 21, Utah Protection of Public Employees Act.](#)

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.

Discriminatory Harassment

603.4 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.

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.

603.4.1 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.

603.4.2 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.

Discriminatory Harassment

603.4.3 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.
- (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.

603.5 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.

603.5.1 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.](#)

603.5.2 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.

Discriminatory Harassment

603.5.3 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 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.

603.6 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.

603.6.1 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.

603.7 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

604.1 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.

604.1.1 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.

604.2 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.

604.3 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.](#)

604.4 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

604.5 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.

604.6 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

605.1 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.

605.2 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.

605.3 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

605.4 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.

605.5 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.

605.6 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.](#)

605.7 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.

605.8 RECORDS RETENTION AND RELEASE

The City Recorder shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

605.9 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

606.1 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).

606.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

606.3 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).

606.3.1 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.

606.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action. [This provision is subject to and may be abrogated, in part, by the Utah Medical Cannabis Act, and related provisions of state law, as amended.](#)

606.4 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.

Drug-and Alcohol- Free Workplace

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).

606.5 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.

606.6 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.

606.7 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- Free Workplace

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.

606.7.1 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.

606.7.2 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.

606.8 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).

606.9 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.

Drug-and Alcohol- Free Workplace

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.

606.10 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.

606.11 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.

Communicable Diseases

607.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

607.1.1 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.)

607.2 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.

607.3 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.

607.4 EXPOSURE PREVENTION AND MITIGATION

607.4.1 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.

607.4.2 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.](#)

607.5 POST EXPOSURE

607.5.1 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.

607.5.2 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).

607.5.3 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.

607.5.4 COUNSELING

The City should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

607.5.5 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.

607.6 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).

607.7 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

608.1 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.

608.2 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.

608.3 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.](#)

608.4 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

609.1 PURPOSE AND SCOPE

This policy provides general guidance regarding meal periods and breaks for employees.

609.2 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.

609.3 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.

609.4 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

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating employees.

610.2 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).

610.3 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.

610.4 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

610.5 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

611.1 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.

611.2 POLICY

The City maintains timely and accurate payroll records.

611.3 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.

611.4 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.

611.5 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).

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.

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

Speech, Expression, and Social Networking

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.

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- (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.

Outside Employment

617.5 SECTION TITLE

[City employees shall comply with the Municipal Officers' and Employees' Ethics Act to avoid actual or potential conflicts of interest between their public duties and their private interests. See Utah Code, Title 10, Chapter 3, Section 1301 et seq.](#)

Draft

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.g., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e.g., 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.

[Department heads may approve reasonable variations to work attire requirements, based on specific job duties \(e.g., recreation activities\).](#)

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](#)

Dress Code

8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

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).

Travel Reimbursement Policy

621.1 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.

621.1.1 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.

621.2 POLICY

It is the policy of the City to reimburse employees and elected officials for reasonable and necessary work-related travel expenses.

621.3 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.

621.4 EXPENSE GUIDELINES

621.4.1 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.

621.4.2 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.

621.4.3 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.](#)

621.4.4 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.

621.5 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.

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- (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

622.1 PURPOSE AND SCOPE

This policy provides for the establishment and administration of a city petty cash fund.

622.2 POLICY

The City will establish, administer, and maintain a petty cash fund according to this policy.

622.2.1 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.

622.3 RESPONSIBILITIES

622.3.1 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.

622.3.2 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

622.4 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

623.1 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.

623.1.1 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.

623.2 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.](#)

623.3 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.

623.3.1 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.

623.3.2 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

624.1 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.

624.2 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.

624.3 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.

624.4 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.

624.5 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

625.1 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.

625.2 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.

625.3 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.](#)

625.4 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

626.1 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.

626.2 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.

626.3 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.

626.3.1 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

626.3.2 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.

626.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

626.4.1 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.

626.4.2 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.

626.5 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

626.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

626.6.1 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.

626.6.2 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

Personnel Investigations

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.

626.6.3 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.

626.6.4 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.

626.6.5 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.

626.6.6 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.

626.7 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.

626.8 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.

626.9 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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626.10 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.

626.10.1 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.

626.10.2 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.

626.10.3 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.

626.11 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.

626.12 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.

626.13 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.

Personnel Investigations

626.14 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.

626.15 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~~.

626.16 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

627.1 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.

627.2 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.

627.3 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).

627.3.1 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).

627.4 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.

627.5 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).

Military Leave

627.6 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.

627.7 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).

627.8 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.

627.9 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).

627.9.1 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).

627.9.2 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.

627.9.3 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.

627.9.4 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.

Military Leave

627.10 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.

627.11 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).

627.12 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.

Sick Leave

628.1 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.

628.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit.

628.3 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.](#)

628.3.1 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.

Sick Leave

628.4 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.

628.5 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.

628.6 ACCRUAL AND ACCUMULATION

Regular full-time employee shall accrue sick leave at a rate of one (1) working day (i.e., 8 hours) for each month worked, or twelve (12) working days (i.e. 96 hours), 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.

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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 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.

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 (96 hours)</u>
<u>6 thru 10 years</u>	<u>15 days (120 hours)</u>
<u>11 thru retirement</u>	<u>18 day (144 hours)</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/use of annual leave 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 (i.e., 8 hours) 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 (i.e., 8 hours) 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 use of 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 use of annual leave from two to five days must do so at least one week in advance. Employees requesting use of 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.](#)

[An employee's "Anniversary Date" shall be that date, upon completion of the required probationary period and after a successful evaluation, when the employee is hired or appointed as a Kanab City employee.](#)

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 \(i.e., 8 hours\) for all regular full-time employees:](#)

January 1st	New Year's Day
January (3rd Monday)	M. Luther King Day
February (3rd Monday)	Presidents Day
May (last Monday)	Memorial Day
June 19th	Juneteenth
July 4th	Independence Day
July 24th	Pioneer Day
September (1st Monday)	Labor Day
October (2nd Monday)	Columbus Day
November 11th	Veterans Day
November (4th Thursday)	Thanksgiving Day
November (4th Friday)	In lieu of Arbor Day

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December 25th	Christmas Day

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.

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 (i.e., 8 hours 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--up to 72 hours. 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.

Holidays, Vacation, and Other Leave

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.

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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Compensation and Benefits

630.1 POLICY

The City intends to comply with federal and state laws in compensating City employees.

630.2 EXEMPT AND NONEXEMPT EMPLOYEES

Nonexempt employees are entitled to minimum wage and overtime pay at a rate of one and one-half times their regular rate of pay for hours worked over 40 in a workweek. Exempt employees, on the other hand, are excluded from these protections and are not entitled to overtime pay, regardless of the number of hours worked. Exempt employees include those individuals whose job duties include executive, administrative, or professional responsibilities and who are compensated on a salary basis. See Code of Federal Regulation, Title 29, Chapter V, Part 541.

The following employees of the City are exempt and paid a fixed salary and are not entitled to additional compensation for hours worked in excess of forty (40) hours per week: City Manager; City Attorney; City Recorder; City Treasurer; Police Chief; Fire Chief; Public Works Director; Library Director; HR Director; Airport Manager; Recreation Director; Building Official/Land Use Administrator; and Parks Director.

630.3 SEPARATION PAY

When employees terminate, they shall be required to return all tools, equipment, login usernames and passwords, keys, uniforms, and other City property and to clear all City financial obligations prior to receiving their final paycheck. Any obligations not cleared will be deducted from their final paycheck; however, employees may not utilize their final paycheck intentionally to satisfy any outstanding financial obligations without the City Manager's approval. Final paychecks shall include compensation for all unused annual leave and qualified compensable overtime.

630.4 PAY DAYS, WORK DAYS, PAY ADVANCEMENT

Pay periods run for 14 days. Pay periods begin at 12:00 am on Sunday and end at 11:59 pm on the second Saturday following. Employees shall be paid on or before the following Thursday after the pay period ends. When payday falls on a holiday, payday will be the workday preceding the weekend or holiday.

The normal workday for Kanab City employees will be 8:00 a.m. to 5:00 p.m., Monday through Friday. The normal workday may vary temporarily or permanently by department, upon approval of the City Manager. At certain times, it will be necessary for employees to work times other than those considered a normal workday.

The City will not make pay advances to employees.

Compensation and Benefits

630.5 WAGES AND MERIT INCREASES

Employees are not entitled to annual merit increases.

A newly hired employee or any employee receiving a promotion shall start below midrange of the salary of the class to which he/she is hired or promoted, unless experience or other qualification justify a higher starting wage, as approved by the City Manager.

When an employee successfully completes a probation period, they may receive up to a three percent (3%) wage increase.

An employee, who has completed the probation period, may receive an annual merit increase of up to three percent (3%), based on their performance and other criteria established by the City Manager.

When an employee reaches the maximum allowable wage for their position, in lieu of a merit increase, the City Manager may approve a financial bonus annually, not to exceed three percent (3%).

630.6 INSURANCE AND BENEFITS

630.6.1 MEDICAL INSURANCE

The City may pay the premium for health, hospitalization, surgical, dental, life, and disability insurance for regular full-time employees and those employees' dependents. The specific plan may be changed from time to time, and benefits under the plan may change or be eliminated.

630.6.2 LONG TERM DISABILITY

Subject to the terms and conditions established and controlled by the plan provider and/or other Disability Plan Provider(s), the City may offer long-term disability insurance coverage for regular full-time employees and volunteer firefighters for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding certain long term periods and conditions.

630.6.3 SOCIAL SECURITY

Kanab City has opted into the Social Security System participation. All qualified employees of the City contribute to the Social Security program, as administered by the Federal Government. This is a system of retirement benefits based on equal employee contributions to public insurance reserves.

630.6.4 EMPLOYEE RETIREMENT SYSTEM

Kanab City is a participant in the Utah State Retirement System. All eligible employees are required to participate.

Compensation and Benefits

Certain positions may elect to exempt themselves from participation in the Utah State Retirement System through a "Request for Exemption."

For the purpose of the Utah Retirement System, all elected officials are officially designated as part-time.

630.6.5 CAFETERIA PLAN

The City may offer a Cafeteria Plan as defined and regulated by the U.S. Internal Revenue Service. If offered, this Cafeteria Plan is subject to change.

630.7 COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment (other than for gross misconduct), or death of a covered employee; an employee's divorce or legal separation; a covered employee becoming entitled to Medicare benefits; and a dependent child no longer meeting eligibility requirements.

Subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law, employees, their spouses, dependents, and divorced or separated spouses may continue the group insurance plan benefits for periods of time beyond the last date of work of the employee for the City. The terms, limitations, conditions, and length of extensions of coverage are specific in each individual case. Employees, dependents, spouses, and ex-spouses are encouraged to speak with the City's Human Resource Director to obtain further information, if needed.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee.

The City provides each eligible employee with notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Overtime Compensation

631.1 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.).

631.2 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.

Regular employees are on 7-day work cycle. Law enforcement is on a 14-day work cycle. Firefighters are on a 24-day work cycle.

631.3 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.

Overtime Compensation

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 during the last three (3) years of the employee's employment, or (b) the final regular rate received by such employee, whichever is higher.

631.4 REQUESTS FOR OVERTIME COMPENSATION

631.4.1 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.

631.4.2 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.

631.5 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

631.6 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.

631.7 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.

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Current Policy

GENERAL POLICY

This Employment Manual is provided for general guidance only. The policies and procedures expressed in this Employment Manual, as well as those in any other personnel material, or other types of material which may be issued from time to time, do not create a binding contract or any other obligation or liability on the City. The City reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Employment Manual do not create an express or implied contract with any person.

No verbal representations or statements made by supervisors or co-workers can bind the City to any course of action.

I. HIRING AND EMPLOYMENT PRACTICES

A. Anti-Nepotism

It is the City's policy to comply with Title 52, Chapter 3, Utah Code Annotated, and any amendments or successor statutes, concerning the prohibitions regarding the employment of relatives. Therefore, the City prohibits any person holding any position, to appoint, vote for the appointment of, directly supervise, be in the line of supervision of, or be directly supervised by their father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. No employee shall accept or retain such employment. Volunteers providing services to the City are excluded from this provision.

B. Equal Employment Opportunity Statement

The City is an equal opportunity employer. It is the policy of the City from recruitment through employment and promotion, to provide equal opportunity at all times without regard to race, color, religion, sex, national origin, age, pregnancy, or disability.

C. Residency

1. Preference to Residents

Preference in employment may be given to City taxpayers and their dependents.

2. Residency May Be Required

The City Council, through ordinance or resolution, may require City residency of the following officers and employees within a reasonable period of time from the date of appointment:

- a) City Manager
- b) Public Works Director
- c) Police Chief and Officers

- d) Fire Chief and Officers
- e) Other emergency related personnel

D. Veterans Preference

In accordance with Title 71, Chapter 10, Utah Code Annotated and any amendments or successor statutes, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

E. Driver's License Requirements for New Hires

Any employee who is hired in a position which requires operation of City vehicles or equipment must possess a valid Utah driver's license and must be insurable (under the City's insurance policy then in force without any additional premiums or costs being incurred by the City to insure that employee). Prospective employees must provide the City with their date of birth, Social Security number and driver's license number in order for the City to ascertain the validity of their driver's license and their insurability. The status of the driver's license and insurability status of a prospective employee must be determined before that employee begins working for the City.

F. Maintenance of Valid Driver's License

1. Current Employees

All City employees who operate City owned or controlled vehicles or equipment will be subject to an annual drivers license status check. If, for any reason during employment, an employee is unable to maintain the appropriate valid Utah driver's license required by the employee's position or for any other reason becomes uninsurable (under the City's insurance policy then in force without any additional premiums or costs being incurred by the City to insure that employee), that employee must inform his or her supervisor immediately. The supervisor will then inform the Department Head and the Personnel Department.

The Personnel Department, the Department Head, and the City Attorney will then review the situation, considering such things as the nature of the job and the expected duration of time the employee will be without a driver's license, and decide the appropriate action to be taken.

2. Penalties for Failure to Maintain Drivers License or for Failure to Notify

Failure to maintain a valid Utah driver's license or a commercial driver's license in a position that requires such, or failure to notify a supervisor of uninsurability or a change in status of an employee's driver's license when such license is a job requirement, may subject the employee to disciplinary action up to and including termination.

II. EMPLOYMENT STATUS

A. Appointed Officials

The City Manager, City Recorder, City Treasurer, City Attorney, Police Chief, Justice Court Judge, Public Works Director, Fire Chief, and City Engineer (when applicable) shall be appointed by the Mayor with the approval of the City Council. Appointed officials are employed "at will" and terminable with or without cause or prior notice, for any reason or no reason at all, unless otherwise stated in writing at the time of appointment.

B. Probationary Employees

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. If the employee's performance is unsatisfactory, the employee shall be notified in writing of his/her failure to complete the probationary period and will be terminated.

During probation, except probation due to promotion, the employee may be terminated at-will at any time, with or without cause or prior notice, for any reason or no reason at all.

An unpaid leave of absence shall not be considered part of any probationary period.

1. 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. If, in the sole discretion of the City, the City determines that the employee's performance is unsatisfactory, the City 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 available another position for which they are qualified. However, if the cause for rejection during the promotional probationary period was sufficient grounds for dismissal from both positions, the employee may be dismissed in accordance with the City's formal disciplinary procedures.

2. Reinstatement

The probationary period for a former employee being reinstated shall be for a period of:

- a) 3 months if being reinstated in the same department and to the same position previously held; or
- b) 6 months if the reinstatement is to a different department or to a different position within the same department to which the employee was previously assigned.

C. Regular Full-time Employees

Regular full-time employees are those who are scheduled to work 32 hours or more per week for the City on a continuing basis and who have successfully completed their probationary period.

D. Temporary Employees

Temporary or seasonal employees are hired to work for a limited period of time. They are always in a probationary status, and may be terminated at will, with or without cause or prior notice.

E. Part-time Employees

Part-time employees are those who were hired to work 32 hours or less each week. Their employment may be continuing, but they are always in a probationary status, and may be terminated at will, with or without cause or prior notice.

III. COMPENSATION

A. Time Sheets

All employees, full time as well as part time, shall maintain a time sheet. At the end of each pay period department heads will review for accuracy the time sheets of their department employees, making sure each employee has submitted his or her time sheet. Time sheets for all full time, salaried employees shall be submitted to the payroll clerk after the end of the pay period.

B. Overtime and Compensatory Time

- Overtime does not accrue until 40 hours have been worked in a week.
- Employees exempt from the Fair Labor Standards Act's overtime requirements are not eligible to receive overtime pay. (see section 2 Officials and Department Heads)
- Non-Exempt full-time employees and part-time employees are eligible for Compensation time for work performed beyond 40 hours per week. 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.
 - a) The Department Head's prior authorization is required for all overtime work. Overtime worked without authorization will result in disciplinary action.
 - b) Compensation time for authorized overtime work will be accrued at one and one-half time the regular hourly rate of pay for all hours worked beyond 40 hours in any given work week.
 - c) Overtime is calculated on a single workweek which includes 7 consecutive days beginning at 12:00 am on Sunday and ending at 11:59 pm on Saturday
 - d) As required by law overtime is based on actual "hours worked". Time off for lunch breaks, vacation leave, funeral leave, jury leave, sick leave, compensation time, or any leave of absence is not considered "hours worked" for purposes of calculating overtime.

- Supervisors are responsible for ensuring that appropriate controls are established to prevent unauthorized overtime. Time records with overtime hours must be approved by the supervisor in order to be processed.
- Supervisors should adjust an employee's schedule as needed to avoid unnecessary overtime.
- 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
- 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 during the last three (3) years of the employee's employment, or (b) the final regular rate received by such employee, whichever is higher.

1. Officials and Department Heads

The following employees of the City are exempt and paid a fixed salary and are not entitled to additional compensation for hours worked in excess of forty (40) hours per week.

- a) City Manager
- b) City Treasurer
- c) Chief of Police
- d) Police Sergeant
- e) City Attorney
- f) Justice Court Judge
- g) Fire Chief
- h) Deputy Fire Chief
- i) Library Director
- j) Airport Manager
- k) Public Works Director
- l) Rec Director

C. 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. But are paid

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 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.

D. Separation Pay

When employees terminate, they shall be required to return all tools, equipment and other City property and to clear all City financial obligations prior to receiving their final paycheck. Any obligations not cleared will be deducted from their final paycheck. Final pay checks shall include compensation for all unused annual leave and qualified compensable overtime. Sick leave is not compensated.

E. Pay Days

Pay periods run for 14 days. Pay-periods begin at 12:00 am on Sunday and end at 11:59 pm on the second following Saturday. Employees shall be paid by the following Thursday after the pay period ends. When pay day falls on a holiday, pay day will be the workday preceding the weekend or holiday.

F. Work Days

The normal work day for Kanab City employees will be 8:00 a.m. to 5:00p.m., Monday through Friday. At certain times it will be necessary for employees to work times other than those considered a normal work day.

G. Rest and Meal Periods

Each workday, most full-time employees are provided with up to two rest periods. In some cases, department directors may not allow for two rest periods, due to the nature of the work. In such cases, employees may be allowed to have beverages and even certain snacks at their desk(s) throughout the work period. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their stations beyond the allotted rest period time. Rest periods normally will last no longer than fifteen minutes.

All regular full-time employees are provided with one meal period of 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

H. Pay Advancement

The City will not make pay advances to employees.

I. Anniversary Date Defined

An employee's "Anniversary Date" shall be that date, upon completion of the required probationary period and after a successful evaluation, when the employee is hired or appointed as a Kanab City employee. An employee's evaluation period shall be determined from the date of employment; if the employee is hired prior to or on the 15th day of the month, the evaluation date shall be determined from the 1st day of said month; if the date of hire is the 16th or after, the evaluation date for computing merit increases shall be determined from the 1st day of the following month. A promotion to a new job shall establish a new evaluation date for the employee, in accordance with the foregoing rules.

J. Travel

Reimbursement for travel expenses will be based on the current IRS formula for mileage and per diem. Current rates are Breakfast \$15.00, Lunch \$16.00 and Dinner \$35.00 per day.

IV. INSURANCE AND BENEFITS

A. Worker's Compensation

Kanab City operates under the provisions of the State of Utah Worker's Compensation Act.

Any injury occurring on the job must be reported to the supervisor immediately and forms prescribed by the State Industrial Commission must be completed and submitted to the City Manager within seven (7) days of the injury.

B. Medical Insurance

The City may pay the premium for health, hospitalization, surgical, dental, life and disability insurance for regular full-time employees and those employees' dependents. The specific plan may be changed from time to time, and benefits under the plan may change or be eliminated.

C. Long Term Disability

Subject to the terms and conditions established and controlled by the plan provider and/or other Disability Plan Provider(s), the City may offer long-term disability insurance coverage for regular full-time employees and volunteer firefighters for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding certain long term periods and conditions.

Under the long-term disability insurance plan, there may be a waiting period before benefits begin.

The City may pay for the premium cost(s) associated with the respective long term disability insurance plans and policy provisions for regular full-time employees and volunteer firefighters. More information about respective coverage or plan participation may be obtained through the City Office.

D. Social Security

All qualified employees of the City contribute to the Social Security program, as administered by the Federal Government. This is a system of retirement benefits based on equal employee contributions to public insurance reserves.

E. Employee Retirement System

All qualified employees of the City working 32 hours or more per week not listed below shall participate in the Utah State Retirement System.

The following employees may elect to exempt themselves from participation in the Utah State Retirement System through a "Request for Exemption": Mayor, City Manager, Chief of Police, and Fire Chief

For the purpose of the Utah Retirement System, all elected officials are officially designated as part-time.

This retirement system provides a number of benefits to the employee. Employees should refer to the Informational Handbook regarding any questions concerning the plan.

F. Cafeteria Plan

In an effort to help eligible employees with the costs of medical expenses and dependent care coverage and premiums, the City may sponsor a Cafeteria Plan, which reserves a certain amount of salary each year and sets it aside for the purpose of medical insurance payments and coverage costs/fees. This reserved amount is then excluded from reporting for the purposes of taxable income.

This Cafeteria Plan is a benefit plan which has been developed under the meaning of a qualified Cafeteria Plan as defined and controlled by the U.S. Internal Revenue Service. Thus, as IRS rules change or are amended, the Cafeteria Plan is also subject to change or amendment to maintain conformity to law. While sponsored by the City, specific terms, coverage, and administration of a Cafeteria Plan are developed and administered through a Plan Administrator.

Subject to certain qualifying conditions and hours of work, eligible employees, referred to as plan participants in the Cafeteria Plan, include: Full-time employees.

The Cafeteria Plan functions similarly to a personal checking account held for the purposes described above and in the written policy and plan coverage information. Money from the employee's

compensation is withheld and deposited through the year. The Cafeteria Plan has three unique benefits for employees:

- The employee decides before the beginning of each year how much their total deposit for the year in the Cafeteria Plan will be.
- The employee uses the money set aside in the Cafeteria Plan only to pay for their eligible dependent care costs and medical/dental fees/costs.
- The money deposited in the employee's account is deducted from their salary before it is taxed, thus providing a benefit of some immediate tax relief.

Once an employee makes an election for benefit coverage, that election is set for one year and may be changed only upon a qualifying event. Qualifying events include, but may not be limited to, marriage, divorce, birth of a child or change in the employment status of the employee.

Plan information and written summaries and plan documents are available from the City. Employees interested in participating in Cafeteria Plan should contact the City Office for written plan information, appropriate enrollment application(s) and forms and other pertinent information.

G. Hepatitis B Vaccinations

All employees who are currently, or who will in the future be employed in the following listed positions are required to be vaccinated against the Hepatitis B virus in whatever manner is determined by the City to be most appropriate. Those listed positions are: Law Enforcement Officers and Firefighters. If a present or future employee elects not to have the appropriate vaccinations against the Hepatitis B virus, they must sign a "Hepatitis B Vaccination Waiver Form" releasing the City from any liability with regard to their contracting the Hepatitis B virus and any and all costs associated with their contraction of that disease.

H. Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law, employees, their spouses, dependents, and divorced or separated spouses may continue the group insurance plan benefits for periods of time beyond the last date of work of the employee for the City. The terms, limitations, conditions and length of extensions of coverage are specific in each individual case. Employees, dependents, spouses and ex-spouses are encouraged to make inquiry of the City through the Records Office to obtain further information.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee.

The City provides each eligible employee with notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

V. LEAVE AND HOLIDAYS

A. Holidays

1. List of Holidays

The following days have been designated by the City to be paid holidays for all regular full-time employees:

January 1st	New Years Day
January (3rd Monday)	M. Luther King Day
February (3rd Monday)	Presidents Day
May (last Monday)	Memorial Day
July 4th	Independence Day
July 24th	Pioneer Day
Sept. (1st Monday)	Labor Day
Oct. (2nd Monday)	Columbus Day
Nov. 11th	Veterans Day
Nov. (4th Thursday)	Thanksgiving Day
Nov. (4th Friday)	In lieu of Arbor Day
Dec. 25th	Christmas Day

2. Observed Days

When a holiday falls on a Saturday it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed on the following work day.

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, law enforcement officers scheduled to work holidays will be paid their normal salary plus one days rate of pay, unless the holiday is overtime.

B. Annual Leave

1. Amounts

Unless defined in an employment contract, each regular full-time employee will be entitled to annual leave based upon the following schedule:

Service Time	Days Per Year

0 thru 5 years	12 days
6 thru 10 years	15 days
11 thru retirement	18 days

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.

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.

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 a leave-without-pay status; however, employees on a 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.

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.

6. Accumulation

- a) An employee will begin to accumulate annual leave immediately upon employment. Upon completion of the employee's first month of work, said employee will have accumulated one day of annual leave.
- b) Any annual leave in excess of thirty (30) working days will be forfeited by the employee on January 30 of 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 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.

7. Termination

Upon termination of employment with the City an employee's accrued annual leave will be paid in a lump sum payment on the pay day following the last day worked, provided the amount of leave has been approved by the department head and the City Manager.

8. Use Prior to Accrual Prohibited

No annual leave with pay will be granted prior to having been earned.

C. Sick Leave

1. Use of Sick Leave

Sick leave is to be used for illness or appointments with medical personnel for consultation of medical problems only for employees or employees' dependents. Each employee absent under those provisions will arrange for a telephone report to his supervisor or management within the first two working hours of the first day of absence. Any employee absent under this provision for longer than five working days shall, upon request of his supervisor, arrange for a note from a doctor stating the nature of the illness and expected time of absence. If an employee's supervisor finds excessive sick leave is being taken, a doctor's note or other evidence of illness may be required for absences of less than five days. Abuse of sick leave privileges is considered grounds for discipline, including dismissal.

2. Accrual and Accumulation

Each full time employee shall accrue sick leave with pay at a rate of one (1) working day for each month worked, or twelve (12) working days a year. Sick leave may be accumulated indefinitely. 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 sick leave with pay shall continue to accrue both annual and sick leave. An eligible employee may begin to utilize accrued sick leave after having completed at least one full month of satisfactory employment. Accrued and unused sick leave is not compensated when an employee leaves city employment, other than through official retirement. Accrued and unused sick leave is not compensated or transferable when an employee leaves City employment before retirement.

3. Eligible Employees

Regular full-time employees shall accrue sick leave.

4. Accrued Sick Leave Reimbursement Policy

When an employee retires, the employee shall be compensated for his/her accrued and unused sick leave. To qualify for reimbursement of unused sick leave an employee must meet full retirement qualifications. Full retirement qualifications mean those requirements set forth by the Utah State Retirement Board for a retiring employee to receive full retirement benefits. Reimbursement shall be calculated on the salary of the employee at the date of retirement. The employee's hourly wage shall be calculated by dividing his/her salary by 2080.

At retirement, a qualifying employee must choose one of the following options:

a) Cash Payment

Employee will receive a cash payment of 25% of the value of all accrued unused sick leave at date of retirement.

b) Health Insurance Premium

Kanab City will pay 50% of the employees two party health insurance coverage premium using the employee's accrued unused sick leave. The other 50% must be paid by the employee. The employee may remain on the city health insurance coverage until his/her accrued unused sick leave is consumed or until the employee reaches Medicare qualification, whichever occurs first.

If the employee dies before his/her accrued unused sick leave is consumed or before his/her spouse reaches Medicare age, the City will continue to pay 50% of the employee's spouse's city health insurance coverage premium until the employee's accrued unused sick leave is consumed or until the spouse reaches Medicare age. The other 50% must be paid by the spouse.

A retired employee choosing either option shall not continue to accrue annual or sick leave after retirement.

D. Leave and Family and Medical Leave Act (FMLA) Policy

Leave of absence without pay or benefits up to 30 days may be granted by the Mayor. Leave of absence shall not be regarded as a right by an employee. Requests for a leave of absence shall be made in writing and addressed to the Mayor. After the Mayor has made a decision concerning the request for leave of absence, he/she shall respond to the employee in writing stating the reasons for said decision. Benefits will not accrue while on leave of absence.

The City provides family and medical leave of absence, without pay, to eligible employees for their own serious health conditions; or who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement for a foster child, or to care for a child, spouse or their own parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Eligible employees are those who have worked for the City for at least one year and worked 1,250 hours within the previous 12 month period. Eligible employees should make requests for FMLA leave to their supervisors at least 30 days in advance of foreseeable events. When 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with the City's normal call-in procedures.

Employees requesting FMLA leave related to their own serious health condition or the serious health condition of a spouse, child, or their own parent must submit sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was taken or previously certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Eligible employees may request up to a maximum of twelve weeks of family leave within a 12 month period. Any combination of FMLA leave may not exceed this maximum limit. The City uses the rolling period to calculate this 12 week period. The rolling period method starts counting the FMLA period on the date the employee first uses FMLA leave. Eligible employees will be required to first use any accrued paid leave time before taking unpaid leave. This accrued paid leave time will be included as part of the maximum twelve weeks leave. Married employee couples may be restricted to a combined total of twelve weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

To the extent the law requires, eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

During the single 12-month period for servicemember care leave, an eligible employee is entitled to a combined total of 26 workweeks of servicemember care leave and leave for any other FMLA-qualifying reason, provided that the eligible employee may not take more than 12 workweeks for any other FMLA-qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of servicemember care leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of servicemember care leave.

Subject to the terms, conditions and limitations of the applicable plan, health insurance benefits will be provided by the City for the length of time on leave, up to the maximum of twelve weeks. The employee must continue to pay any portion of the premium that the employee would typically pay if not on leave.

Benefit accruals, such as annual, personal leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave must provide the City with at least two weeks' advance notice of the date the employee intends to return to work. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, the City will assume that the employee has resigned.

E. 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, said 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.

F. 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.

G. Military Leave

The City does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. The City will not deny initial employment, re-employment, retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, performance of service, application for service, or obligation. It is the City's policy to comply with all applicable statutes, including Employment And Re-employment Rights Of Members Of The Unified Services Act, 38 U.S.C. § 4301 et seq., and Utah Code Ann. §§ 71-10-1 et seq.

H. Court Leave

An employee who, in obedience to a subpoena or direction by proper authority, appears as a juror or witness 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.

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 official capacity, but as an individual, shall be taken as annual leave or leave without pay.

I. 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.

VI. CLASSIFICATION/RECLASSIFICATION

A. Classification

All City positions are comparatively evaluated on a set of common factors and assigned a grade encompassing a specific salary range on a salary plan. Unless otherwise specified in an employment contract, all employees eligible for benefits will receive compensation according to the classification of the position for which they are hired. Employees will be hired at step (A) of the salary plan and will progress through the salary range conditional upon performance warranting such advancement.

VII. CHANGES IN EMPLOYMENT

A. Reduction in Force

At such time when circumstances (such as lack of funds or lack of work) dictate that there needs to be a reduction in force, the City Council shall lay-off the necessary number of employees according to the affected class(es) considering among other things, and without limitation: length of service and performance and in consultation with the department head(s).

B. Transfers

A transfer is defined as a move from one department to another, and should not be confused with the managerial function of moving personnel from one position to another within the same department by promotion, demotion or reassignment. Transfers must be cleared with department heads. A transferring employee must qualify for the job to which transfer is made. A transferred employee shall retain all accumulated sick leave and annual leave from the former position.

C. Reassignments

Employees who are reassigned shall be paid at the same salary that they received prior to reassignment, unless the reassignment is made in connection with a disciplinary pay reduction.

D. Resignation

Employees who resign and desire to leave the City in good standing should give at least two weeks notice in writing.

E. Promotion

Any employee receiving a promotion shall start on the initial step of the salary range of the class to which he/she is promoted, and be eligible for merit increases as elsewhere provided, unless the present salary level is equal to or exceeds the probationary step of the class to which the employee is promoted. If this occurs, the promoted employee shall receive at least a three (3) percent increase.

F. Abandonment of Position

One unauthorized absence may constitute cause for separation. An employee who fails to call their supervisor to report their absence for one (1) working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and may be deemed to have resigned.

VIII. EMPLOYEE PARTICIPATION IN PROFESSIONAL ORGANIZATIONS

It shall be the policy of the City of Kanab to encourage participation by City employees in those professional and technical organizations which will further their knowledge and professional contacts for the benefit of the City as well as the employee.

It is the purpose of this directive to outline the procedure by which employees can join professional and technical organizations with the City participating in the cost associated with those memberships. In most instances, both the City and the employee will benefit from an employee belonging to professional or technical organizations.

At the budget preparation stage, each department head will list as part of his budget request; those professional and technical organizations which he feels should be paid for by the City.

The City Manager will review the requests and include those he feels should be funded for consideration as part of the budget.

No fee for a professional or technical organization will be paid by the City unless authorized in advance by the City Manager.

IX. CAREER DEVELOPMENT

Employees are encouraged to take advantage of education and training benefits to improve their job skills and to qualify for transfers and promotions. These benefits are limited to training and education which is relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional education or training. These benefits may be available to all employees subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or the department head. Reference to training received should be made on the Performance Evaluation forms. Final decisions on requests for education and training will be made by the City Manager.

X. EMPLOYEE ACTIVITIES

A. Outside Employment

No employee may engage in additional employment which in any manner interferes with the proper and effective performance of official duties or which results in a conflict of interest. It is necessary that an employee give priority to employment with Kanab City. The City will not grant sick leave in any cases of injury to an employee while that employee is engaged in outside employment.

B. Ethics

City employees shall comply with the Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Section 1301 et seq, Utah Code Annotated, and any amendments or successor statutes, to avoid actual or potential conflicts of interest between their public duties and their private interests.

C. Use of City Electronic Mail, Voice mail and Computer Systems

Personal use of telephones for long-distance and toll calls is not permitted. Personal use of City telephones for local calls is authorized. However, employees should use discretion when making personal calls on City telephones so that it does not significantly interfere with the performance of the employee's official duties. If any personal use of a City telephone results in charges to the City, the employee will be required to reimburse the City for the additional cost. When an employee receives compensation for the use of a personal cell phone, they are expected to use the cell phone for work related phone calls when convenient and available.

The use of Kanab City-paid postage for personal correspondence is not permitted.

All employees, when using email to communicate, shall use an official Kanab City email address.

Personal Use of their official Kanab City email address is prohibited. If an employee accidentally uses a personal email account for official business or their official email account for personal use, the employee

should take reasonable action to remedy the situation. If the employee takes reasonable action upon discovery of the accidental use it shall not be considered a violation of this policy.

Employees shall not use e-mail, voice mail or computer systems for any inappropriate use, including but not limited to the following:

- 1) Solicitation of employees for fund raisers not approved by the City;
- 2) To further personal business interests;
- 3) Offensive, harassing, vulgar, obscene, or threatening communications, including disparagement of others;
- 4) Verbal abuse, slander or defamation;
- 5) Creating, distributing, viewing or soliciting sexually oriented messages, materials or images;
- 6) Electronic dissemination or printing of copyrighted materials, including articles and software in violation of copyright laws.

E-mail, texts, and voice mail communication and the contents of City owned computers are the sole property of the City and may be subject to monitoring at any time without notice. When using the e-mail, text or voice mail systems, and other equipment including City computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring. The security of e-mail and voice mail communications is not guaranteed. Abuse of e-mail, voice mail and computer systems could subject the employee to disciplinary action, up to and including termination.

D. Use of Equipment and Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

The personal use of non-vehicular equipment is authorized as set forth in Section X(E). Large motorized equipment such as a bucket truck, skid steer, front-end loader or lawn maintenance equipment is not authorized for personal use unless specifically authorized under Section X(E)(H). All other City vehicles are for official City business and are not authorized for personal use except as authorized as set forth in this policy. Only Public Safety and Public Works employees (Police Chief, Police Officers, Fire Chief, Fire Chief Deputy, Road Crew Director, Public Works) may take City vehicles to their home except as authorized by this policy. Only City employees and Fire Department Volunteers are allowed to operate a City Vehicle except as otherwise authorized by this policy.

While on official travel employees are authorized to take family members with them. Family members who are at least 18 years of age, with a driver's license and appropriate experience, may drive the vehicle. The vehicle may also be used for incidental purposes during the travel such as traveling to

restaurants or other retail establishments or traveling to evening entertainment for leisure activities so long as the travel is minimal, and reasonably within the same area as the official city business, and has so little value that accounting for it would be unreasonable or administratively impracticable. For purposes of this policy traveling less than twenty five miles for personal use shall be considered to fall under the threshold of little value. Personal use of a city vehicle while traveling on official business that is in excess of twenty five miles is authorized so long as the employee reimburses the city for the miles traveled that are solely for personal use. The reimbursement rate to the City shall be the same as the City's mileage reimbursement.

If a non-Public Safety employee is using a vehicle for official travel and will be leaving or returning home during hours of darkness or under other conditions where there may be a safety concern, they may receive approval from their supervisor to take the vehicle to their home to mitigate the safety hazard. All employees who are traveling for work should consider weather, road conditions and the type of vehicle that will be used prior to traveling to ensure reasonably safe travel under the circumstances.

In order to enhance the safety of our community by decreasing response times, public safety and public works employees may take an assigned City Vehicle home and use the vehicle to commute to and from work assignments. No other employee may use a city vehicle for purposes of travel to and from work (commuting).

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.

Cell phone use, including but not limited to phone calls and texting, while operating a vehicle to perform city-related duties is strictly prohibited except for phone calls if the vehicle is equipped with technology that integrates the cell phone into the vehicle and allows the phone to be used hands free.

E. Authorized Personal Use of Public Property

This policy provides public servants guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

This Section and other Sections of this handbook constitute Kanab City's written policy regarding authorized personal use for purposes of Utah Code section 76-8-402(1)(b)(iii). A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property as set forth in this section and other relevant sections of this handbook.

Under Utah Code, "Public servant" means a public officer, an appointed official, employee, consultant, or independent contractor of Kanab City, or a person hired or paid by Kanab City to perform a government function. "Public property" means real or personal property that is owned, held, or managed by Kanab City. For purposes of this policy, "public servants" will be referred to as "employees".

Employees are responsible to protect and conserve City owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege and authorization to use public property for personal purposes may be limited or revoked at any time by a direct supervisor or relevant Department Head or Elected Official.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email, instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

The following personal use of public property is hereby authorized. If another section of the Handbook discusses a more specific authorization or restriction of personal use, that section shall apply to the extent that it is specifically more or less restrictive.

- A. Incidental Personal Use or De Minimus Personal Use: The occasional or infrequent personal use of any city property that results in little or no cost to the City and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical is authorized. In determining whether the use is de minimus, the frequency and the value shall always be considered. Additionally, incidental personal use shall also include the incidental use as set forth in Utah Code section 76-8-402.
- B. Publicly Available Use: The use of any City Property that is available for general public use is authorized, so long as the employee uses the property in accordance with the policy that allows general public use.
- C. Fringe Benefits: Any City Property is authorized for personal use when the property is provided or required to be provided to the employee as a benefit or convenience, such as breakrooms and their associated supplies and equipment, on site fitness rooms and equipment, and/or nursing room facilities. The use of City Property for occasional parties or picnics that fall within IRS guidelines for non-taxable fringe benefits is also authorized.
- D. Inadvertent or Accidental Personal Use: Employees who may inadvertently and unintentionally use Public Property, Public Funds or Public Moneys in a manner not consistent with the authorizations in this Policy shall upon discovery:
 - a. Immediately report the use to their department head, and/or immediate supervisor; and

- b. Shall, within 14 days, repay any costs that may have been incurred; and/or
 - c. Take all necessary steps to insure that the City is not injured by the use.
- E. Personal Use for Pay: The personal use of city property such as office supplies and copiers or printers where there is a direct attributable and easily determined cost to the city is authorized for use so long as the employee pays for the use as set forth within a written policy approved by the supervisor. For example, a supervisor may approve the personal use of an office printer if an employee pays five cents per copy. If a supervisor does not authorize personal use under this section, personal use may still be allowed under the authorization of Incidental Personal Use.
- F. Personal Use of Vehicles during official travel as set forth in Section X(D).
- G. Personal Use of Equipment for training or skill development: The personal use of city property that has been issued to a city employee is authorized regardless of the amount of personal use when the personal use results in the development of a skill that is related to the employee's official duties. For example, a Police Officer has been issued a camera for the purposes of documenting evidence and general investigation. The Police Officer is authorized and encouraged to use the camera for personal use in order to develop his or her skills in photography.
- H. Individually Approved Personal Use: A relevant supervisor is authorized to approve other types of personal use so long as it is not specifically prohibited by this policy. Such personal use shall be authorized in writing and the value to the City shall substantially outweigh the personal benefit received by the employee. Prior to authorizing any additional personal use under this subsection the Supervisors shall consult with the City Attorney and the Human Resource Director to determine if the personal use is a taxable benefit under IRS regulations, to mitigate liability for the use, and to ensure that there is a benefit to the City.

Notwithstanding the above authorizations for personal use, personal use does not include any use that: significantly interferes with the mission or operations of the City; significantly interferes with the performance of the employee's or any other employee's official duties; or significantly compromises the integrity of public property.

The personal use of Public Funds or Public Moneys is prohibited and no authorization for personal use of Public Funds or Public Moneys is hereby granted.

Violations of this policy may result in discipline up to and including termination.

XI. EMPLOYEE CONDUCT AND WORK RULES

A. Cause for Discipline

Each of the following shall constitute cause for discipline, up to and including termination. The offenses listed are not intended to be comprehensive, and the enumeration of these commonly-accepted violations shall not be deemed to prevent the discipline of an employee for other violations not

enumerated. Actions in the line of public safety duty or in time of emergency shall be considered in light of the circumstances.

- 1) Personal or gross negligence on or off duty which prevents or substantially hampers job performance.
- 2) Negligently using, abusing, or damaging City property.
- 3) Any violation of City or departmental policies or procedures.
- 4) Violations of commonly accepted employment standards.
- 5) Sexual harassment.
- 6) Illegal discrimination.
- 7) Disregard for safety rules.
- 8) Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority.
- 9) Failure to follow specified job instructions.
- 10) Unwillingness to work harmoniously with other employees.
- 11) Unauthorized solicitation on City property.
- 12) Distributing unauthorized printed matter on City premises.
- 13) Tardiness.
- 14) Creating or contributing to unsanitary conditions.
- 15) Unauthorized operation of tools, machinery, equipment.
- 16) Gambling on City property.
- 17) Failure to timely report an injury or accident.
- 18) Unauthorized sleeping on the job during work hours or leaving the site early without permission.
- 19) Abuse of sick leave.
- 20) Fighting or attempting to provoke a fight on City premises.
- 21) Deliberately restricting output.
- 22) Failure to maintain production and performance standards.
- 23) Theft.
- 24) Possession and/or use of alcoholic beverages or controlled substances while on duty.
- 25) Possession and/or use of alcoholic beverages or controlled substances while operating City equipment.
- 26) Reporting for work under the influence of alcoholic beverages or controlled substances.
- 27) Assault on supervisor or other employee.
- 28) Threatening or intimidating other employees or supervisors.
- 29) Falsifying City records.
- 30) Intentionally misusing, abusing, or damaging City property or property of another employee.
- 31) Unauthorized removal, falsification, or alteration of City records or intentional release of confidential information.
- 32) Failure to report for work without notice.
- 33) Repeated violation of rules and procedures.
- 34) Use of profanity or offensive language directed at an individual.
- 35) Dishonesty, deceit, or fraud.

- 36) Excessive complaining or poor attitude.
- 37) Spreading of rumors and gossip.
- 38) Commission of criminal conduct.
- 39) Any conduct which reflects negatively on the character of the employee or the City.
- 40) Brandishing or exhibiting any dangerous weapon in an angry or threatening manner, or destroying property or throwing objects in a manner perceived to be threatening. This prohibition does not include law enforcement officers acting in their official capacity.
- 41) Inappropriate use of City computers including e-mail, the internet and chat rooms.
- 42) Inappropriate use of City cell phones including excessive personal use, text messaging and the internet.

B. Attendance and Punctuality

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Employees are required to report all absences. Department directors and their designees have the right to inquire of an employee as to any reason(s) for repeated or excessive absenteeism or tardiness. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

C. Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image the City presents to patrons and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work, and shall not be eligible to use or apply other paid time off.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

XII. PROHIBITION AGAINST SEXUAL HARASSMENT

All employees of the City have the legal right to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the City have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity which violates City policy and is prohibited as a form of sex discrimination. Both sexual harassment and inappropriate sexual conduct, whether legally sexual harassment or not, are unacceptable behavior. Any employee who engages in any form of sexual harassment shall be subject to disciplinary action.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex based nature where:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- 2) An employment decision is based on an individual's acceptance or rejection of such conduct.
- 3) Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or sexual discrimination.

The City and its supervisors, employees and agents are under a duty to investigate or eradicate any form of sexual harassment or sex discrimination or complaints about such conduct. In addition to prohibiting sexual harassment by its employees, the City prohibits sexual harassment towards its employees by its citizens, contractors and/or vendors.

The City's management is committed to vigorously enforcing this prohibition of Sexual Harassment at all levels of the organization. This prohibition against Sexual Harassment is in effect at all times and in all places.

A. Statement of Prohibited Conduct

The following conduct is representative of the types of acts which violate Kanab City's Sexual Harassment Policy. This list is not intended to be exhaustive:

- 1) Physical Assaults of a sexual nature, such as:
 - a. Rape, Sexual battery, molestation or attempts to commit these assaults.
 - b. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing brushing against another employee's body, or poking another employee's body.
- 2) Unwanted sexual advances, propositions or other sexual comments, such as:
 - a. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience;
 - b. Preferential treatment or promises or preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;

- c. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- 3) Sexual or discriminatory displays or publication anywhere in Kanab City's work place by Kanab City employees, such as:
 - a. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the Kanab City work environment or possessing any such material to read, display or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the City and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
 - b. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
 - c. Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place (other than restrooms and similar semi-private lockers/changing rooms).
- 4) Retaliation for sexual harassment complaints, such as:
 - a. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and
 - b. Intentionally pressuring, falsely denying, lying about otherwise covering up or attempting to cover up conduct such as that described in any item above.

B. Procedure for Reporting Harassment

Employees are required to report all incidents of what they believe to be inappropriate sexual conduct or violations of the City's Sexual Harassment Policy. These reports shall be made at the time when the employee first feels they or someone else has been sexually harassed or subjected to inappropriate sexual conduct. The following procedure will guide the investigation of these claims:

Employees must file a sexual harassment complaint either verbally or in writing with one of the following individuals: Mayor, City Council Member, City Manager, and City Attorney.

All such complaints will be investigated. If the investigation indicates that harassment or inappropriate sexual conduct has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. The City will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

Any employee of the City who is accused of sexual harassment shall not question, coerce, intimidate, or retaliate in any way during the investigation against the employee who has filed a complaint of sexual harassment or against employees that have provided information concerning the complaint.

All employees shall fully cooperate in any investigation of sexual harassment or retaliation. Disciplinary action will be taken against any employee that obstructs or does not fully cooperate with any investigation of sexual harassment or retaliation.

XIII. PROHIBITION AGAINST DISCRIMINATION/HARASSMENT

Federal and state laws prohibit discrimination because of race, color, religion, sex (including gender), pregnancy, national origin, age, or disability in all employment practices, including the terms, conditions, and privileges of employment. The policy of the City is to avoid all such prohibited discrimination or harassment in the workplace, and that all employees are entitled to work in an environment free from any such prohibited discrimination or harassment. Such discrimination or harassment is a prohibited employment practice, and perpetrators are subject to disciplinary action.

Any employee who believes that he or she has been subjected to discrimination or harassment based on race, color, religion, sex (including gender), pregnancy, national origin, age, or disability, or who is aware of such an occurrence, has the obligation, duty and right to report to the Mayor, City Council Member, City Manager, or the City Attorney. All complaints should be made as soon as the objectionable conduct or language first occurs.

All such complaints will be investigated and, if the investigation indicates that discrimination or harassment has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. The City will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

An employee who is accused of such discrimination or harassment shall not question, coerce, intimidate or retaliate in any way against the person making the report, against the person who was discriminated against or harassed, or against any person who provided information concerning the complaint. All employees shall cooperate fully in any investigation of discrimination, harassment or retaliation.

XIV. ALCOHOL/DRUG USE POLICY

A. Policy Statement

The City believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered by the City are important. The abuse of drugs and alcohol creates a variety of work place problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased

work place theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Therefore, the City hereby adopts this Policy for testing employees and prospective employees as related to drugs and alcohol in the work place.

B. Drug & Alcohol Testing Policy Definitions

For the purposes of this policy:

- 1) "Alcohol" means alcoholic beverages and any other intoxicating substances.
- 2) "Drugs" used in this policy refer to and include all drugs, paraphernalia, controlled substances, or mood or mind altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.
- 3) "Drug Paraphernalia" means objects used to manufacture, compound, covert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.
- 4) "Employee" means any person in the service of the City whether for compensation or as a volunteer.
- 5) "Prospective employee" means any person who has made application for employment with the City and to whom the City has offered employment, conditioned upon the results of a drug and alcohol test.
- 6) "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.
- 7) "Criminal Drug Statute" means a Federal or State criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
- 8) "MRO" means Medical Review Officer, charged with reviewing and interpreting test results and determining any alternate medical explanations.
- 9) "Drug Policy Coordinator" is the City employee specifically designated to administer the Drug and Alcohol Testing Policy and through whom any procedures, or disciplinary or rehabilitative action regarding this policy, must be reviewed and approved. The Drug Policy Coordinator is the City Administrator or other person designated by the City Administrator.
- 10) "CDL-Commercial Driver's License" is the license required to operate a commercial vehicle.

C. Testing Policy

It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, may be subject to termination. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

- 1) The City shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes:
 - a. 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 determined in the sole, but reasonable, discretion of the MRO), 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.

- b. Reasonable Suspicion (For Cause) Testing. Certain supervisors shall be trained to look for behaviors which may indicate drug or alcohol usage. These behaviors include, but are not limited to: direct observation of drug or alcohol use, drug paraphernalia, abnormal or erratic behavior such as accidents, stealing, or repeated errors on the job, or unsatisfactory time and attendance patterns, any of which are coupled with a specific contemporaneous event that indicates probable drug or alcohol use. An employee will be required to provide a urine sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical, behavioral, and/or performance indicators. Once the authorized supervisors have determined that a reasonable suspicion exists, testing is done immediately.
 - c. Return to Duty Testing. If the City returns to duty an employee after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

- d. **Post-Accident Testing.** Post-accident testing will be conducted on employees whose performance either contributed to an accident, or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred. The immediate supervisor and the department manager of such employee, in association with the Drug Policy Coordinator, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.
 - e. **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.
- 2) Employee's required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.
 - 3) 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.
 - 4) Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or his/her designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements or help the employee make arrangements to get home without driving him/herself.
 - 5) The City shall pay all costs of testing and transportation associated with a test required by the City.
 - 6) All sample collection and testing shall be performed under the following conditions:
 - a. The collection of samples shall be performed under reasonable and sanitary conditions.
 - b. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 - c. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of

erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he or she considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs, or other relevant medical information.

- d. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination or adulteration.
 - e. Sample testing shall conform to scientifically accepted analytical methods and procedures.
 - f. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
- 7) In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request, at his option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing.
- 8) 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.

D. City Action

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following:

- 1) Termination of employment.
- 2) Refusal to hire a prospective employee.
- 3) Any other disciplinary measures in conformance with the City's practices, policies, or procedures.

E. Confidentiality

The information received from the drug testing results shall be the property of the City.

Test results information may be released to the person who has been tested upon written request.

F. Work Place Rules

Employees who possess, dispense, manufacture, or distribute alcohol, drugs or drug paraphernalia on City premises, or on City time may be subject to disciplinary action, including termination.

Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to their supervisor.

Any employee convicted of violating a criminal drug statute must notify the City Administrator within five (5) days of conviction. The City may take appropriate disciplinary or rehabilitative actions as a consequence.

No employee may use or be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current, prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.

G. Miscellaneous

A copy of the City's Drug and Alcohol Testing Policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.

This policy applies to management as well as other employees.

Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Drug Policy Coordinator for information about counseling and rehabilitation programs.

H. Acknowledgment of Policy

The City shall require each employee to read this policy and sign a form, acknowledging that they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

I. Drug and Alcohol Policy Not a Contract

This Drug and Alcohol Testing Policy is the unilateral action of the City and does not constitute an express or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The City may alter, terminate or make exceptions to this policy at

any time, at the City's sole discretion. This policy does not limit or alter the City's right to terminate any employee at any time for any reason.

XV. DISCIPLINARY PROCEDURES

A. Disciplinary Action

An employee whose conduct constitutes grounds for disciplinary action shall be subject to the following discipline: reprimand, suspension, demotion (transfer to a position with less remuneration) or termination.

B. Pre-Disciplinary Hearing

Whenever a regular full-time employee, who is not an appointed or probationary employee, is subject to possible suspension without pay for more than two days, demotion, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action. The employee shall be given written notice of the hearing which includes an explanation of the charges against the employee and notice that discipline up to and including termination is being considered. The pre-disciplinary hearing shall be conducted by the Mayor for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision. A decision as to the disciplinary action to be taken, if any, shall be made by the Mayor, and the employee shall be notified in writing within a reasonable time after the hearing. If disciplinary action is imposed, the Mayor shall provide the employee written notice of the disciplinary action along with a written explanation of employee rights for appeal, if any.

C. Appeals of Demotion or Termination

In the case of suspension without pay for more than two days, demotion or termination, a regular full-time employee, who is not an appointed or probationary employee, has the right to appeal the decision to the City Employee Appeals Board. The appeal must be in writing and filed with the City Recorder within ten days of the suspension without pay for more than two days, demotion or termination. The City Recorder will then refer the matter to the Employee Appeals Board which will take and receive evidence and fully hear and determine the matter. The employee shall be entitled to appear in person and to be represented by counsel (at the employee's expense), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence. Each decision of the Appeals Board shall be by secret ballot, and shall be certified to the City Recorder within 15 days from the date the matter is referred to it. For good cause the Appeals Board may extend the 15-day period to a maximum of 60 days, if the employee and City consent.

In the event the Employee Appeals Board upholds the suspension without pay for more than two days, demotion or termination, the employee may file an appeal within fourteen (14) days to the governing body, whose decision will be final. The governing body shall not hold new or additional evidentiary hearings.

In the event the Appeals Board does not uphold the suspension without pay for more than two days, demotion or termination, the City Recorder shall certify the decision to the employee affected, and also to the Department Head from whose order the appeal was taken. The employee shall be paid his salary, commencing with the next working day following the certification by the City Recorder of the Appeals Board's decision, provided the employee reports for his/her assigned duties that next working day. The employee shall also receive salary for the period of time during which the employee is discharged or suspended without pay, or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration

A final action or order of the Appeals Board may be reviewed by the Utah Court of Appeals by filing with that Court a petition for review within 30 days after the issuance of the final action or order of the Appeals Board.

D. Suspension Pending Investigation and Decision

At the City's sole discretion, an employee may be suspended (with or without pay) pending an investigation. If after an investigation, the employee is found guiltless, the employee shall be restored to his or her position and/or compensated for any lost pay.

XVI. GRIEVANCE PROCEDURE

A. Circumstance of Grievance to be Avoided

It shall be the policy of Kanab City insofar as possible to prevent the occurrence of grievances and deal promptly with those which occur.

B. Duty of Department Head

Whenever a grievance arises or is directed to the attention of the department head, the department head shall discuss all relevant circumstances with the employee and remove the cause of the grievance to the extent the department head deems advisable and possesses authority.

C. Duty of the City Manager

If the department head fails to settle the grievance in a satisfactory manner, the written grievance and department head's decision shall be referred to the City Manager. If a grievance involves a department head it shall be taken directly to the City Manager. If a grievance involves the City Manager it shall be taken directly to the Mayor. The City Manager or Mayor, as appropriate, shall investigate the circumstances and resolve the grievance to the extent he/she deems advisable and possesses authority.

D. Review by City Council

If the City Manager or Mayor fails to resolve the grievance, the grievance may be taken to the City Council by filing a notice in writing with the City Recorder. The City Council shall schedule a hearing with the parties within fifteen (15) working days after receipt of the grievance. The City Council shall render a written decision to the employee within five (5) 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 and binding.

XVII. Workplace Violence

A. Workplace Violence and Policy Statement

The City is committed to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. The City prohibits acts of violence committed by City employees, or against City employees by members of the public while on City property or while the City employee is performing City business at other locations. The objective of this policy is to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution, and to mitigate the negative consequences for employees who experience or encounter violence in their work lives.

B. Workplace Violence Definitions

The work violence in this policy shall mean an act or behavior that:

- 1) Is physically assaultive;
- 2) Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- 3) Would be interpreted by a reasonable person as having potential for physical harm to the individual;
- 4) A reasonable person would perceive as menacing;
- 5) Involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
- 6) Consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on City property, in City facilities or while on City business will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on City property or while using City facilities will be prosecuted as appropriate and may result in disciplinary action, up to and including termination. Employees must immediately report to their supervisor all incidents of workplace violence.

XVIII. Risk Management and Safety

A. Employee Liability

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his supervisor and the City Manager.

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



City Council
Arlon Chamberlain
Chris Heaton
Scott Colson
Boyd Corry
Peter Banks

**Extension Request for Preliminary Plat
Hidden Canyon Planned Development
Phase 1, 2, 3, 4, 5, 8 & 14**

Jim Guthrie has submitted a written request for an extension on his preliminary plats for phases 1, 2, 3, 4, 5, 8 & 14 of the Hidden Canyon Planned Development. The preliminary plats were approved in May of 2025. Final plat applications have been submitted and are going through the review process, the concern is that they may not be approved and recorded by May of 2026. Per the Kanab City Subdivision ordinance, a final plat shall be approved and recorded within 12 months of the approved preliminary plats. The ordinance allows for an extension of the preliminary plat, if one is not approved the preliminary plats become null and void.

Attached is the staff report that was reviewed during the May 6th 2025 Planning Commission meeting.

Planning Commission April 10, 2026 meeting; Planning Commission made a motion to recommend approval of the preliminary plat extension for up to 90 days. Vote was unanimous.

— A Western Classic —

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



City Council
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Chris Heaton
Scott Colson
Boyd Corry
Peter Banks

Kanab City Planning Commission Staff Report **File #PLANPRESUB25-001 & 25-002**

Date:	May 4, 2025
Meeting Date:	May 6, 2025
Agenda Item:	Public Hearing discuss and recommend to City Council a Preliminary Plat, Phase 1, 2, 3, 4, 5, 8, and 14 [Hidden Canyon Subdivision]
Subject Property Address:	1600 East Highway 89
Applicant:	Brown Consulting
Applicant Agent:	Jim Guthrie
Zoning Designation:	R-1-8 PD
Parcel #:	K-15-1-ANNEX and K-14-15-Annex
Applicable Ordinances:	Subdivision Ordinance, Chapter 2

Attachments:

Exhibit A: Vicinity Map

Exhibit B: Preliminary Plat

Summary:

Jim Guthrie, property owner, and their representative, Brown consulting have applied for a Preliminary Plat, for Phase 1, 2, 3, 4, and 14 of Hidden Canyon Subdivision. Preliminary Plats are regulated through the Kanab City Subdivision Ordinances, Chapter 2. Phase 1 will consist of one commercial lot, Phase 2 will consist of 46 residential lots, Phase 3 and 4 will consist of one commercial lot and Phase 14 will consist of 21 residential lots.

Applicable Regulations:

Kanab City Subdivision Ordinance Chapter 2 regulates the preliminary plat process. The application should include the scale drawing, utility service commitment letters, soils investigation report, drainage report, and the title report. The application and submitted documents are sent to the Development Committee to review for compliance with the ordinance. The application may be sent to the City Attorney, City Engineer, Public Works Department, or other interested parties who will review the documents and make recommendations.

Analysis

All required documents for the application have been received by the applicant or the representative.

— A Western Classic —



Findings of Fact:

- The subdivision is part of a Planned Development Overlay and has a recorded development agreement. The development agreement includes the following:
 - Allows lots to be reduced to a minimum of 5,000 sq.ft.
 - Allows frontages a minimum of 52-feet wide
 - Requires that a 1-million-gallon water storage tank is installed
 - A secondary emergency egress is required and constructed by the developer once the 200th dwelling unit is approved (accounting for single-family lots, multi-family residential units and hotel rooms) before building permits for dwelling units in that phase are approved.
- The Hidden Canyon Subdivision meets the subdivision ordinance.
- City Surveyor is still working with the applicant to complete their review.

Conditions of Approval:

1. Final sign-off from Surveyor on the plat.

Staff Recommendation:

Staff recommend a positive recommendation to City Council.

Recommended Motion:

I make a motion to send a positive recommendation to City Council for the Preliminary Plat on Phase 1, 2, 3, 4, and 14 of Hidden Canyon Subdivision based on the findings and conditions of approval as outlined in the staff report for file #PLANPRESUB25-001 and 25-002.

Alternate motion:

I make a motion to send a positive recommendation to City Council for the Preliminary Plat on Phase 1, 2, 3, 4, and 14 of Hidden Canyon Subdivision based on the findings and conditions of approval as outlined in the staff report for file #PLANPRESUB25-001 and 25-002, with the additional findings and conditions: .

I make a motion to send a negative recommendation to City Council for the Preliminary Plat on Phase 1, 2, 3, 4, and 14 of Hidden Canyon Subdivision demonstrating the applicant has not met the standards outlined in the Kanab City ordinances): .

– A Western Classic –

Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



City Council

Arlon Chamberlain

Chris Heaton

Scott Colson

Boyd Corry

Peter Banks

Exhibit A: Vicinity Map

— A Western Classic —

Mayor

T. Colten Johnson

City Manager

Kyler Ludwig

Treasurer

Danielle Ramsay



City Council

Arlon Chamberlain

Chris Heaton

Scott Colson

Boyd Corry

Peter Banks

Exhibit B: Preliminary Plat

— 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

DATE: April 14, 2026
TO: Mayor and City Council
SUBJECT: Sewer Rake Project – Task Order Approval
PREPARED BY: Kyler Ludwig, City Manager

Background:

Kanab City has identified the Sewer Rake Project as a priority improvement in the City's Wastewater Impact Fee Facilities Plan.

The project is intended to install a mechanical screening system at the lagoon outfall to intercept debris before it enters the treatment cells, improving system performance and reducing maintenance needs.

Civil Science has submitted Task Order No. 2026-02 to provide professional engineering services for survey, design, bidding, and construction support.

During recent site visits, including a tour of a similar facility in Cedar City, staff identified the need for an enclosure building to protect the equipment and allow for maintenance access. This addition has resulted in an updated project scope and cost.

Analysis:

The Sewer Rake Project includes installation of a Lakeside Raptor fine screen system, along with supporting infrastructure such as piping, electrical controls, and site improvements.

The project includes installation of a mechanical screening system at the lagoon outfall, along with construction of a concrete channel and associated conveyance improvements to direct flows through the system. Additional components include a new septic dump station, installation of electrical and control systems necessary for operation, and construction of an equipment enclosure building to protect the system and provide maintenance access.

The updated preliminary construction cost is estimated at approximately \$665,000, including contingency.

This project directly supports recommendations identified in the Wastewater Impact Fee Facilities Plan, which includes installation of a sewer rake system to improve lagoon operations.

– A Western Classic –

Mayor
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City Council
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Steven Shrope
Chris Heaton
Boyd Corry
Peter Banks

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

Legal:

Financial:

The Sewer Rake Project is identified as an impact fee eligible project within the Wastewater Impact Fee Facilities Plan.

Funding for design and construction is anticipated to come from wastewater impact fee revenues. The updated cost reflects the addition of the equipment building and associated site improvements. The sewer impact fee fund has just over \$500,000 saved for impact fee projects.

Recommendations/Actions:

It is recommended that the City Council:
Authorize the City Manager to execute Task Order No. 2026-02 with Civil Science for engineering services related to the Sewer Rake Project.

Attachments:

Civil Science Task Order 2026-2

— A Western Classic —

March 17, 2026

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

WORK TASK ORDER 2026-2: SEWER RAKE

Dear Mr. Ludwig,

Civil Science is pleased to submit this Work Task Order No. 2026-02 for professional services for the Sewer Rake 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

Kanab City has identified the Sewer Rake Project in its Wastewater Impact Fee Facilities Plan as a priority improvement to the lagoon system. The purpose of the project is to install a mechanical screening system at the existing sewer outfall near the lagoons to intercept trash and debris prior to entering the treatment cells. The project will include installation of a Lakeside Raptor fine screen system, associated conveyance improvements, and supporting site infrastructure. The screening system is intended to improve overall treatment performance, reduce maintenance within the lagoons, and address operational concerns related to debris accumulation and odors. Based on the current concept, improvements are anticipated to include:

- Installation of a Raptor screen system at the existing outfall structure
- Construction of a concrete channel and screening area
- Installation of new septic dump station
- Extension and connection of sanitary sewer piping to route flows through the screen system
- Construction of a small enclosure building to protect equipment and allow for maintenance access
- Site electrical and controls for screen operation
- Minor site work including demolition, fencing adjustments, and access improvements

The current concept layout is illustrated in the attached project concept plan, which shows the screen system located adjacent to the lagoon outfall with connections to existing sewer infrastructure. An updated preliminary opinion of cost has been prepared to reflect the refined scope, including the addition of the equipment building and associated site improvements. The estimated construction cost is approximately \$665k, including contingency. This estimate will be refined during design as layout, equipment selection, and site constraints are finalized. The Raptor screen equipment is based on a Lakeside Equipment unit with an estimated budget cost of approximately \$165k for the screen itself, exclusive of installation and site work.



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 & MAPPING PHASE SERVICES

Civil Science will perform a design level topographic survey at the lagoon outfall and surrounding site sufficient to support design of the facility, pipeline connections and building.

1. Establishment of horizontal and vertical control tied to recognized datum
2. Topographic mapping of the project area including lagoon embankments, outfall structures, access roads, and surrounding ground surface
3. Location of existing sewer infrastructure including outfall pipes, manholes, and visible appurtenances
4. Location of existing utilities to the extent visible and based on available records
5. Collection of critical elevations at outfalls, flowlines, and lagoon water surface
6. Mapping of fencing, gates, and site features that may be impacted by construction

DELIVERABLES

- Topographic Survey and Base Map

ASSUMPTIONS

- Survey is limited to the immediate project area near the lagoon
- Utility locations are based on visible features and available records
- Subsurface utility exploration is not included
- Site access will be provided by the City

ENGINEERING DESIGN PHASE SERVICES

Civil Science will provide complete engineering design services to advance the Sewer Rake Project from initial layout through final construction documents.

1. Project kickoff meeting with City staff to confirm scope, layout, and design criteria
2. Ongoing coordination with the City regarding operations, access, and constructability
3. Coordination with the Raptor screen equipment supplier to integrate equipment requirements into the design
4. Development of a site layout including screen structure, piping, concrete channel, and building
5. Preliminary sewer alignment and connection to the existing outfall
6. Evaluation of existing conditions and constraints at the lagoon site
7. Identification of utility needs including electrical service and controls
8. Preparation of preliminary design documents to establish project configuration and approach
9. Advancement of design to final construction documents including:
10. Site grading and drainage
11. Sanitary sewer plan and profile
12. Concrete channel and screen installation details
13. Building layout and coordination with structural and electrical components
14. Preparation of plan sheets including site plan, utilities, details, and notes
15. Preparation of technical specifications and bid schedule
16. Preparation of engineer's opinions of cost at key milestones
17. Internal quality control reviews prior to each submittal

DELIVERABLES

- Final Construction Documents and Specifications

ASSUMPTIONS

- One review cycle per milestone
- Building will be a pre-fabricated metal building
- City will provide direction on layout at the preliminary stage
- No major redesign after acceptance of the project layout

BID & CONSTRUCTION PHASE SERVICES

If the City elects to move forward with a public bid, Civil Science will provide support during bidding and construction. The level of effort and associated hours are based on our experience with similar projects and reflect what we anticipate this project will require. Actual effort may vary depending on factors such as contractor, construction schedule, site conditions, and level of coordination required. Specific task may include (if requested):

1. Assistance with preparation of final bid package for advertisement
2. Participation in one pre bid meeting
3. Response to bidder questions and preparation of addenda as needed
4. Review of bids and preparation of bid tabulation
5. Evaluation of bids and recommendation of award
6. Participation in a preconstruction meeting
7. Attendance at periodic progress meetings during construction
8. Review of contractor submittals for general conformance with the design
9. Response to requests for information
10. Review of proposed substitutions
11. Review of change orders for technical merit and cost reasonableness
12. Periodic site visits to observe progress and general compliance with the plans
13. Preparation of field observation summaries
14. Review of contractor provided record drawings

DELIVERABLES (if requested)

- Addenda if required
- Bid Tabulation
- Recommendation of Award
- Submittal Reviews
- RFI Responses
- Field Observation Summaries
- Change Order Review Recommendations

ASSUMPTIONS

- Bid and construction period anticipated to be approximately 60 days
- Services do not include full time inspection
- Materials testing and special inspections are not included

FEE PROPOSAL

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

PHASE DESCRIPTION	FEE	FEE TYPE	COMMENTS
Survey & Mapping	2,400	Lump Sum	Basic Topography Survey
Engineering Design	48,100	Lump Sum	Includes: Civil, Electrical, and Structural
Bid & Construction	15,000	Hourly	Anticipated Hours: 85
TOTAL	65,500		

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@civilsience.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:

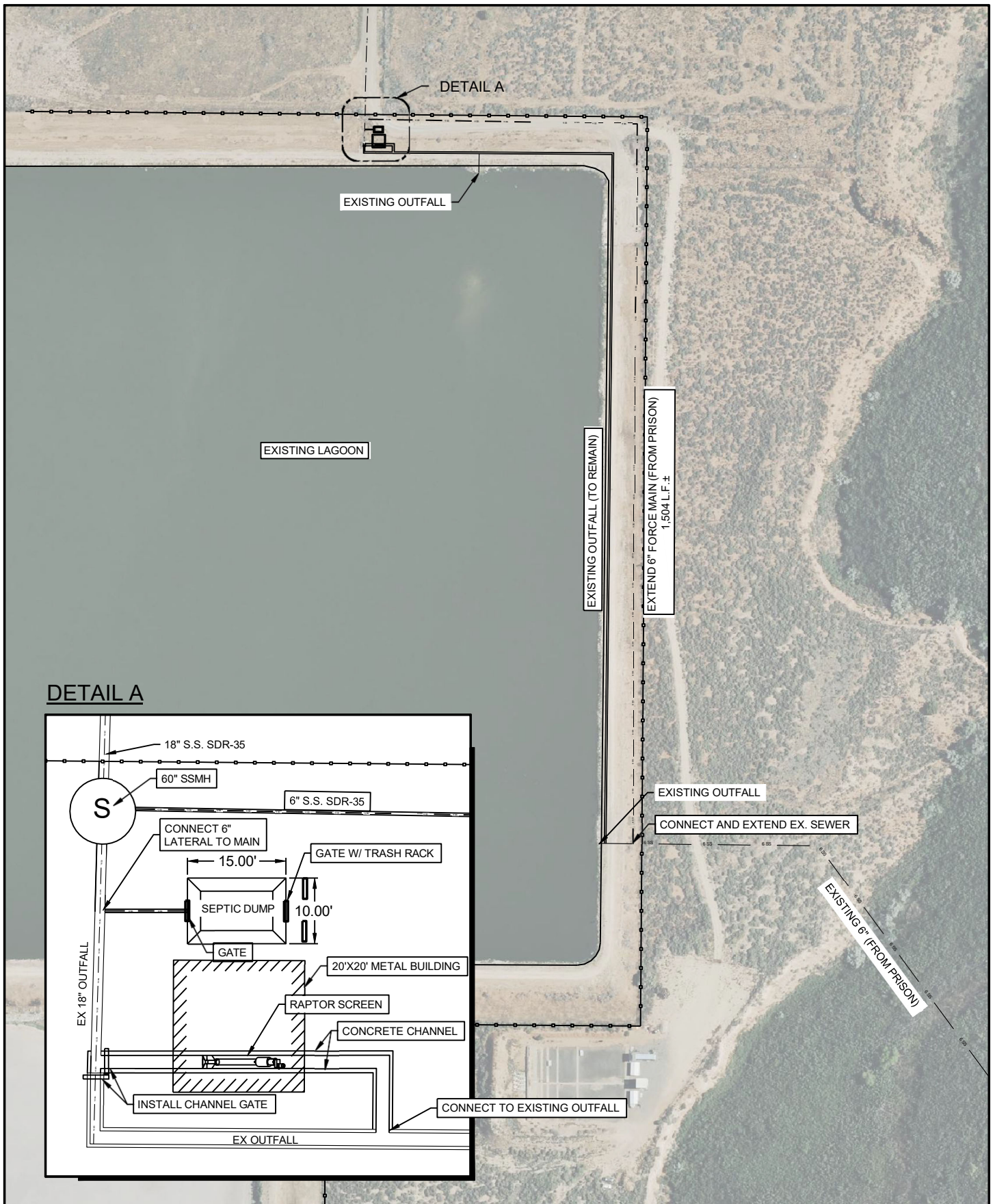
Labor Category (Abbr.)	Technical Role	Hourly Labor Rate Range
Engineer (EN)	Jr. Engineer (I-II)	\$135.00 - \$145.00
	Lead Engineer (III-IV)	\$170.00 - \$194.00
	Sr. Engineer (V-VI)	\$199.00 - \$261.00
Landscape Architect (LA)	Jr. Landscape Architect (I-II)	\$112.00 - \$126.00
	Lead Landscape Architect (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.



OPTION A

KANAB SEWER RAKE



PRELIMINARY ENGINEER'S OPINION OF COST

ITEM NO.	ITEM DESCRIPTION	EST QTY	UNIT	UNIT COST	AMOUNT
CONSTRUCTION					
1	Mobilization & Demobilization	1	LS	\$ 48,400.00	\$ 48,400.00
2	Temporary Controls	1	LS	\$ 5,000.00	\$ 5,000.00
3	Site Demolition	1	LS	\$ 5,000.00	\$ 5,000.00
4	Relocate Fence	1	LS	\$ 2,000.00	\$ 2,000.00
5	Water Service Connection	1	LS	\$ 7,500.00	\$ 7,500.00
6	6" SDR-35 Sanitary Sewer Pipe	1500	LF	\$ 40.00	\$ 60,000.00
7	18" SDR-35 Sanitary Sewer Pipe	30	LF	\$ 150.00	\$ 4,500.00
8	60" Sanitary Sewer Manhole	1	EA	\$ 10,000.00	\$ 10,000.00
9	10'x15' Septic Dump	1	LS	\$ 40,000.00	\$ 40,000.00
10	6'x18" Concrete Channel	30	LF	\$ 1,500.00	\$ 45,000.00
11	20'x20' Metal Building	1	LS	\$ 60,000.00	\$ 60,000.00
12	Raptor Screen System	1	LS	\$ 225,000.00	\$ 225,000.00
13	Site Electrical (Complete)	1	LS	\$ 20,000.00	\$ 20,000.00
Subtotal					\$ 532,400.00
Contingency 25%					\$ 133,100.00
Construction Total					\$ 665,500.00

West Wing, 5th Floor
1800 Novell Place
Provo, Utah 84606
(801) 375-2830



SUMSION BUSINESS LAW

Jace Knuteson
Quinton Lister (AZ & UT)
Chase Olsen
Steven R. Sumsion (NY & PA)
Elena Tanner
Tyson Wilson

March 30th, 2026

Kanab City

Attn: City Clerk/Recorder

26 N 100 E

Kanab, UT 84741

VIA DELIVERY BY HAND TO PHYSICAL ADDRESS

RE: NOTICE OF CLAIM AND DEMAND FOR CONTRACT ENFORCEMENT

Ms. Celeste Cram:

This letter serves as an official demand and Notice of Claim pursuant to Utah Code 63G-7-401 from Kevin Blomquist ("Blomquist") and MIKYKAKO, LLC (the "LLC"), who have retained Sumsion Business Law, LLC, to the City of Kanab ("Kanab"). This demand letter results from a Breach of Contract, a Breach of the Covenant of Good Faith and Fair Dealing, Kanab's liability under the doctrine of Promissory Estoppel, or in the alternative, Unjust Enrichment. Specifically, this demand letter serves to address Kanab's agreement with Blomquist to sell him Parcel #3-6-32-3 (the "Property") in Kane County, Utah, and to demand the immediate enforcement of this agreement held between Blomquist and Kanab (the "Agreement").

On or around September 22, 2020, Blomquist began communicating with the School and Institutional Trust Lands Administration ("SITLA") with the intent to purchase the Property. *See Exhibit A.* Blomquist expressed clear interest in the Property, which is adjacent to his own. SITLA representative, Ron Torgerson, asserted that there was a possibility that Blomquist would be able to purchase the parcels in which Blomquist was interested. Ron offered price estimates, and instructed Blomquist on how he should proceed in order to obtain the Property. Furthermore, Ron explained that Kanab was also interested in the Property, and that usually "competitive bid letters" are sent out in similar situations. *Id.* Although the Property was not available for purchase at the time of Blomquist's inquiry, he worked with SITLA for over two months to purchase the Property.

KANE COUNTY SHERIFF'S OFFICE
RECEIVED: 4/3/26
SERVED:
ADDRESS: 4/3/26
DATE: 4/3/26
TIME: 0835
SERVED BY DEPUTY SHERIFF 1126
K. H. H.

Because it was represented to Blomquist that Kanab was also interested in purchasing the Property, Blomquist, in good faith, entered into a legally binding Agreement with Kanab so that he could obtain the Property. On November 24, 2020, City Manager Joe Decker and City Council Member Jeff Yates called Blomquist. As representatives of Kanab, they entered a legally binding contract with Blomquist with both parties agreeing that:

- a. The City of Kanab would purchase the Property for drainage and flood control.
- b. Blomquist would refrain from bidding on the Property to permit Kanab to make the purchase.
- c. Kanab would sell the Property not used for water retention back to Blomquist at the price Kanab purchased the Property “pro rata.” **Exhibit B.**
- d. Kanab would work with Blomquist to sell him the Property in a timely manner, such that it would be smooth and uncomplicated.

This Agreement was entered between Kanab and Blomquist. The terms of the Agreement were later affirmed by Council Member Jeff Yates. *Id.* Additionally, prior to the sale of the Property, Blomquist walked the Property with Jeff Yates. During their walk, they determined which portions of the Property would be sold back to Blomquist after Kanab purchased it. The Property was sold to Kanab on June 23, 2021. *See Exhibit C.* Although Blomquist completely performed his obligations under the Agreement, Kanab failed to sell the Property to Blomquist.

In the years following the sale of the Property and the Agreement, Blomquist has repeatedly reached out to city officials, seeking the fulfillment of the city’s obligations under the Agreement. Kanab has been unclear and unfair in their dealings with Blomquist despite his patience. One example includes Blomquist paying for a Property appraisal by Kanab’s request as a condition for him to purchase the Property. Kanab has also indicated that the Property is not needed for water retention by attesting that it is available for purchase in an email to Blomquist. In this same email, Kanab attempted to alter the terms of the Agreement and sell it to Blomquist at a higher cost than originally offered. **Exhibit D.** On October 15, 2025, Kanab asserted that it no longer would uphold the Agreement in any form, as the city’s “internal priorities have evolved.” **Exhibit E.**

Kanab has attempted to negotiate with Blomquist instead of completely fulfilling the original Agreement. Still relying on, and without waiving any portion of the original Agreement with Kanab, and with the intent to obtain the Property, Blomquist engaged in such negotiations. These negotiations and Blomquist’s attempts to amicably obtain the Property continued until

October 15th, 2025. On this day, representatives of Kanab asserted that they would no longer sell Blomquist the Property in any capacity. *See Exhibit E*. Until this day, Blomquist relied on the Agreement conveyed and affirmed by Jeff Yates, and the Kanab's negotiation offers, until this date of the city's ultimate rejection of the Agreement.

As a direct result of Kanab's representations made to our client, Kevin Blomquist refrained from bidding on the Property. This deprived him of the opportunity to purchase the Property, and Kanab's failure to uphold the Agreement ultimately barred Blomquist from obtaining the Property. At the very minimum, Blomquist has suffered damages in the amount of the Property's current market value minus the value of the pro rata rate of Kanab's purchase price of the Property. Because the LLC's land has direct access to Property, its current market value is more than \$100,000 to Blomquist.

Furthermore, it has been found that Kanab is illegally using the Southwest corner of Parcel #65-266 (the LLC's property, of which Blomquist is the owner) to access other city properties. Kanab has exceeded the limits of its granted easements (*see Exhibit C*) in its use of the LLC's property. *See Exhibit F*. The city of Kanab's current easement is blocked by terrain that makes it impassable for vehicles. Because of this, Kanab has been trespassing on The LLC's property. Furthermore, Kanab's encroachment does not qualify as a prescriptive easement, as Kanab will have to demonstrate clear evidence that it has been encroaching on the LLC's property for twenty (20) years or more, along with other factors. This is unlikely, as past owners and Blomquist have used the trespassed portion of land for vehicle storage at various times. Kanab's actions constitute trespassing and also an unconstitutional government taking of the LLC's property. Such violations may result in our client obtaining a quiet title and pursuing declaratory relief.

All of the foregoing facts give rise to the following claims:

- Breach of Contract;
- Breach of the Covenant of Good Faith and Fair Dealing;
- Liability of Kanab under the Doctrine of Promissory Estoppel;
- Unjust Enrichment (In the Alternative);
- Quiet Title settling the easement issue;
- Civil Trespass;
- Declaratory relief concerning the easement; and
- Any and all other claims applicable to the situation at hand.

In an effort to resolve this matter amicably, Kevin Blomquist is willing to settle this matter. Our client only wants to purchase the Property at the rate promised to him pursuant to the Agreement. Furthermore, in a good faith effort to resolve this matter, our client is willing to agree to the following terms:

1. Kanab will sell the Property to Blomquist at the pro rata per-acre price at which Kanab purchased it; and
2. Blomquist will forego pursuing any statutory claims, including trespassing, against Kanab.

Furthermore, our client may be open to stipulate to increase the existing easement so that Kanab may continue to drive on the currently trespassed portion of the LLC's property. While we are open to discussion on this point concerning the easement, the offer that stands is currently only point 1 and point 2 set above.

We urge you to consider these generous terms offered by our client. We want to avoid litigation, but we have extensive records from Kanab and its representatives in favor of our client and his position. This includes a written confirmation from Kanab that the Agreement **exists**. If an acceptable solution is not reached, we will proceed with litigation and pursue all statutory and civil claims, listed or not in this notice, to the fullest extent of the law.

This demand requires your compliance within 60 days of the date of this letter pursuant to Utah Code 63G-7-403. An acceptable solution must be received by this deadline to avoid escalation. The lack of such a solution will result in immediate commencement of legal action, including but not limited to, filing suit against you for breach of contract, specific performance, damages, and fees. Our client, Kevin Blomquist, is prepared to present any emails, photographs, witnesses, or any other evidence to prove that the Agreement has been breached.

This is your final warning. We expect prompt resolution.

Sincerely,

SUMSION BUSINESS LAW

/s/ Chase E. Olsen

Chase E. Olsen
Attorney for Kevin Blomquist

Exhibit A

Legal description when recorded by Kanab City (Parcel 3-6-32-3):
T43S R6W SLB&M SEC 32: S/2SE/4NW/4SW/4
TOG WITH A 15.0' WIDE ACCESS & UTILITY EASEMENT (SEE 0562-476/479)

Containing 5 acres, more or less

Portion in Yellow is subject property. It has not been updated on County Website to show Kanab City as owners. Aqua parcel is parcel we currently own. We own parcels 65-226/65-227

Plat map I collected from SUTC

Email chain with Lou Pratt (Kane County GIS specialist, retired), Ron Torgerson (SITLA contact and myself). (Began September 22, 2020)

Kevin Blomquist <treasurer@kane.utah.gov>;

Re: Sitla sale
15 messages

Louis Pratt <gis@kane.utah.gov> Tue, Sep 22, 2020 at 8:32 AM
To: Ron Torgerson <rgtorgerson@utah.gov>; Kevin Blomquist <treasurer@kane.utah.gov>
Doing great, until next TMP meeting with BLM. LOL

Our treasurer was asking, possibly the SE 2.5 or 5 acres?
Thanks
Lou

On Tue, Sep 22, 2020, 8:17 AM Ron Torgerson <rgtorgerson@utah.gov> wrote:
Hi Lou, how are things? Attached is a map showing 2.5 acres that we are considering to sell to the Tharps'. What area would you be interested in?

On Mon, Sep 21, 2020 at 6:03 PM Louis Pratt <gis@kane.utah.gov> wrote:
Ron
Would SITLA ever consider selling a portion, say 1 to 2 acres on a larger SITLA Section. It is out in Kanab Creek Ranchos and land locked. I think it is 1/2 of a section.
Thanks
Lou

--

Ron Torgerson
Trust Lands Administration

2031 S. Industrial Park Road
Richfield, UT 84701

phone: 435-896-2559
cell: 435-691-3456

Ron Torgerson <rgtorgerson@utah.gov> Tue, Sep 22, 2020 at 8:40 AM
To: Louis Pratt <gis@kane.utah.gov>;
Cc: Kevin Blomquist <treasurer@kane.utah.gov>;

Maybe. Let me know how big and exactly where.
[Quoted text hidden]

Louis Pratt <gis@kane.utah.gov> Tue, Sep 22, 2020 at 8:49 AM
To: Ron Torgerson <rgtorgerson@utah.gov>;
Cc: Kevin Blomquist <treasurer@kane.utah.gov>;
Will do, thanks.
[Quoted text hidden]

Louis Pratt <gis@kane.utah.gov> Tue, Sep 29, 2020 at 3:15 PM
To: Ron Torgerson <rgtorgerson@utah.gov>, Kevin Blomquist
<treasurer@kane.utah.gov>;
Ron

How does SITLA typically like to see these split up?
My friend is looking at the piece east of your current split, see maps SE corner.
About 2 1/2 acres splits well, just not sure if you can split horizontally or prefer vertically.
Do you know roughly how much that 2 1/2 acres might go for?
Thanks
Lou

[Quoted text hidden]

2 attachments
SITLA_9292020.pdf
1790K

SITLA_9222020.pdf
3095K

Ron Torgerson <rgtorgerson@utah.gov> Tue, Sep 29, 2020 at 3:30 PM
To: Louis Pratt <gis@kane.utah.gov>;
Cc: Kevin Blomquist <treasurer@kane.utah.gov>;
I like the parcel map you sent. That would be a good way to break it up so it matches the
lots below, but it would require a survey. The aliquot parts make it so we do not have to

survey. I am still trying to decide how to break it up without having any remaining parcels. I would think a 2.5 acre parcel would cost between \$10K - \$20K, depending on how flat or steep it is. You and Kevin's comments or help would be good on how to split it up.
[Quoted text hidden]

Louis Pratt <gis@kane.utah.gov>; Tue, Sep 29, 2020 at 3:46 PM

To: Ron Torgerson <rgtorgerson@utah.gov>;

Cc: Kevin Blomquist <treasurer@kane.utah.gov>;

Ok, sounds good. I think its in Kevin's hands now. I thought the same split as your map showed might be preferred too.

Thanks

Lou

[Quoted text hidden]

Kevin Blomquist <treasurer@kane.utah.gov>; Fri, Oct 2, 2020 at 4:00 PM

To: Ron Torgerson <rgtorgerson@utah.gov>;

Hi Ron,

Thanks for working with Lou on this SITLA property. I am the one actually looking at this property.

The lot(s) adjoin to my lot and it would be great to be able to use them. My thoughts are to someday

possibly build on them if tests check out ok. This area is known for blue clay and poor absorption but

we would still be interested and might put a small shop and a horse corral on it. I have a few questions since this is all new to me.

Which way did you like the properties broken up? Lou sent two samples. One was breaking them

into squares and one was breaking them into rectangles.

Would I be able to do a perc test?

Would I be able to do a "blue-clay" test?

Who pays for the survey?

Thanks again for your time. Please let me know what the next step is.

Have a great weekend.

Kevin Blomquist

[Quoted text hidden]

Ron Torgerson <rgtorgerson@utah.gov>; Mon, Oct 5, 2020 at 8:20 AM

To: Kevin Blomquist <treasurer@kane.utah.gov>

Morning Kevin. We are open as to how we sell the lots as long as we do not leave behind an un-economic remnant. 2.5 acres, 5 acres, or 10 acre chunks preferably. You could pay to complete the two tests if that will help you decide what to do. The next step is to send me a map showing the exact area you would like to purchase. I cannot promise it will work out that way, but I will try. Thanks Kevin.

[Quoted text hidden]

Kevin Blomquist <treasurer@kane.utah.gov> Wed, Oct 7, 2020 at 5:04 PM

To: Ron Torgerson <rgtorgerson@utah.gov>

Hi Ron,

Attached is a map that breaks out the property into 2.5 parcels. We would be interested in parcel marked #1 and possibly interested in parcel marked #2. Please let us know what the next step is.

Thank-you.

Kevin C. Blomquist

[Quoted text hidden]

Parcel breakdown.pdf

109K

Ron Torgerson <rgtorgerson@utah.gov> Thu, Oct 8, 2020 at 8:39 AM

To: Kevin Blomquist <treasurer@kane.utah.gov>

Got it. Thanks. I'll share with my team in SLC and see what we can do.

[Quoted text hidden]

Kevin Blomquist <treasurer@kane.utah.gov> Mon, Nov 16, 2020 at 11:06 AM

To: Ron Torgerson <rgtorgerson@utah.gov>

Hi Ron,

Just wanted to follow up and see if you need anything else from us on this possible SITLA property purchase.

Thanks,

KB

From: Kevin Blomquist <treasurer@kane.utah.gov>
Sent: Wednesday, October 7, 2020 5:04 PM
To: 'Ron Torgerson'; <rgtorgerson@utah.gov>
Subject: RE: Sitla sale

Hi Ron,

Attached is a map that breaks out the property into 2.5 parcels. We would be interested in parcel marked #1 and possibly interested in parcel marked #2. Please let us know what the next step is.
Thank-you.

Kevin C. Blomquist

From: Ron Torgerson <rgtorgerson@utah.gov>
Sent: Monday, October 5, 2020 8:20 AM
[Quoted text hidden]
[Quoted text hidden]

Ron Torgerson <rgtorgerson@utah.gov> Mon, Nov 16, 2020 at 12:12 PM
To: Kevin Blomquist <treasurer@kane.utah.gov>
Hi Kevin. In our advertising and notices that we have mailed out, Kanab City is also interested in the same two parcels that you are. We are trying to figure out how to handle these requests. Usually we send out competitive bid letters. I'll let you know though.
[Quoted text hidden]

Ron Torgerson <rgtorgerson@utah.gov> Mon, Nov 23, 2020 at 12:23 PM
To: Kevin Blomquist <treasurer@kane.utah.gov>
Kevin, how set are you on buying Lot #1 and/or Lot #2, verses Kanab City also wanting to purchase these parcels? Kanab City needs to purchase #2 because they have an access road and partial sediment basin on it. Let me know. Thanks.
[Quoted text hidden]

Kevin Blomquist <treasurer@kane.utah.gov> Mon, Nov 23, 2020 at 12:46 PM
To: Ron Torgerson <rgtorgerson@utah.gov>

Hi Ron,

I would really like to purchase both if the perk test and soil samples come back with positive results. I

have talked with a City Councilman & he thinks the City is just wanting to make sure that they own the road and basin portion. He mentioned that they may be willing to carve out their portion and work it out so I can buy the rest. This may need to be done after sell. Maybe I should talk more with City and then get back to you with their thoughts. Would that work for you?

-thanks

kb

[Quoted text hidden]

Ron Torgerson <rgtorgerson@utah.gov> Mon, Nov 23, 2020 at 12:48 PM

To: Kevin Blomquist <treasurer@kane.utah.gov>; Michelle McConkie

<meastmccconkie@utah.gov>;

Yes, that would work. If you are both interested, then I will need to ask for bids, or go to auction.

[Quoted text hidden]

Exhibit B

July 11, 2022

To Whom it may concern,

I wanted to write to tell those making the decision my recollection of the agreement that was made with Kevin Blomquist on the SITLA property (3-6-32-3).

I recollect that the agreement was that the city would allow him to purchase the excess property not used for the detention basin at the price the city paid pro rata.

Any questions contact me,



Jeff Yates

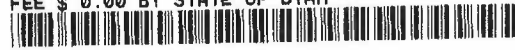
Exhibit C

WHEN RECORDED RETURN TO:
State of Utah School & Institutional
Trust Lands Administration
Attn: Diane Lund
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

ENTRY NO. 00194499

06/28/2021 02:54:04 PM B: 0562 P: 0484

Quit Claim Deed PAGE 1 / 5
VERJEAN CARUSO, KANE COUNTY RECORDER
FEE \$ 0.00 BY STATE OF UTAH



Quitclaim Deed and Assignment

This Quitclaim Deed and Assignment (this "**Deed**") is from Kanab City, a body politic of the State of Utah with an address of 26 North 100 East, Kanab, Utah 84741 (the "**City**") to the State of Utah, for the benefit of the trust land beneficiaries, through the School and Institutional Trust Lands Administration, an independent state agency with an address at 675 East 500 South, Suite 500, Salt Lake City, Utah 84102 ("**SITLA**").

RECITALS

- A. The City and SITLA are parties to Certificate of Sale No. 26917, dated JUNE 23, 2021 (the "**Certificate**") pursuant to which SITLA has agreed to sell and the City has agreed to purchase a five-acre parcel of property located in Kane County, Utah (the "**Property**"), as the Property is described in the Certificate.
- B. The City owns an easement (the "**Easement**"), as the Easement is described in Exhibit A, across lands adjacent to the Property, pursuant to Ingress-Egress Easement, from Steven V. & Debra Lynn Cserepes to Kanab City, dated April 8, 2005, and recorded in the Kane County Recorder's office on May 25, 2005 at 2:25 p.m. at Book 0280, Page 9-10, Entry 123950 (the "**Easement Agreement**"). A copy of the Easement Agreement is attached as Exhibit B.
- C. As partial consideration for the Property, the City has agreed to transfer to SITLA one-half of the City's interest in the Easement and assign SITLA one-half of the City's interest in the Easement Agreement.

GRANT & ASSIGNMENT

For good and valuable consideration, receipt of which is hereby acknowledged, the City hereby quitclaims to SITLA one-half of the City's right, title, and interest in and to the Easement, as a tenant-in-common, and assigns to SITLA one-half of the City's interest in the Easement Agreement.

The City executes this Assignment and Quitclaim Deed as of the date written below.

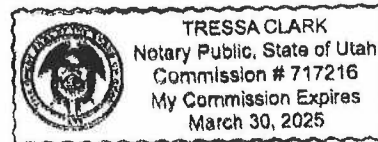
By: *Robert D. Houston*
Its: *Mayor*
Dated: *6/14/21*, 20

STATE OF *Utah*)
COUNTY OF *Kane*) §

This Quitclaim Deed was acknowledged before me this *14* day of *June*, 20*21*
by *Robert Houston*, the *Mayor* of the
City.

Tressa Clark
Notary Public

Seal:



ENTRY NO. 00194499

06/28/2021 02:54:04 PM B: 0562 P: 0485
Quit Claim Deed PAGE 2 / 5
VERJEAN CARUSO, KANE COUNTY RECORDER
FEE \$ 0.00 BY STATE OF UTAH

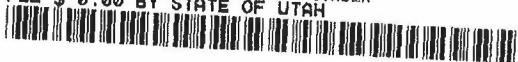


EXHIBIT A
Easement Description

A 15.00 foot wide ingress/egress easement, described as follows:

Beginning at the Southwesterly Corner of Lot 226, Kanab Creek Ranchos No. 3;
Said point also being located North 00°55'43" East along the Section line 986.03 feet, and East 1036.61 feet, from the Southwest Corner of Section 32, Township 43 South, Range 6 West, Salt Lake Base and Meridian;

Thence North 05°45'56" West, along the West line of said Lot 226, a distance of 15.39 feet;
Thence North 71°14'04" East, a distance of 245.87 feet to the point of curvature of a non tangent curve to the left, of which the radius point lies North 88°41'37" East, a radial distance of 50.00 feet; thence southerly along the arc of said curve, through a central angle of 17°27'28", a distance of 15.23 feet, to the Southeast Corner of said Lot 226;

Thence South 71°14'04" West, a distance of 247.03 feet to the **Point of Beginning**.

Containing: 0.08 acres, more or less.

ENTRY NO. 00194499
06/28/2021 02:54:04 PM B: 0562 P: 0486
Quit Claim Deed PAGE 3 / 5
VERJEAN CARUSO, KANE COUNTY RECORDER
FEE \$ 0.00 BY STATE OF UTAH



EXHIBIT B
The Easement Agreement

INGRESS-EGRESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to:
STEVEN V. & DEBRA LYNN CSEREPES; hereinafter referred to as GRANTOR, by **KANAB CITY**, a Municipal Corporation of the state of Utah, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, transfer, and convey unto the GRANTEE, its successors and assigns, a perpetual ingress-egress easement to use, over, across and through the land owned by GRANTOR, or in which GRANTOR claims any interest, situated in Kanab City, Kane County, State of Utah;

A 15.00 foot wide ingress/egress easement, described as follows:

Beginning at the Southwesterly Corner of Lot 226, Kanab Creek Ranches No.3;
Said point also being located North 00°55'43" East along the Section line 986.03 feet, and East 1036.61 feet, from the Southwest Corner of Section 32, Township 43 South, Range 6 West, Salt Lake Base and Meridian;
Thence North 05°45'56" West, along the West line of said Lot 226, a distance of 15.39 feet;
Thence North 71°14'04" East, a distance of 245.87 feet to the point of curvature of a non tangent curve to the left, of which the radius point lies North 88°41'37" East, a radial distance of 50.00 feet; thence southerly along the arc of said curve, through a central angle of 17°27'28", a distance of 15.23 feet, to the Southeast Corner of said Lot 226;
Thence South 71°14'04" West, a distance of 247.03 feet to the Point of Beginning.

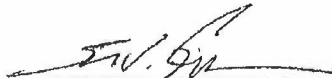
Containing: 0.08 acres, more or less.

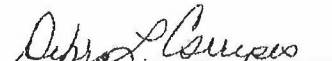
The consideration hereinabove recited shall constitute payment in full for the above-mentioned easement. The GRANTEE covenants to restore the easement to its original condition and to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, his successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

STATE OF UTAH, IN WITNESS WHEREOF, the GRANTOR(S) have executed this instrument this

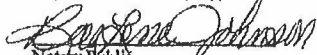
8th day of April, 2005.


Steven V. Cserepes Grantor

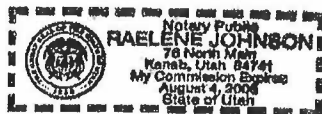

Debra Lynn Cserepes Grantor

STATE OF UTAH
COUNTY OF

On the 8th day of April, 2005 the signer(s) of the above instrument personally appeared before me and acknowledged to me that he (they) executed the same.


Notary Public

My Commission Expires: 8-4-08



ENTRY 13350 RECORDED BY KANAB CITY FEE 0
DATE MAY 24, 2005 AT 12:25 PM VSS KANE COUNTY RECORDER
BY DEPUTY STH BOOK 0256 PAGE 9-10

ENTRY NO. 00194499

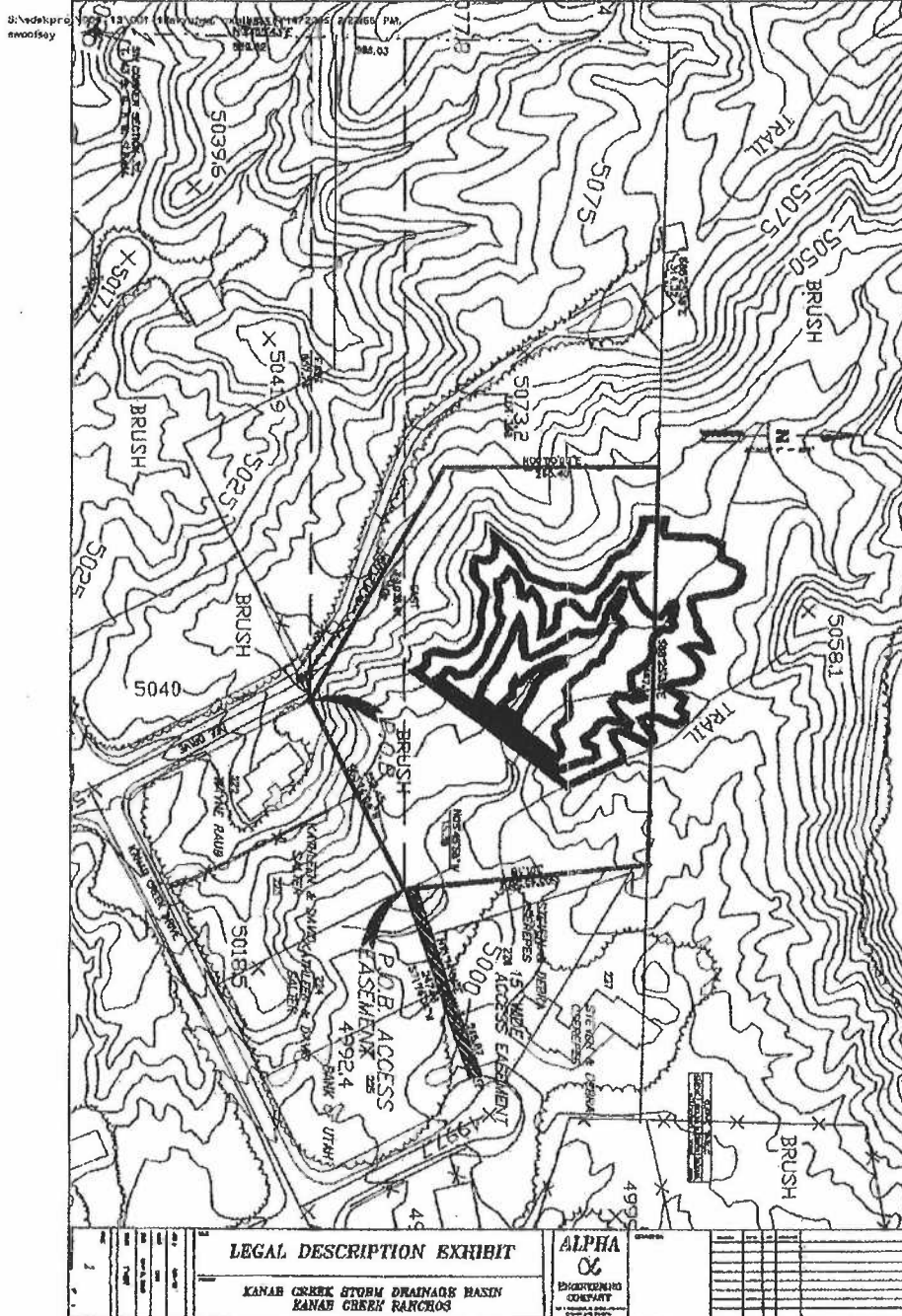
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Quit Claim Deed PAGE 4 / 5
VERJEAN CARUSO, KANE COUNTY RECORDER
FEE \$ 0.00 BY STATE OF UTAH



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Quitclaim and Assignment
Kanab City and SITLA (ESMT 2427)

CITY OFFICE 644 2534



10

ENTRY NO. 00194499

06/28/2021 02:54:04 PM B: 0562 P: 0488

Quit Claim Deed PAGE 5 / 5

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY STATE OF UTAH



Page 5 of 5

Quitclaim and Assignment
Kanab City and SITLA (ESMT 2427)

Exhibit D

Fri, May 2, 2025,
10:54 AM

Kyler Ludwig
<kludwig@kanab.utah.gov>

to me, Colten,
Chris

Kevin:

I apologize for the delayed response.

After consulting with our City Attorney, it is his position that a prescriptive easement currently exists in addition to the recorded easements allowing access to the detention area. For your reference, you can review Utah Code §72-5-104, which outlines the basis for this type of public access. Based on this interpretation, the City would need to formally vacate the easement before any fencing or other access restrictions could be placed on the area.

Regarding the proposed land exchange, the City Council has expressed interest in a trade that includes both the property exchange and an additional financial contribution from your side to ensure the transaction reflects fair market value. We're currently awaiting your confirmation on whether this option is acceptable to you. While we're still working through the annexation process, if you're open to the Council's proposed terms, we're happy to continue advancing the trade on our end.

Please let us know how you'd like to proceed.

Sincerely,
Kyler Ludwig

Exhibit E

Wed, Oct 15,
2025, 4:51 PM

Kyler Ludwig
<kludwig@kanab.utah.gov>

to me

Kevin: In March 2025, we discussed a potential trade/sale involving parcel 3-6-32-3. Since that time, the City's internal priorities have evolved. Following internal discussions, including input from the City Council, Kanab City is no longer pursuing a trade or the surplus of this City-owned property. Any prior discussions regarding a possible exchange should be considered closed, and there is no active offer under consideration.

Sincerely,

Kyler Ludwig
City Manager
Kanab, Utah

Exhibit F

Current Situation



Orange—Drainage easement

Red—Area currently being
used by Kanab City

Blue —Ingress / Egress
easement

Green—Drainage easement



MANAGER EVALUATIONS GUIDE

June 2025

ICMA | membership

ABOUT ICMA

ICMA, the International City/County Management Association, advances professional local government through leadership, management, innovation, and ethics. ICMA provides member support; publications; data and information; peer and results-oriented assistance; and training and professional development to more than 13,000 city, town, and county experts and other individuals and organizations throughout the world. The management decisions made by ICMA's members affect millions of individuals living in thousands of communities, from small villages and towns to large metropolitan areas.

Manager Evaluations Guide

June 2025

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Item number: e-44260

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TASK FORCE ON MANAGER EVALUATIONS

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Washington, DC

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Kirie Samuels, Graphic Designer

PREFACE

Regular performance evaluations are a cornerstone of an organization's management systems. Evaluating the manager is as important as evaluating other employees, but the process has unique challenges. The 2012-2013 Executive Board of the International City/County Management Association (ICMA), led by then President Jim Malloy, acknowledged the need for local government managers and their elected bodies to have additional tools and resources to support their evaluation process and produced

a handbook to serve as a roadmap. In 2020-2021 a new Task Force on Manager Evaluations reviewed and updated the earlier handbook and produced the current guide. Refreshed with a new section and complete review in 2025.

Managers are encouraged to review this guide and work with their elected bodies to develop formal, mutually agreed-upon processes for their own evaluations. This guide is also intended to highlight the value of a formal manager evaluation process and to assist local elected officials in the design of an effective evaluation tool.

Definition of Terms

- The term *local government*, as used in this publication, refers to a town, village, borough, township, city, county, or legally constituted association of governments.
- The term *manager* refers to the local government's chief executive officer (CEO) or chief administrative officer (CAO) who has been appointed by the government's elected body to oversee day-to-day operations.
- The terms *elected officials*, *elected body*, *governing body*, and *board* refer to any council, commission, or other locally elected body, including assemblies, boards of trustees, boards of selectmen, boards of supervisors, boards of directors, and so on.
- The term *manager evaluation* refers to the appraisal or assessment conducted by the elected body of the manager's performance in achieving organizational goals and implementing policy.

SECTION 1

EXECUTIVE SUMMARY

The periodic evaluation of the local government manager by the elected body is an important component of a high-performance organization. The most important aspect of an evaluation is the conversation between the governing body and the manager. Without a structured evaluation, problems can arise, grow, and end up creating major issues for the manager, the governing body, and the organization. Conversely, without positive feedback offered in a meaningful way, a manager may not feel fully appreciated, particularly when he or she is leading the organization through difficult times. Lack of appreciation is a major reason that people begin looking for new jobs.

There are many ways to conduct an evaluation. In most cases, the manager begins by preparing a report of accomplishments/goals (a form of a self-assessment) that goes to the governing body. Then the evaluation is conducted in one of these typical ways:

1. The governing body members fill out an evaluation form; someone consolidates the responses; and the responses are discussed with the manager. The manager's report is part of this discussion.
2. The governing body chair convenes a closed session without an evaluation form and asks his or her colleagues for their informal comments on the manager. Then they meet with the manager and discuss those comments, along with the manager's report.
3. A third-party facilitator conducts interviews with each governing body member, prepares a confidential report, and facilitates a discussion in a closed session with the manager.

Sometimes a 360-degree component is utilized, as described later. When used, it should be done with care and thought.

The desired outcome of a performance evaluation should be mutual understanding by

all parties (all members of the governing body and the manager) on each person's perspectives, consensus direction on goals, what the manager needs from the governing body to be successful, and any action steps coming out of the evaluation.

To be a meaningful evaluation, the conversation needs to go two ways: from the governing body to the manager, and from the manager to the governing body.

It is a relationship, and for the manager to be successful in his or her role, the relationship should be strengthened through the evaluation process. That means discussing the hard topics as well as the easy ones, such as how well the manager is doing. Addressing the things that are not going particularly well is critical for the manager to be successful.

The evaluation has two components:

- One component includes performance goals and objectives. These are linked to the elected body's strategic plans, goals, and priorities, but they often include internal organizational goals that the manager is focusing on (for example, filling critical department head positions). The evaluation should address the manager's degree of progress toward these goals and objectives, which should be identified in advance so expectations are clear.
- A second, and essential, component is the manager's leadership and management. The "how" is as important as the "what" (goals). How a manager works can get him or her in trouble even when he or she is achieving goals. An evaluation should include questions relevant to the top executive role, customized to the particular situation.

It is important that all members of the elected body participate in the process. While the manager takes direction from the body, he or she

works for all of them and needs to understand each elected official's opinions and interests. Individual perspectives as well as collective views are important.

The manager should convey to the governing body why it is important for everyone to provide feedback. When the process includes use of an evaluation instrument, a deadline should be set for its completion, and someone should follow up to ensure that this is done. When a third-party facilitator is used to conduct interviews, a narrow timeline should be established to get the instruments completed and the report written.

There is no one correct way to conduct a manager evaluation. The key is to ensure that

the evaluation takes place in a regular, mutually agreed-upon manner and is viewed by all as an opportunity for communication between the elected officials and the manager.

It may be useful to use a consultant to help the elected body prepare for and conduct the manager's evaluation. A neutral third-party facilitator can ensure that the feedback is gathered in a comprehensive way, without bias. The facilitator will typically lead the discussion in the closed session with the manager as well, and then write up the results following the session.

SECTION 2

THE PURPOSE OF MANAGER EVALUATIONS

High-performance local governments embrace continual improvement. Conducting regular appraisals of the manager's work performance is part of the continual improvement process.

The purpose of the evaluation is to help the manager be successful in his or her role. Being the chief executive is not an easy job. The manager takes direction from the governing body and works for all members of the governing board.

The evaluation process, if done correctly, should increase communication between the members of the elected body and the manager concerning the manager's performance, leadership, and management. It should result in shared understanding by the governing body and the manager about expectations, interests, and goals for the coming year. It should also result in the governing body understanding what the manager needs from them to be successful.

The evaluation provides an opportunity for the elected body to have an honest dialogue with the manager about its expectations, to assess what is being accomplished, to recognize the manager's achievements and contributions, to identify any performance gaps, to develop standards to measure future performance, and to identify the resources and actions necessary to achieve the agreed-upon goals.

Keeping the focus on "big picture" strategic goals and behaviors rather than on minor issues or one-time mistakes/complaints leads to better outcomes.

Given that good relationships promote candor and constructive planning, the performance appraisal also provides a forum for both parties to discuss and strengthen the relationship between the elected body and the manager, ensuring better alignment of goals while reducing misunderstandings and surprises. When elected bodies conduct regular performance appraisals of the manager, they are more likely to achieve their community's goals and objectives.

There is no one way to conduct a performance evaluation, and different communities conduct evaluations of the manager differently. Section 3 discusses a basic approach to evaluation, and the section starting on page 18 describes such common approaches and tools as self-evaluations, periodic check-ins, 360-degree assessments, and facilitated evaluations to enhance and strengthen the evaluation process for a strong, outcome-based partnership.

SECTION 3

THE MANAGER EVALUATION PROCESS

Ideally, the performance appraisal process for a manager is the natural continuation of the hiring process, and a plan for evaluation should be established at the start.

INITIATING THE PROCESS

Prior to recruiting candidates, the elected body typically develops key goals and objectives for the manager position. During the selection process, the candidate(s) and the hiring body discuss these goals and objectives along with the long- and short-term needs and issues of the community. These conversations lay the groundwork for the manager's performance evaluation. At this point, the performance appraisal process should also be formalized.

A manager's employment agreement should stipulate that the performance evaluation will be formalized as a written document and that all parties will meet to discuss the contents in person. The agreement should also identify the frequency with which evaluations will take place (e.g., annually, semi-annually). By including this information in the employment agreement, the hiring body ensures that communications between the manager and the elected body will be consistently scheduled and that initiatives and objectives can be reviewed and updated on a regular basis.

Frequency and Timing. In considering the timing of evaluations, it is recommended that the first formal evaluation take place after the manager and elected body have worked together for a year.

Sometimes, a new manager prefers that the first evaluation take place at the six-month point. This can be helpful as a check-in to ensure that the new manager is on track, that any early issues arising can be addressed quickly, and that if the manager needs something from the governing body, he or she can bring that up for discussion.

It is further recommended that the evaluation be scheduled during the least busy time of the year for the manager and the elected officials, avoiding both the budget preparation season (particularly if the manager's compensation is tied to the evaluation) and the election season (lest the evaluation become an election issue). The scheduling should also allow adequate time for newly elected members of the board to become familiar with the manager's performance.

If performance evaluations were not discussed at the time of hiring, either the manager or a member of the elected body may request that an evaluation process be instituted, and the specifics for conducting the evaluation can then be agreed upon outside of the provisions of the employment agreement.

If the request is made by a member of the elected body, it is important to emphasize that the purpose of the evaluation is to serve as a tool for mutual success of the manager, organization, and governing body, not as a means of punishing the manager or setting the stage for termination. While elected officials, especially those who are newly elected, may sometimes wish for a change in management, the performance evaluation should not be used to effect such a change.

Setting Expectations. It is helpful for the elected body to come to consensus on the initial expectations of the newly hired manager so that priorities can be assigned and progress measured. Issues that were important when the manager was hired will logically factor into the initial evaluation. Then, in the succeeding years, the expectations are typically updated to reflect the latest accomplishments and newest challenges. Of course, priorities may shift during the year. If that happens, the manager and governing body should mutually adjust the priorities to reflect the new realities and incorporate those in the evaluation process.

One priority that should not shift over time is the expectation that the professional manager will abide by and promote the **ICMA Code of Ethics**. The manager's commitment to the tenets in the Code should have been clarified and understood by all parties during the hiring process.

If, with the passage of time, elections have taken place and the board that is conducting the evaluation is not the same board that hired the manager, it is important that the newly elected officials quickly be introduced to the established performance goals, measures, and evaluation process. This can be done as part of the orientation for new board members, included in a discussion of the form of government and the role of the manager. If any new members lack experience conducting performance evaluations, they will need training before participating in the process. The manager can provide an overview during orientation, and then provide the specific training in advance of the evaluation process.

A few issues should be considered when preparing for the evaluation, including how to develop an evaluation form (if one is used), whether to use an outside consultant, how to use an evaluation form, and whether the evaluation should be conducted in private or in public.

DEVELOPING AN EVALUATION FORM

Unlike most employee performance evaluations, in which the employee is evaluated by a single executive or supervisor, the manager's evaluation is conducted by a group of individuals acting as a body. As each elected official likely has different expectations, the board members must first come to a consensus on the measures and definitions to be used.

To be most useful, the evaluation form should be outcome-based, using criteria that have been developed collaboratively with the manager. The form would incorporate the elected body's agreed-upon priorities—ideally through a strategic planning process—as well as leadership and management criteria. The performance criteria on the evaluation form should be ones on which the elected body can offer meaningful

feedback because they can observe the manager's performance in those areas.

DECIDING WHETHER TO USE A CONSULTANT

Using an outside facilitator for the evaluation can help ensure that each member of the elected body has equal input and that the feedback is fairly represented. Most typically this involves an interview with each member of the elected body by the facilitator, who asks a set of questions and prepares a confidential report.

A third party can also ensure that areas of agreement among the elected officials regarding the manager are highlighted, along with those areas of disagreement and issues that will warrant the most discussion during the session with the manager.

Before the governing body attempts to “speak with one voice,” it is important to have a session with the manager. This is because the answers given by a single governing body member prior to the conversation in the closed session might be enlightened through discussion. Therefore, if the governing body tries to consolidate its views without benefit of insights and reflections from the manager, it is limiting its perspective too early in the process. Use of an independent consultant is especially helpful if there is a lack of cohesion among elected officials.

A consultant can be used in a variety of ways:

- At a minimal level, a consultant could be used to simply prepare an evaluation process and an evaluation form, consolidate the responses from the elected officials, and prepare a report. The consultant could then provide guidance to the board chair on how to conduct the evaluation session with the manager.
- At a more comprehensive level, a consultant can conduct individual interviews with each member of the governing body (with structured questions but not a form), prepare a confidential report, and facilitate the closed session with the governing body

continues on page 12

Tips for the Closed Session Discussion

These tips are intended for governing body members conducting an evaluation. Throughout the session, it is important for governing body members to encourage the manager to actively participate. Success is a collaboration, and the communication needs to go two ways to result in mutual understanding. Seek the manager's feedback as the conversation flows. Avoid coming to conclusions or judgments without giving the manager an opportunity to provide his or her perspective.

Useful performance evaluations will:

- Recognize the accomplishments of the manager and show appreciation for his or her unique contributions to the organization.
- Clearly identify areas where the manager is doing well.
- Clearly identify areas where the manager can improve performance.
- Specify definite actions that will allow the manager to make additional value-added contributions to the organization in the future.
- Obtain the manager's own assessments of progress and his or her individual contribution to collective actions and achievements.

Discussing tasks that the manager performs well:

- Gives the manager an understanding of what he or she is appreciated for, including some things that may not be apparent to the manager.
- Gives the manager recognition and appreciation for achievements, not only of the manager but of the organization.
- Creates a positive climate for the remainder of the evaluation.

Reminders for the positive feedback portion of the discussion:

- Listen intently.

- Reinforce what is positive about the manager's performance and should continue.
- Provide concrete examples and specific descriptions of actions, work, and results.
- Give only positive feedback during this part of the evaluation.
- Acknowledge improvements that the manager has made.
- Praise efforts if the manager has worked hard on something but failed because of circumstances beyond his or her control.

Discussing areas that need improvement

- Gives insight into behaviors that might be blind spots for the manager but that are of concern to governing body members.
- Offers an opportunity to hear how the manager feels about change and improvement for growth.
- Allows governing body members to express any concerns about the manager's overall performance and performance in specific areas.
- Encourages the manager to higher levels of achievement.

Reminders for governing body members:

- Keep the discussion focused on performance.
- Describe actions and results that do not meet expectations.

- Describe areas where the manager can make a greater contribution. Describe any observed situation or performance that needs to be changed; be specific.
- Tell the manager what needs to be done if a specific change of behavior needs to take place.
- Focus on learning from the past and planning for the future.
- Keep this part of the discussion as positive and encouraging as possible.

Do's and Don'ts

(These pertain to when the governing body chair leads the discussion and there is no facilitator involved. When a neutral third party is facilitating, the process will be different.)

Do's for the Governing Body Chair

- At the start, spend a few minutes warming up and laying out the agenda so everyone is reminded about what to expect. Give an overview.
- Explain that the manager will participate in the session. Hearing from the manager as part of the conversation is essential.
- Always start with the positives. Be specific.
- Explain the evaluation feedback in all areas: Talk about the differences and similarities in how governing body members evaluated the manager, and how consensus was achieved (when it is). The manager should be in the room when the feedback is discussed so he or she understands the reasoning. Without that grounding, misunderstandings can arise, even if "direction" appears clear.
- Be honest. Tell it like it is.
- Be a coach, not a judge. As in athletics, effective coaching involves a lot more than just scorekeeping. Simply providing

the score at the end of the game doesn't improve performance.

- Ask the manager for his or her feedback regarding what was shared, making clear that you are interested in his or her feelings and thoughts.
- When appropriate, in concert with the manager, develop an improvement plan that includes areas of deficiency and developmental needs.

Don'ts for all members of the governing body:

- Don't evaluate the manager on any given dimension without the facts. Feedback should be based on actual results or examples. A "cannot answer" is better than a rating that is not supported by any examples or facts.
- Don't be too general. Support your answer with examples.
- Don't sidestep problems. Describe what you observe as performance problems and clearly identify what needs improvement.
- Don't be vague or generalize the reasons for your performance feedback. Provide clear and specific examples of desired results and expectations. Also understand that what you as an individual elected official expect by way of results may not be what your colleagues expect, and the manager takes direction from the governing body as a whole.
- Don't ambush the manager by identifying deficiencies or problems that have never been addressed in informal discussions prior to the formal evaluation.
- Don't minimize the manager's concerns or discount his or her feelings. Ask the manager's perspectives. A manager does not work in a vacuum. Seek to understand his or her views.

and manager. Following the session, the consultant can prepare a memorandum documenting the resulting agreements of the elected officials and the manager.

When using an evaluation form, a consultant should solicit each elected official's full participation by asking for examples and details for each category of performance on which the manager is being evaluated. It is important to ensure that all voices are heard and that specific feedback can be provided.

Once the consultant has collected the completed evaluation forms, he or she should meet with the manager to review the results of the feedback, so that the manager can be prepared for the in-person closed session with the entire governing body. Because the premise is that the evaluation is geared toward helping the manager be successful in his or her role, it is important that feedback not be viewed as a "gotcha" and that the manager can reflect on it prior to the conversation with the governing board.

If desired, the consultant can also review the consolidated feedback with the chair or mayor of the elected body to review the consolidated feedback.

If the elected body decides to use a consultant, they can get referrals from several sources, including the [ICMA Senior Advisors](#), other managers in the region, the state league, the Society for Human Resource Management ([SHRM](#)), or the local government's regular employment consulting firms. If an executive recruiter was used to assist in hiring the manager, the recruiter may have the appropriate skills and background to set up the initial evaluation process.

It is recommended that the evaluation process NOT be facilitated by the local government's corporation counsel, municipal clerk, or human resources director because these individuals are not independent parties. In almost all cases, their positions have either a reporting or a cooperating relationship with the manager, so involving them in the manager's evaluation may damage relationships that are necessary for the effective and efficient operation of the local government.

If a consultant is not used to facilitate the development of an evaluation form, the manager can obtain examples of other forms, as well as review the one used for department heads in his or her jurisdiction and modify so it is meaningful for the chief executive role. It is important to understand that a manager is evaluated on performance that differs from that of most other employees. Because of this key difference, flexibility is needed to add any necessary components intended to assess varied goals and objectives and to facilitate a dialogue between the elected body and the manager.

USING THE EVALUATION FORM

The usefulness of any performance evaluation depends almost entirely on the understanding, impartiality, and objectivity with which feedback is offered. In order to obtain a useful evaluation, an evaluator should differentiate between personality and performance. This is challenging in the case of the chief executive, where intangibles are of great importance to governing body members. But elected officials can be advised to focus on performance and how the manager's work and approach contribute to the success of the local government.

Limit the Number of Criteria. The evaluation form should not have too many criteria for providing feedback. Having a form with too many questions or criteria can result in "survey fatigue," answers that are too short or meaningless, or non-responses.

Ideally, no more than 10 questions or criteria should be used on an evaluation form, with descriptive ratings, not points. Then a series of open-ended questions should be used.

Use Descriptive Ratings, Not Points. Numerical ratings are very difficult to norm. Some evaluators are "hard graders" and will never give anyone the highest possible rating. Others will just check boxes without giving any thought to what the numbers mean.

Keeping the purpose of the evaluation in mind, it is more beneficial to ask for the elected officials to offer their evaluative and descriptive feedback.

Performance Evaluation Outline

The following outline provides an overview to use for the in-person portion of the manager's evaluation when the governing body chair is leading the discussion.

Agenda

1. Opening remarks from the board chair (see suggested language below)
2. Overview of feedback (either from the board chair or consultant if used)
3. Reflection and overview from the manager
4. Summary comments from each member of the elected body (comments should focus on what each one values in the manager and what would be beneficial to change; 3 minutes for each person)
 - Questions or comments from the manager
 - Final reflections from the manager (the opportunity for the manager to summarize)
 - Summary comments from the board chair
 - Any actions to be taken (development or expected results): Keep doing, stop doing, start doing

Opening Remarks from the Board Chair

State intentions up front. Setting the stage is one of the most critical things you can do. Here is suggested language:

"It is important for the manager to hear from us. When it comes to expectations and goals, we will be speaking as a body. We also have individual perspectives, and our manager needs to hear those as well. Our challenge, personally, is to let

go when we know how we feel is not the sense of the group, and at the same time acknowledge that our colleagues do not all share the same opinion. Our aim is to help the manager be successful in [his/her] role. As a result of this evaluation, we want the manager to feel motivated, energized, challenged, and appreciated and have clarity of action and next steps. And that [he/she] has been part of the conversation. It will be a two-way conversation.

"The annual review looks back on the past year as a whole. We deal with so many issues over the course of the year that it's easy to fall back on the past few months. So let's remember to think about the year in its entirety."

Review the agenda (above) and note that the facilitator will help with time and manage the flow of conversation (if a facilitator is being used)

Provide closure:

"At the end of the evaluation I will provide remarks that summarize both the spirit of the body and our appreciation for our staff, the tone of the conversation and the actions we hope our manager will take from the conversation."

[If a facilitator is used, this is often the role of that individual.]

Examples are:

- On Track, Outperforming, Needs Improvement, Cannot Evaluate.
- Include a “comment” line for each of the criteria, asking for examples to support the evaluation rating.

Have Open-ended Questions. Additionally, open-ended questions are quite important. Typically, these provide the most meaningful feedback for a manager. Examples are:

- What are the top three strengths of the manager?
- What opportunities for improvement do you suggest for the manager?
- Do you agree with the goals suggested by

the manager in his/her self-assessment/ accomplishments/goals report? What others would you suggest?

- What does the governing body do to support the manager’s success? What else could we do?
- What other comments do you have?

As noted earlier, it is recommended that the initial formal evaluation not take place until the elected officials and the manager have worked together for a year; however, short, less formal evaluations can be useful on a quarterly or semi-annual basis. After that, at least one formal evaluation (still with periodic informal evaluations) should be conducted per year, as longer intervals create a higher likelihood of miscommunication and surprises.

Competencies for Management and Leadership

The manager’s success in achieving the goals set by the elected body is related to his or her competencies and behaviors with respect to the specific functions identified as the responsibility of the manager. Defining the strengths of the manager and identifying areas for improvement are part of the evaluation.

ICMA has developed a list of 14 critical core competencies, the **Practices for Effective Local Government Management and Leadership**. The list was developed for the purpose of the **ICMA Voluntary Credentialing Program**, but the manager and elected body might find it helpful for identifying the specific observable behaviors to be used in the manager evaluation. It is suggested that the manager and elected body select what they believe to be the most important areas for achieving its goals and evaluate the manager’s performance in these areas.

These are the ICMA Practices (full descriptions [can be found at icma.org](https://www.icma.org)):

1. Personal and professional integrity	8. Policy facilitation and implementation
2. Community engagement	9. Community and resident service
3. Equity and inclusion	10. Service delivery
4. Staff effectiveness	11. Technological literacy
5. Personal resiliency and development	12. Financial management and budgeting
6. Strategic leadership	13. Human resources management and workforce engagement
7. Strategic planning	14. Communication and information sharing.

No feedback on any of the criteria in the evaluation should be a surprise. Ongoing conversations should be held throughout the year (assuming that the evaluation is done annually) to help the manager understand if he or she is on course or if any interim corrections are necessary. Ideally, the criteria in the evaluation will have already been touched on in earlier conversations, so the evaluation will serve as a written summary of them.

PUBLIC VERSUS PRIVATE EVALUATIONS

Unless required by state law, it is recommended that the performance evaluation conversation with the governing body and manager be conducted in a closed session. This will foster the most productive open dialogue and conversation. A public setting is likely to make this difficult or impossible. In states where evaluations cannot be conducted in closed sessions, care should be taken to ensure that the evaluation does no harm to the goal of supporting the manager's success in his or her role.

Many states have specific laws about whether and when the public may be excluded from attending a meeting involving the elected body or from having access to certain records involving a public employee.

Such "sunshine" laws were first created to increase public disclosure by governmental agencies. Their purpose is to promote accountability and transparency by allowing the public to see how decisions are made and how money is allocated.

While all states have such laws, the exact provisions vary. For example, specific legislation may require that all government meetings be open to the public or that written records be released upon request. In many states, all local government records are available for review by the public, including evaluation documents and notes, unless they are specifically exempted or their disclosure prohibited by state statutes.

If evaluation forms and reports are required to be made public, then that is an important

factor in whether such documents should even be prepared. ***The question should be whether having them in the public arena will advance the purpose of the evaluation—which is to help the manager be successful in his or her job and promote constructive conversation—or whether it will hinder that purpose.*** When such documents will become public, then it is advised that they not be created in the first place, and that the evaluation be verbal. It can still be structured, but with no written reports. Again, state law needs to dictate what is possible. Doing no harm needs to be an important consideration in how to proceed.

Regardless of whether the evaluation is conducted in a public or closed session, each state's statute will dictate certain procedures for meeting notification, recording of minutes, and disclosure of decisions. These procedures should be reviewed by the elected officials, the manager, and legal counsel and followed throughout the evaluation process.

No matter what procedures are dictated by state statute, all final decisions or actions related to the manager's performance pertaining to employment agreement changes and compensation should be made public. If state law does not require it, however, the performance evaluation reports should be retained as confidential personnel documents.

EVALUATION RESULTS

The evaluation serves as the written, formal record of the conversation between the manager and the elected body and consists of two important sections. The first section is the elected body's appraisal of the manager's performance with respect to the previously agreed-upon goals for the period under review as well as the general performance of the organization. The second section contains an agreed-upon list of the goals for the next appraisal period as well as any specific performance areas identified for improvement.

SECTION 4

RELATIONSHIP OF EVALUATION TO COMPENSATION

To summarize, the primary purposes of a manager's performance evaluation are

1. To support the success of the manager in his or her role by providing meaningful feedback, ensuring alignment of expectations, and identifying how the governing body can be helpful to the manager.
2. To provide a tool for communication between the elected body and the manager.
3. To provide an opportunity for the elected body to specifically indicate levels of satisfaction with the manager on mutually identified and defined performance priorities.
4. To provide an opportunity for the manager to learn and improve, and to share feedback with the governing body.

In addition, the evaluation can allow for fair and equitable compensation adjustments based on a review of performance in achieving mutually identified priorities and on the elected body's level of satisfaction with the manager's overall performance. However, performance evaluations that are tied directly to compensation decisions are often distorted by those decisions and therefore result in less-than-honest communication between the elected body and the manager. This happens primarily because

1. Elected officials wishing to offer upward compensation adjustments may feel obliged to embellish the evaluation in a positive manner to justify the compensation decision to the public.
2. Elected officials not wishing to adjust compensation may feel obligated to justify their decision with negative comments about

performance that actually are not a major concern to them.

3. The manager may be reluctant to seek full clarification on issues raised in the evaluation for fear it could result in a reconsideration of the compensation decision.

To avoid these distortions, a balanced evaluation is necessary: the evaluation should provide the opportunity for open communication and at the same time be used for compensation decisions related to identified achievements and corrective actions by the manager. To this end, a balanced evaluation would

1. Establish a clear set of performance expectations prior to the evaluation period.
2. Include an interim evaluation without any consideration of compensation to focus on clarity of communication and performance to date. This evaluation would allow the manager to address areas of performance that were of concern to the elected body.
3. Use a full-term evaluation to assess the level of satisfaction for the entire performance period and thus provide the basis for a fair and equitable compensation decision.

Often, factors other than the manager's performance enter compensation decisions, including

1. The economic climate of the community and region.
2. The status of compensation in the local private sector.
3. Compensation for other employees of the local government.

4. A general review of the competitive position of the local government in the local market area.
5. A comparative salary review.

In summary, the evaluation of a professional manager's performance can provide input into compensation decisions by the local elected body, but the value of an evaluation as a means of communication is best served by a periodic evaluation not directly tied to compensation.

SECTION 5

WHAT OTHERS ARE DOING

Performance evaluations can be enhanced in several ways—by using self-evaluations, periodic check-ins, 360-degree assessments, and/or a facilitated evaluation system.

SELF-EVALUATIONS

It is recommended that a self-evaluation be included in any manager's evaluation. The purpose of a self-evaluation is for the manager to reflect on his or her performance in achieving the organizational objectives, including both internal and external accomplishments and challenges in handling specific tasks and providing organizational direction and leadership.

In a public setting, process and perception can be as important as outcomes, and managers should include all three in a self-evaluation. Thus, a manager's self-evaluation should make clear to elected officials the process by which the manager pursued individual goals, and the perceptions of both the manager and stakeholders of the manager's success or failure in meeting those goals. A manager's self-evaluation should be customized to the needs of each governmental entity.

PERIODIC CHECK-INS—NO SURPRISES

As suggested earlier, there should be no surprises during an evaluation. Managers should be continually evaluating, assessing, measuring, and communicating with employees. Providing this type of continuous evaluation is a particular challenge, however, for elected boards because it requires the participation of all board members—the manager reports to a group and not to a single individual supervisor. But the manager is communicating regularly with all members of the elected body, and there are ample opportunities to hear and solicit feedback one-on-one from the elected officials.

If a process is in place for formal evaluations of the manager, such evaluations likely occur just once per year. The annual evaluation can be a stressful time for all involved, and it can also be a challenge to remember everything that has occurred over the past year. Moreover, it is easy for annual assessments to skew toward recent events, challenges, and successes while deemphasizing activities that occurred nine or ten months earlier. In reality, an elected body's perception of a manager's job performance is often viewed through lenses crafted by the "crisis of the day" or by how smoothly the last board meeting went.

Periodic check-ins on goals, such as once per quarter, can help reduce the stress and minimize the surprises that can come when a manager's performance is evaluated only annually. A periodic review of a manager's work plan can help remind the elected body of the manager's long-term goals (as set by the organization) so that both parties can evaluate the manager's progress toward achieving those goals. If progress on the work plan has slowed down, or if other challenges have arisen along the way, a quarterly check-in offers the manager an opportunity to self-reflect on his or her performance as well as a forum to explain delays. It can also provide the manager the opportunity to remind the board of the 14 core areas described in the [ICMA Practices for Effective Local Government Management and Leadership](#) that are critical and are part of operating effectively on a day-to-day basis.

A periodic check-in on the manager's work plan is also important when the members of the elected board change, such as after an election, resignation, or committee reassignments. By apprising the new board members of the manager's work plan, the manager is making certain that they understand and are supportive of the projects or goals that he or she is working on.

360-DEGREE ASSESSMENTS

Another form of appraisal is the 360-degree or multi-rater assessment. Generally speaking, the 360-degree assessment collects feedback from supervisors, subordinates, and peers. The manager completes a self-evaluation as well, and a sample of the workforce provides the feedback from subordinates. In some instances, feedback is also obtained from individuals outside the organization, such as residents who have frequently worked with the manager and/or who use the jurisdiction's services regularly.

Some jurisdictions include a 360-degree assessment as part of the manager's appraisal process. The [ICMA Voluntary Credentialing Program](#) requires credentialed managers to complete a multi-rater assessment as a professional development planning tool within five years of entering the program.

In most cases a 360-degree assessment is conducted online, and the individuals completing the assessment are the direct reports to the manager. Raters complete evaluation forms that are returned electronically to an independent third party in order to ensure anonymity and confidentiality.

One of the chief benefits of the 360-degree assessment is that it provides feedback on competencies that may be missing and therefore not addressed in the typical performance appraisal. For instance, staff will see behaviors that elected officials do not see and vice versa. Thus, a manager's performance may be improved because it is evaluated from several perspectives. However, if the 360-degree assessment is used as part of the appraisal process, it's important that the evaluation doesn't become a measure of the manager's popularity with staff or the public. The manager works for the elected officials and should be evaluated by them on the basis of their defined expectations.

FACILITATED PERFORMANCE EVALUATION

A facilitated evaluation presents opportunities for both the elected officials and the executive to

engage in a useful exercise. The elected officials have a way to candidly and thoroughly offer their individual feedback, with the governing body then reaching agreement as a whole on goals and expectations. This section is a slightly modified version of the article "A Better Way: The Facilitated CAO Performance Review" by Dan Keen and Jan Perkins in the August 2022 issue of *PM Magazine*.

Benefits for Governing Bodies. The facilitated evaluation process offers many benefits for elected officials.

- 1. It professionalizes the process.** Most elected officials aren't trained in performing employee evaluations. Even for those who do them at work, the process of evaluating an executive appointed by a governing body is very different, given the multiple elected officials in a public organization instead of just one supervisor in other settings. Councils also turn over regularly, so often there are members who haven't been through an evaluation process yet. The facilitated evaluation brings consistency and professionalism to the process.
- 2. It values all opinions.** Often in a council-led evaluation, one or two voices come to dominate the discussion. A facilitator can structure the process so that everyone's opinions are given equal weight and can be expressed in a thoughtful, reflective setting, rather than in a group discussion that can meander or become contentious.
- 3. It makes the process easier.** In a mayor- or council-led evaluation, elected officials not only have to consider and compose feedback, but they must also manage all aspects of the process. With a facilitator, one person is responsible for managing the evaluation from start to finish, and the board or governing body members can concentrate on formulating useful feedback for the manager.
- 4. It creates clarity.** Sometimes governing body members have never had a chance to consider the appointed officials' role in executing

their expectations. The facilitated evaluation allows members to share with each other how they perceive the manager's role and consider views other than their own. Often a much richer and more nuanced picture of the governing body's vision emerges when they have a chance to consider the manager's role and performance.

Benefits for the Manager. The facilitated performance evaluation also helps the manager.

1. **It results in meaningful feedback.** Working for multiple governing body members means multiple opinions. This kind of evaluation includes the important step of analyzing and synthesizing the feedback so the manager gets a clear picture of how the governing body as a whole sees the manager's work.
2. **It clears the air.** When the facilitator has a background in local government (which is helpful), he or she can point out little things gathered in the process that the manager can attend to. For instance, if a manager has not personalized his or her office with family photos or professional mementos, it might cause some governing body members to wonder whether the manager was committed to the job. The facilitator could alert the manager and help alleviate a potential point of ongoing doubt.
3. **It separates the message from the messenger.** When a governing body member makes a pointed criticism of a manager during an evaluation, it can sting. But when the same criticism is presented as a data point in a comprehensive evaluation report, it often feels less personal and more actionable.
4. **It focuses on opportunities.** When structured correctly, the evaluation is a forward-looking process, focused on aligning the council's expectations with the manager's performance. The best processes are results-oriented, increasing collaboration and contributing to the success of both the manager and the governing board.

It can be helpful when the evaluation includes a 360-degree assessment, with staff offering

feedback. Managers can learn some important things by hearing from their direct reports. This can be done through either interviews or a survey instrument.

ADDITIONAL CONSIDERATIONS

A word of caution: Numbered rating systems are popular for performance evaluations—but whether the governing body uses a facilitator or not, a numbered rating system is never helpful. Evaluating someone's performance is a complex process, and reducing it to a scale of 1 to 5 helps neither the evaluated nor the evaluators. Some people are "hard graders" and others just check the top box. Some will use numerical ratings to avoid providing specific, meaningful feedback, and these ratings reduce the amount of feedback provided to the manager, and often produce a muddled and confusing result without clear direction to the manager.

Some elected officials may balk at paying for a process that they believe they can do themselves, but given the significant investment that governing bodies make in their managers, the number of staff and budgets that managers are responsible for, and the importance of assessing and correcting course as needed, the cost of facilitation is minimal when considered alongside the benefits.

This process can act as an investment by creating cost savings from avoiding breakdowns in the council-manager relationship, which could result in premature departures of the manager, terminations, and significant expense for severance payments and legal costs. A facilitated process is an efficient way to assist the council and manager in conveying the gift of meaningful feedback that is not only needed but deserved by a council appointee.

DATA-GATHERING/SOFTWARE RESOURCES

Performance evaluation software can be an effective tool to help the elected body prepare the manager's evaluation. Many programs are available, enabling elected bodies to have as much or as little input into the rating categories as they

wish. Some programs come with rating categories already provided for a variety of positions; some allow the customer to provide the categories; and some are a hybrid. This flexibility allows the elected officials to create a customized rating tool that works best for them.

Some evaluation software programs allow for multiple raters and some for a single rater. If the program allows for only a single rater, all elected officials convene to discuss each category, agree on the rating, and offer comments, while one person enters the rating and comments into the software program. In this case, the elected officials need to trust that all opinions are being heard and recorded. It is then important that all elected officials review the final draft and offer feedback before it is given to the manager.

If a multi-rater system is used, elected officials will complete the evaluation individually, so it is recommended that there be group discussion beforehand to ensure a consistent understanding of the meaning of the rating categories and the elected officials' views of the manager's

performance. The elected officials should also meet after they have entered their ratings because the evaluation is a group activity, not a multiple individual activity.

A word of warning regarding the multi-rater approach: It may be difficult to ensure that everyone fully participates in the process; elected officials won't be informed by each other's comments; and consensus can be hard to achieve. Thus, if some elected officials provide more commentary than others, they could skew the overall evaluation.

Even with the use of software, an in-person conversation between the elected body and the manager is needed to review the evaluation and discuss the results.

As noted, many software programs are available. ICMA's Membership Team (careers@icma.org) can assist with the latest tools, as can SHRM. Also, ICMA members can post a question on [ICMA Connect](#) to see what tools other members are using.

SECTION 6

CONCLUSION

Communication. That is the essential element to maintaining a good relationship between an elected board and the appointed manager. Communication comes in many forms, but the board's evaluation of the manager is a formalized method of communication that should not be overlooked.

The ICMA task force that was formed to develop this guide compiled and considered the best practices for manager evaluations. The group shared numerous ideas and learned a great deal from each other. The final product demonstrates that just as each manager and board is unique, so too must be the evaluation process for each manager. While there are common methods of evaluation, the tools and methods used to evaluate one manager in one community may not be appropriate for another manager in a neighboring community. To maximize legitimacy and effectiveness and to enhance communication,

a manager's evaluation needs to be tailored to the issues and stated goals of the elected body.

That said, the task force also agreed that there are some standard elements—notably, the [**ICMA Practices for Effective Local Government Management and Leadership**](#)—that would enhance any evaluation. These 14 core competencies are the framework for what a manager does on a day-to-day basis, and they warrant acknowledgment in the evaluation process.

Finally, while this guide offers a variety of ideas, the most important takeaways are that a manager's evaluation must take place and that the process must be mutually agreed upon. There are many ways to get this done, but the manager and the board both deserve the structured communication that the evaluation provides.

SECTION 7

RESOURCES

[ICMA Practices for Effective Local Government Management and Leadership](#)

[Recruitment Guidelines for Selecting a Local Government Administrator](#)

[ICMA Model Employment Agreement](#) (available to ICMA members)

[ICMA Code of Ethics with Guidelines](#)

ICMA's Membership Team (careers@icma.org) can provide examples of performance evaluation forms and tools. Members are also encouraged to post questions on [ICMA Connect](#) to see what other members are using.



INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION

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City Manager Performance Evaluation

City of _____

Evaluation period: _____ to _____

Governing Body Member's Name

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature

Date

Governing Body Member's Signature

Date Submitted

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

_____ Diligent and thorough in the discharge of duties, "self-starter"

_____ Exercises good judgment

_____ Displays enthusiasm, cooperation, and will to adapt

_____ Mental and physical stamina appropriate for the position

_____ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

2. PROFESSIONAL SKILLS AND STATUS

- _____ Maintains knowledge of current developments affecting the practice of local government management
- _____ Demonstrates a capacity for innovation and creativity
- _____ Anticipates and analyzes problems to develop effective approaches for solving them
- _____ Willing to try new ideas proposed by governing body members and/or staff
- _____ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY

- _____ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- _____ Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- _____ Disseminates complete and accurate information equally to all members in a timely manner
- _____ Assists by facilitating decision making without usurping authority
- _____ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

4. POLICY EXECUTION

- _____ Implements governing body actions in accordance with the intent of council
- _____ Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- _____ Understands, supports, and enforces local government's laws, policies, and ordinances
- _____ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- _____ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

5. REPORTING

- _____ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- _____ Responds in a timely manner to requests from the governing body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- _____ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience
- _____ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

6. CITIZEN RELATIONS

- _____ Responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- _____ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Professionally manages the compensation and benefits plan
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal _____ $\div 5 =$ _____ score for this category

10. COMMUNITY

- _____ Shares responsibility for addressing the difficult issues facing the city
- _____ Avoids unnecessary controversy
- _____ Cooperates with neighboring communities and the county
- _____ Helps the council address future needs and develop adequate plans to address long term trends
- _____ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? _____

What performance area(s) would you identify as most critical for improvement? _____

What constructive suggestions or assistance can you offer the manager to enhance performance? _____

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period? _____
