NOTICE AND AGENDA

SOUTH OGDEN CITY COUNCIL MEETING

Tuesday, December 1, 2015 – 6:00 p.m.

Notice is hereby given that the South Ogden City Council will hold their regular City Council Meeting, Tuesday, December 1, 2015, beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the council may be joining the meeting electronically.

I. OPENING CEREMONY

- **A. Call to Order –** Mayor James F. Minster
- **B. Prayer/Moment of Silence** -
- **C. Pledge of Allegiance –** Council Member Brent Strate

II. PUBLIC COMMENTS – This is an opportunity for comment regarding issues or concerns. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

III. RECOGNITION OF SCOUTS AND STUDENTS

IV. CONSENT AGENDA

- **A.** Approval of November 17, 2015 Council Minutes
- **B.** Declaring Certain Items as Surplus To The City's Needs

V. PUBLIC HEARING

To Receive and Consider Comments on the Following Items:

1. Proposed Amendments to the Culinary Water Capital Facilities Plan and Impact Fee Analysis, and
2. To Consider Potential Projects For Which Funding May Be Applied For Under the CDBG Small Cities Program for Program Year 2015

VI. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING

See separate agenda

VII. DISCUSSION / ACTION ITEMS

- **A.** Discussion on Whether to Allow Chickens in South Ogden City
- **B.** Consideration of **Ordinance 15-26** – Amending the Culinary Water Capital Facilities Plan and Impact Fee Analysis
- **C.** Consideration of **Ordinance 15-27** - Amending Title 10, Chapter 11 Having to Do With Planned Residential Unit Developments (PRUD)
- **D.** Consideration of **Ordinance 15-28** - Amending Title 10, Chapter 13 Having to Do with Multiple Buildings on a Single Lot
- **E.** Consideration of **Ordinance 15-29** – Amending the FY2016 Budget
- **F.** Consideration of **Resolution 15-50** – Approving an Agreement With Total Dental Associates for Dental Health Services
- **G.** Consideration of **Resolution 15-51** – Amending the City Personnel Policy Manual

VIII. REPORTS

- **A.** Mayor
- **B.** City Council Members
- **C.** City Manager
- **D.** City Attorney

IX. ADJOURN

Posted and emailed to the State of Utah Website November 25, 2015

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on November 25, 2015. Copies were also delivered to each member of the governing body.

Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA

MEMORANDUM

Date: November 23, 2015

To: Mayor and City Council

From: Matthew J. Dixon, City Manager

Re: December 01, 2015 Council Meeting

Below is a brief summary of the agenda items for your upcoming city council meeting. Please review this information as well as the staff reports and support materials contained within the packet. If you have any questions or need any additional information please let me know.

Discussion and Action Items

- *Chickens* – A resident filed a request for the city to consider amending the city code to allow chickens within the city. A public hearing was held before the Planning Commission where many supporters of the request expressed their desire to raise chickens. The Planning Commission tabled their consideration based on statements made during the public hearing that many cities are now changing their ordinances and are starting to allow chickens in their cities. The Commission directed staff to gather additional information on the subject. During their November meeting, the Planning Commission further discussed the request. The Planning Commission ultimately voted to recommend that the council amend the city code to allow chickens within the city with the following parameters: No barns, coops, pens, or corrals within 75' from any street, 25' from any lot line or 50' from any building on an adjacent lot. There shall be no more than 5 hens on 14,000 square feet and larger parcels. Furthermore, anyone wishing to have chickens would be required to get a permit and selling of eggs would be prohibited. The motion passed on a 3/2 vote. This will be a discussion item only. If the council determines to pursue amending the city code to allow chickens, we will prepare the necessary ordinance amendments (according to the city council's desires) and prepare it for adoption at a future council meeting. Please refer to the staff report in your packet for additional information.
- *Ordinance 15-26 –Amending the Water Capital Facilities Plan.* Staff is recommending that the city apply for Community Development Block Grant (CDBG) funds for the replacement/upsizing of the 37th Street waterline. The line is old and in need of replacing prior to the city reconstructing 37th Street. In order to qualify for CDBG funding, the project needs to be listed in our Capital Facilities Master Plan. This ordinance amends the plan by adding this project. Grant applications are due at the

end of January 2016. We anticipate applying for $250,000 of CDBG funding for the estimated $257,000 project.

- *Ordinance 15-27 – Amending Title 10, Chapter 11, PRUDs* – This ordinance is a continuation of the city's large undertaking of updating our land use ordinances to be compliant with state and federal law as well as to meet the current vision of the city. Mark Vlasic, City Planner, has provided a very detailed, well-written staff report on this amendment. Please refer to his report for additional information.
- *Ordinance 15-28 – Amending Title 10, Chapter 13, Multiple Buildings on a Single Lot* – Like Ordinance 15-27 above, this ordinance is a part of the city's ordinance update project that we've been working on for more than a year. Several versions of this ordinance were prepared by staff and reviewed by the Planning Commission. Ultimately, the recommendation of the Planning Commission was that the city council should amend Title 10, Chapter 13 by deleting the current chapter and replacing it with the one in this ordinance.
- *Ordinance 15-29 - Amending FY2016 Budget* – During the November 17 City Council the council approved the recommended budget amendments except those pertaining to the amendments dealing with the CDRA's repayment of general fund and enterprise funds debt. This amendment makes the necessary Balance Sheet and Budget amendments to allow the CDRA Fund to begin repaying its debts to the general fund, water and sewer fund.
- *Resolution 15-51- Amending the City's Personnel Policy Manual.* Doug Gailey, HR Specialist, will be presenting several amendments to the city's Personnel Policies and Procedures Manual. Policy changes include: adding a section related to the Affordable Care Act, adding a new section entitled Return to Work (for on-the-job injuries), adding policy related to Driver Record Verifications (for all jobs that require driving city-owned vehicles), Use of Equipment/Accident Reporting, and Employee Appeal Policy. Because the Personnel Policy is a large document, Doug has provided links from his staff report to the affected sections of the policy. This should make it easier for you to navigate the policy to be able to see the sections being amended.
- *Resolution 15-50 – Approving an agreement with Total Dental Associates for Employee Dental Insurance.* The city's medical and dental insurance renews every January. Staff recently completed a review of our medical and dental renewals. For 2016, the decision is to remain with PEHP for our medical insurance (7.5%) increase and to switch from EMI Dental to Total Dental Associates (-2.4%). Staff recommends approval of this agreement with TDA for Dental Insurance.

MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, November 17, 2015 – 6:00 p.m.
Council Chambers, City Hall

COUNCIL MEMBERS PRESENT
Mayor James Minster, Council Members Brent Strate, Bryan Benard, and Russell Porter

COUNCIL MEMBERS EXCUSED
Sallee Orr and Wayne Smith

STAFF MEMBERS PRESENT
City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Fire Chief Cameron West, Parks and Public Works Director Jon Andersen, Finance Director Steve Liebersbach, Good Landlord Program Administrator Andrew Hyder, and Recorder Leesa Kapetanov

CITIZENS PRESENT
Jim Pearce, Robert Bliss, Debby Bliss, Bonnie Rembacz, Bill Rembacz, Walt Bausman, Ami Dillingham, Katelyn Panter, Allei Holden, Mitchell Holden, Mikayla Harbrove, Calvin Holden, Mitchell H., Aubree Allen, Breonca Benard, Matthew Story, Connie Kaufman, Meghan Williams, Nancy Gibson, Ashley Andersen, Hames McGregor, Nate Foulger, Kylee Strate, Doug Gailey, Bridger Butters, J.P. Holden, Rudy Strate, J. Sherman Strate, Richard Reeve, Julie Furniss, Kim Didier, Matt Howard

I. OPENING CEREMONY

A. Call to Order
Mayor Minster called the meeting to order at 6:03 pm and called for a motion to convene.

Council Member Benard moved to convene as the South Ogden City Council, followed by a second from Council Member Strate. In a voice vote Council Members Strate, Benard, and Porter all voted aye.

B. Prayer/Moment of Silence
The mayor invited everyone to participate in a moment of silence.

C. Pledge of Allegiance
Council Member Smith was unable to attend the meeting so the Mayor asked Council Member Porter to lead those present in the Pledge of Allegiance.

Mayor Minster then announced it was time for public comments. There would be no action taken on comments received that evening. He asked those who wished to comment to limit their time to three minutes.

II. PUBLIC COMMENTS

Richard Reeves, Park Vista Drive – spoke concerning the dispute over the monastery property. He

Not Approved

stated that the neighbors, with himself at the lead, had been able to negotiate a settlement agreement with the Brighton Recovery Center that allowed them to accomplish the goals they were unable to accomplish with the city's help, namely asking Brighton Recovery to impose upon themselves some reasonable restrictions. Brighton Recovery was also allowing a liaison from the neighborhood to meet with their executive director on a regular basis. The neighborhood had requested that violent sex offenders not be allowed at the facility and that regular background checks of clients be made. Mr. Reeves felt the neighborhood had had to go to who the City postured as their enemy instead of to their elected officials to get what they wanted. They had also been postured in the press as discriminatory because they were fighting against the recovery center; it was far from the truth. It had been demonstrated by the welcoming and positive response they had received from the recovery center. Mr. Reeve then stated he was shocked that the City had spent $67,000 in legal fees. He had recorded the time he spent on the case and his total came to $17,000 in legal fees. He asked that the City look at some of the restrictions negotiated between the neighbors and Brighton Recovery; they were something that every citizen in South Ogden should have advantage of. The restrictions were reasonable and should be put into statute.

Walt Bausman, 5792 S 1075 E – Mr. Bausman said he had received six documents the last few days concerning items the Council was considering. There had not been enough time to review and analyze everything before the meeting that evening. He said the audited financial statements showed revenues over expenses was $90,000 last year. The difference between the $307,000 that was reported as net income and the $90,000 was treated by the transfer of funds. Last August they were told that a $1,061,000 was miss-classified as a capital improvement for streets and should have been reported as repairs in the general fund. This wasn't done by staff or the auditor. He said the City was not being consistent in its application of repairs vs. capital expenditures. There was a reporting discrepancy between the City and its auditors in the water fund of $700,000 plus dollars in restricted and unrestricted funds. As he had reported previously, it appears the City has one or two years of continued deficit spending before something needs to happen. The questions needed to be asked how many wanted the City to raise taxes to cover the City's deficits, how many wanted the City to continue raiding restricted funds like they had done for several years, and how many wanted the City to cut costs which had been requested over and over.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

The mayor acknowledged the presence of the Youth City Council.

IV. CONSENT AGENDA

A. Approval of October 20, 2015 Council Minutes

B. Approval of October Warrants Register

C. Set Date For Public Hearings (December 1, 2015 at 6 pm or as soon as the agenda permits) To Receive and Consider Comments on the Following Items:

1. **Proposed Amendments to the Culinary Water Capital Facilities Plan and Impact Fee Analysis, and**
2. **To Consider Potential Projects For Which Funding May Be Applied For Under the CDBG Small Cities Program for Program Year 2015**

Mayor Minster read through the consent agenda and asked if there were any comments concerning them. There were no comments from the Council. The mayor called for a motion concerning the consent agenda.

Council Member Porter moved to approve the consent agenda with the change. The motion was seconded by Council Member Strate. In a voice vote Council Members Porter, Benard, and Strate all voted aye.

Not Approved

V. PRESENTATION

A. Marcus Arbuckle, Keddington & Christensen – FY2015 Audit Report

Mr. Arbuckle began his presentation by stating that as the auditors, they were required to report several items to the Council, however it was the Council's responsibility to oversee the financial reporting process. He then reported that they had issued three separate reports, the first of which was the independent auditor's report. They had issued the City a clean opinion; the financial reports did reflect fairly what had happened during the year. The second report they issued had to do with internal controls. They made sure things were set up correctly to avoid issues and errors in the financial reporting. They had looked specifically at the cash disbursement, cash receipting, payroll and financial reporting processes. The final report issued was concerning compliance as requested by the state auditor's office. Some of the items that were looked into were budgetary compliance of fund balance, the courts, cash management for the Utah Retirement System, and transfers. They also looked at compliance with the Open and Public Meetings Act.
They had some findings concerning some of these areas; the findings were located on the last page of the supplemental report. The findings had to do with the South Ogden Days Fund and the Ambulance Fund both of which had deficit fund balances.
Council Member Porter asked if there were any cities that didn't have negative balances for ambulance services. Mr. Arbuckle said he had not seen an ambulance fund that covered its costs. Cities usually transferred money in from the general fund to cover the costs.
Mr. Arbuckle then made the Council aware of a new requirement called GASBY68; it required all cities to report their net pension assets and liabilities on the books. In the past it had been recorded in URS's books.
He concluded by stating there had been no difficulties in performing the audit and no disagreements with management. They felt the City had a reliable accounting system and the books were in order. He invited anyone who had questions concerning the audit to call him.
Mayor Minster informed those present that he, City Manager Dixon, Finance Director Steve Liebersbach, and Council Members Porter and Strate had met earlier in the day to review the audit. Mr. Arbuckle concluded his report.

The mayor then indicated it was time to enter a public hearing and entertained a motion to do so.

Council Member Porter moved to enter into a public hearing to receive comments on amendments to the FY2016 budget, followed by a second from Council Member Benard. The vote was unanimous to enter the public hearing.

VI. PUBLIC HEARING

A. To Receive and Consider Comments on Amendments to the FY2016 Budget

The mayor invited Finance Director Steve Liebersbach to come forward and explain the budget amendments. Mr. Liebersbach read through each line item of the amendments and explained why it was there. The amendments mostly had to do with carrying over unused money from the previous budget year, recognizing new revenues, and/or accounting for additional items in the budget. He pointed out that the last line item on the amendments for $50,000 was an error. It had been put on the amendments as a place holder and had not been removed.
Mayor Minster invited anyone who wished to comment concerning the budget amendments to come forward.

Walt Bausman, 5792 S 1075 E – Mr. Bausman commented about several items in the budget amendments which he felt were being handled incorrectly. He also commented

Not Approved

that the repayment of the CDRA loans should be restricted because the CDRA fund had a bigger liability than just this. The fund should be paying off the liability for City Hall first. He felt the City should do that instead of running the repayment through the general fund.

There were no other comments.

The mayor called for a motion to close the public hearing.

Council Member Benard moved to adjourn the public hearing and reconvene as the South Ogden City Council. The motion was seconded by Council Member Strate. The vote was unanimous in favor of the motion.

VII. DISCUSSION / ACTION ITEMS

A. Update on Police Compensation

Police Chief Darin Parke came forward to give the update. He reminded the Council of the October 6 meeting where problems with the recruiting and retaining of police officers was discussed. The problem was nationwide. The chief had worked with City Manager Dixon and Finance Director Steve Liebersbach to identify what current market average wages were. They then adjusted the compensation of the non-supervisory officers, who were further away from the average, to bring them more in line with the market. They had also made adjustments to some other employee's wages to account for internal equity and compression issues. They had previously determined that the adjustments would cost $90,000 annually, but since a portion of the year was already past, that amount was down to approximately $59,000. They had also calculated how much money was available due to turnover in the department with experienced officers leaving and new officers being hired at a lower rate of pay; this equaled approximately $22,000. The chief had also reviewed each of the line items in his budget and identified $30,000 that could be made available for the wage compensation. That left them approximately $8,000 short of the $59,000 needed. In discussions with City Manager Dixon, they had determined they could find the $8,000 within existing city budget funds. The adjustments had been made as of November 7. The department had been able to retain three officers who were contemplating leaving and general morale had been boosted.

Council Member Benard asked if the budget reductions to fund the compensations were permanent or if they would have to come up with the money every year to maintain the higher wages. Mr. Dixon said the reductions were permanent and would sustain the wages from year to year. Council Member Benard said he would like staff to look "outside the box" for ways to entice and retain top talent; ways that did not necessarily include having a higher salary. Council Member Strate agreed and thought that they could do the same thing for the fire department.

B. Consideration of Ordinance 15-24 – Amending the FY2016 Budget

Finance Director Steve Liebersbach came forward to answer any questions the Council might have concerning the budget amendments. Council Member Strate asked some questions concerning the bonds and if the City would be penalized for paying them off early. Mr. Liebersbach said he didn't think so, but he would have to check. He also explained that the City may have to pay in segments, e.g. $50,000 increments to receive a coupon. He also said prepayment of bonds by cities was very rare, as the bonds were at such a low interest rate, it was generally not in the best interest of the City to pay them off early. Council Member Strate asked if there was anything pressing in the budget amendments that needed to move forward or if he could take longer in looking at and considering the items. Mr. Liebersbach explained they could pass one line item, several line items or the whole thing. City Attorney Bradshaw also said they could pass the whole thing and then come

Not Approved

back and change some of the amendments if they wanted to. Council Member Strate stated he wanted things to move forward, but he had major concerns concerning the CDRA portion of the budget amendments. Mr. Liebersbach asked what his concerns were. Council Member Strate said he wasn't sure he understood what the amendments were. Mr. Liebersbach said the numbers were the same ones discussed by the Council previously when they had started the process of considering the loan repayments. CDRA Attorney Craig Smith had written an opinion letter stating that the loans were viable and could be reinstated. Council Member Strate said Mr. Bausman had raised some concerns and he wanted to look into the matter more. Council Member Benard asked Mr. Liebersbach if anything that Mr. Bausman stated changed his recommendation. Mr. Liebersbach said it did not; Mr. Bausman had referred to the CDRA funds as restricted, but the funds had not been generated within a project area; the funds had come from loans from the City. The repayment of the loans should go back to the funds they were borrowed from. There was no restricted fund clause on the money because it was a loan repayment and he disagreed with Mr. Bausman's opinion that they were restricted.
The mayor called for a motion concerning the budget amendments.

Council Member Porter moved to adopt Ordinance 15-24, amending the FY2016 budget, minus the $50,000 line item. Council Member Benard seconded the motion. The mayor asked if there were any discussion. Council Member Porter suggested they pass the amendments now and if they found issues later then could come back and make other amendments. Council Member Strate said he was still unsure he didn't have the issue thought out enough to be able to ask the right questions. **Mayor Minster called the vote:**

Council Member Porter-	**Yes**
Council Member Benard-	**Yes**
Council Member Strate-	**No**

The motion did not pass.

Council Member Benard said he did not think they should delay all the amendments. He was also leery that they could not tell staff what the specific concern was so staff could provide answers. Council Member Strate said he would feel comfortable moving forward by taking the CDRA portion of the amendments out. Council Member Benard suggested a motion to that effect be made.

Council Member Strate moved to adopt Ordinance 15-24, less the balance sheet entries (CDRA) on page 2. The motion was seconded by Council member Benard. The mayor made a roll call vote:

Council Member Strate-	**Yes**
Council Member Benard-	**Yes**
Council Member Porter-	**Yes**

The motion passed.

Council Member Porter then suggested that item G. be considered next in the meeting in consideration of those present to answer questions. The mayor agreed.

G. <u>Discussion on Burch Creek Bike Trail</u>

City Manager Dixon explained the idea for the bike trail had come up several months ago. The Bike Shoppe wanted to partner with the City in building a bike trail on City owned property near the 44th Street Bridge and near the Bike Shoppe. Mr. Dixon said he, Nate Fulcher from the Bike Shoppe, and Robert Lindquist, owner of the nearby cemetery, had

Not Approved

met and discussed the Bike Trail. Mr. Lindquist had been involved because a portion of the trail may traverse his property, although they were not exactly sure. They had explained to Mr. Lindquist that they did not want to go to the expense of having the property surveyed, but that part of the trail might go across his property. Mr. Lindquist had said he would love to cooperate with the group. Mr. Dixon had asked Mr. Fulcher to flag the route of the trail so that Parks and Public Works Director Jon Andersen and his staff could make sure the trail would not adversely affect storm water drainage and retention. Mr. Dixon anticipated an interlocal agreement would be made between all three parties involved. The Council asked several questions concerning the trail which Mr. Fulcher answered. City Manager Dixon explained staff had brought this item to the Council to see if it was something they wanted to pursue. Moving forward may involve using some of the city's equipment to help create the trail and bringing in gravel to line it. It was the Council's consensus that this item move forward.

C. <u>Consideration of Resolution 15-46 – Award of Bid and Approval of Agreement with Compass Minerals Incorporated for Road Salt</u>

Mayor Minster invited Parks and Public Works Director Jon Andersen to come forward and comment on this item. Mr. Andersen explained this was the annual salt bid. This year they had added a clause to allow the City to renew the agreement for three one year terms. The bid this year was 80¢ per ton lower than last year. He also pointed out that the lowest bid was not accepted because the price involved the City picking the salt up instead of having it delivered; however staff would have to drive to North Salt Lake to pick it up, and it was not beneficial for the City to do so. The mayor called for a motion concerning the resolution.

Council Member Benard moved to adopt Resolution 15-46, followed by a second from Council Member Strate. The mayor asked if there were further discussion and seeing none, he called the vote:

Council Member Benard-	**Aye**
Council Member Strate-	**Aye**
Council Member Porter-	**Aye**

Resolution 15-46 was adopted.

D. <u>Consideration of Resolution 15-47 – Approving an Agreement With Weber Basin Water for the Transfer of Water Rights</u>

City Manager Dixon explained the island created with the re-alignment of Highway 89 and Harrison Boulevard did not have secondary water rights in order to maintain the plants that would be installed. This agreement authorized Weber Basin Water to transfer water rights from some other City owned property that didn't need the water to the island which did. There was no discussion from the Council. The mayor entertained a motion.

Council Member Strate moved to adopt Resolution 15-47 regarding the transfer of water rights. Council Member Porter seconded the motion. There was no further discussion. The mayor made a roll call vote:

Council Member Strate-	**Aye**
Council Member Porter-	**Aye**
Council Member Benard-	**Aye**

Resolution 15-47 was adopted.

Not Approved

E. Consideration of Resolution 15-48 – Approving the Canvass of the 2015 Municipal General Election

City Recorder Leesa Kapetanov gave the Council a handout of the canvass results (see Attachment A). She reviewed the numbers with the Council, highlighting the fact that the voter turnout was 42%.

Council Member Benard asked if it made sense to further consolidate voting locations by having two or three cities combine together. Ms. Kapetanov said it was something staff could look at in the future. Council Member Strate commented the by mail vote had changed the dynamics of the election. There were no more comments or discussion. Mayor Minster called for a motion.

Council Member Porter moved to adopt Resolution 15-48. The motion was seconded by Council Member Benard. There was no discussion. Mayor Minster called the vote:

Council Member Porter-	**Yes**
Council Member Benard-	**Yes**
Council Member Strate-	**Yes**

The motion passed.

The mayor congratulated the winners of the election, Council Member Orr, Mr. Hensley, and Council Member Strate.

F. Consideration of Resolution 15-49 – Accepting a Petition For Annexation

City Manager Dixon said GBH Properties Group owned two parcels of property just below the City's water tanks. One of the parcels was in South Ogden; the other was in unincorporated Weber County. They were petitioning to annex the unincorporated one into the City. He explained further that this resolution simply started the process of annexation. The whole process would take a few months to complete. There were no questions or discussion from the Council. The mayor entertained a motion.

Council Member Benard moved to adopt Resolution 15-49, followed by a second from Council Member Strate. The mayor asked if there was further discussion and seeing none, he called the vote:

Council Member Benard-	**Yes**
Council Member Strate-	**Yes**
Council Member Porter-	**Yes**

The petition for annexation was accepted.

VIII. DEPARTMENT DIRECTOR REPORTS

A. Parks and Public Works Director Jon Andersen – Project Updates

Mr. Andersen reported on several projects in the City:

38th Street – this project was 95% complete, but replacing sprinklers and landscaping would not be completed until spring.

44th Street Streetlights- the fix for the lights had not proven to be simple. They might have to bore the light which could cost $11,000. They were getting a second opinion concerning the repair.

Crosswalk at 42nd Street- staff would install two signs and paint the crosswalk in anticipation of the new school opening.

Not Approved

Safe Routes to School Grant- they had not received any word on the City's grant application.
CDBD Grants- the Council had set the date for the public hearing that evening; staff would give more information as they moved through the process.
40th and Adams- Comcast had drilled through the City's storm drain and were in the process of repairing it.
Painting on Ridgeline Drive- the City had been trying to get UDOT to paint new lines now that the re-alignment was complete, however the weather had not cooperated. They had said they would come on Friday.
Nature Park Restroom – the restroom was complete except for the door.

IX. QUARTERLY REPORT

A. Andrew Hyder – Good Landlord Program

Mr. Hyder gave each of the council members a written report (see attachment B). He reviewed the statistics of the Good Landlord Program, noting that there had not been an increase of those not wishing to participate in the program as had occurred in previous quarters. The number of licenses had remained initially the same, although some had been closed out and others added. The overall program was working well.

Mayor Minster then indicated it was time to enter into a CDRA Board Meeting and called for a motion to do so.

Council Member Porter moved to recess into a CDRA Board Meeting. Council Member Benard seconded the motion. The voice vote was unanimous in favor of the motion.

X. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING

See separate minutes.

Motion from CDRA Meeting to reconvene as the South Ogden City Council:
Board Member Benard moved to adjourn as the CDRA Board and reconvene as the South Ogden City Council, followed by a second from Board Member Porter. The voice vote was unanimous in favor of the motion.

XI. REPORTS

A. Mayor – reminded the Council of the annual Senior Center Thanksgiving Banquet and asked that those who could help serve to contact him.

B. City Council Members

Council Member Benard – congratulated the winners of the election and thanked them for cleaning up their signs so quickly. He also said he disagreed with many of the things stated by Mr. Reeve, but he would contact Mr. Reeve personally to discuss them.
Council Member Strate – felt the neighbors and the business occupying the monastery were working well together; everyone felt a positive resolution to the situation had taken place, no matter how it came about.
Council Member Porter – recognized Mr. Liebersbach for his hard work on the audit. He also reminded the mayor that Council Member Orr was out of town and Council Member Smith had had surgery; that was why they were not in attendance that evening.

Not Approved

C. **City Manager** – reported the community survey would be done at the end of the semester. He also said he was looking at dates for the annual retreat and would be emailing them with possible dates and location.
Mr. Dixon also reported he and Chief West had held several meetings concerning staffing and needs of the Fire Department. He had also begun conversations with the Weber Fire District Board concerning optimizing services at the south end of the City.

D. **City Attorney Ken Bradshaw** – nothing to report.

XII. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION

Mayor Minster announced it was time to close the meeting and open a work session and entertained a motion to do so.

At 8:07 pm, Council Member Porter moved to adjourn City Council Meeting and convene into a work session. The motion was seconded by Council Member Benard. All present voted aye.

Note: The Council moved to the EOC room and took a break before beginning the work session. Those present for the work session were Mayor Minster, Council Members Porter, Benard, and Strate; City Manager Dixon, City Attorney Bradshaw, Parks and Public Works Director Jon Andersen, Police Chief Parke, Fire Chief West and City Recorder Kapetanov. Council Elect Adam Hensley was also present.

A. **Financial Update and Planning**

Mayor Minster called the work session to order at 8:25 pm and turned the time to City Manager Dixon. Mr. Dixon said Finance Director Steve Liebersbach would provide information concerning the general fund and the different enterprise funds and answer questions the Council might have.
Mr. Liebersbach said he would be covering the budget, the June 30, 2015 year-end report, and the October 31, 2015 financials. He began by stating the budget was a compilation of the Council's goals, plans and vision for the City, combined with recommendations and suggestions from staff; however, ultimately, it was the Council's budget. He said there were three ways to fund the budget: leave it as is, and pay as you go; increase taxes and/or fees or decrease services; or look for other sources such as grants, bonds, transfers or leases.
Mr. Liebersbach then moved to the June 30 financial report. He explained the June 30 financial was what the audit was based on, although he supplied the Council with monthly financials throughout the year. Rarely had anyone come to discuss with him questions or concerns about the financials, yet the newspaper had published a report that there were serious concerns about the city's financial standing and misleading numbers. He wanted to address some of the concerns. He began by going through the June 30 financials and explaining how the numbers tied in to the numbers from the audit. He felt the $307,000 revenue over expenditures was correct although it had been disputed. He also pointed out the general fund was at 20% of fund balance, which was very healthy. He added that although $348,000 of fund balance had been appropriated to balance the previous year's budget, none of it had needed to be spent. The departments were very diligent in cutting costs so that there was not a need to dip into the fund balance. Mr. Liebersbach then explained which transfers were counted as revenues and which were not. The Council then discussed the statements made during the election, such as the Council was doing a poor job of managing funds and the City was in the hole financially. Mr. Dixon then asked what staff could do to communicate more clearly where the City was financially. He said it was disconcerting when the opinions of some residents concerning the city's financial standing were considered above those of the staff hired to advise and consult the Council.

Not Approved

It was difficult to watch the elected officials have questions, but not come to staff to get the answers. Council Member Benard said he did not think the people who were criticizing the City's budget did not have the best interest of the City at heart. They just kept finding fault; it was something else previously, it was the budget now, and it would be something different in the future.

City Manager Dixon reiterated that staff was there to give the Council the information they needed and they were open to suggestions as to how they could accomplish that. Council Elect Hensley asked if there was any basis in what those criticizing the City were saying. Mr. Liebersbach said he did not think so. He added that 95% of the cities in Utah were using the same financial reporting method South Ogden was because it was easy to understand. He said those criticizing the City were combining all the funds into a lump sum and then calculating revenues over expenditures. State law required cities not to combine the various funds because they were accounted for in different ways; combining them did not give a real perspective of where the City stood financially.

The Council then discussed other items, including their commitment to make the right decisions for the City in spending money and planning for long term needs like roads. City Manager Dixon pointed out that members of the Council had suggested various ideas to staff that they should pursue, but staff was looking for three or more members to agree on the idea before they moved forward with it. He was looking forward to the annual retreat where the Council would re-evaluate what was important to them and give staff direction to move forward.

Mr. Liebersbach then continued his explanation of the June 30 financials, pointing out the two areas that were findings in the audit: the South Ogden Days fund and the ambulance fund. He explained why they were findings and what the City needed to do to correct them. Finance Director Liebersbach then reviewed the fixed assets and general long term debt and then because of the time, quickly went over the October 2015 financials. He then reiterated that the Council had staff with years of experience on whom they could rely to answer their questions; staff was always willing to do so.

There were no more questions or discussion from the Council.

XIII. ADJOURN

Mayor Minster called for a motion to adjourn the meeting.

Council Member Porter moved to adjourn, followed by a second from Council Member Strate. All present voted aye.

The meeting adjourned at 10:02 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, November 17, 2015.

Leesa Kapetanov

Leesa Kapetanov, City Recorder

Date Approved by the City Council _____

Not Approved

Attachment A

Canvass Information

Not Approved

569

Election Summary Report
Weber County, Utah
Municipal General Election
November 3, 2015
Summary For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

Date:11/14/15
Time:09:01:56
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Registered Voters 6413 - Cards Cast 2686 41.88%

Num. Report Precinct 12 - Num. Reporting 12 100.00%

South Ogden City Council	Total	
Number of Precincts	12	
Precincts Reporting	12	100.0 %
Vote For	3	
Times Counted	2686/6413	41.9 %
Total Votes	6353	
Hensley, Adam S.	1601	25.20%
Smith, Wayne M.	1515	23.85%
Strate, Brent J.	1559	24.54%
Orr, Sallee	1678	26.41%

570
571

572
573

Statement of Votes Cast
Weber County, Utah
Municipal General Election
November 3, 2015
SOVC For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

Date:11/14/15
Time:09:10:52
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	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Jurisdiction Wide			
SOG001			
Polling	296	14	4.73%
Mail In	296	19	6.42%
By-Mail	296	73	24.66%
Paper at Polls	296	1	0.34%
Total	296	107	36.15%
SOG002			
Polling	392	18	4.59%
Mail In	392	24	6.12%
By-Mail	392	90	22.96%
Paper at Polls	392	0	0.00%
Total	392	132	33.67%
SOG003			
Polling	475	18	3.79%
Mail In	475	26	5.47%
By-Mail	475	129	27.16%
Paper at Polls	475	1	0.21%
Total	475	174	36.63%
SOG004			
Polling	478	30	6.28%
Mail In	478	37	7.74%
By-Mail	478	155	32.43%
Paper at Polls	478	0	0.00%
Total	478	222	46.44%
SOG005			
Polling	609	19	3.12%
Mail In	609	47	7.72%
By-Mail	609	194	31.86%
Paper at Polls	609	0	0.00%
Total	609	260	42.69%
SOG006			
Polling	278	16	5.76%
Mail In	278	21	7.55%
By-Mail	278	104	37.41%
Paper at Polls	278	0	0.00%
Total	278	141	50.72%
SOG007			
Polling	633	24	3.79%

Statement of Votes Cast
Weber County, Utah
Municipal General Election
November 3, 2015
SOVC For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

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	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Mail In	633	64	10.11%
By-Mail	633	192	30.33%
Paper at Polls	633	0	0.00%
Total	633	280	44.23%
SOG008			
Polling	665	19	2.86%
Mail In	665	46	6.92%
By-Mail	665	243	36.54%
Paper at Polls	665	0	0.00%
Total	665	308	46.32%
SOG009			
Polling	531	8	1.51%
Mail In	531	36	6.78%
By-Mail	531	91	17.14%
Paper at Polls	531	0	0.00%
Total	531	135	25.42%
SOG010			
Polling	741	9	1.21%
Mail In	741	44	5.94%
By-Mail	741	309	41.70%
Paper at Polls	741	0	0.00%
Total	741	362	48.85%
SOG011			
Polling	753	22	2.92%
Mail In	753	56	7.44%
By-Mail	753	322	42.76%
Paper at Polls	753	0	0.00%
Total	753	400	53.12%
SOG012			
Polling	562	15	2.67%
Mail In	562	26	4.63%
By-Mail	562	124	22.06%
Paper at Polls	562	0	0.00%
Total	562	165	29.36%
Total			
Polling	6413	212	3.31%
Mail In	6413	446	6.95%
By-Mail	6413	2026	31.59%
Paper at Polls	6413	2	0.03%

Statement of Votes Cast
Weber County, Utah
Municipal General Election
November 3, 2015
SOVC For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

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	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Total	6413	2686	41.88%

Statement of Votes Cast
Weber County, Utah
Municipal General Election
November 3, 2015
SOVC For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

Date:11/14/15
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	South Ogden City Council											
	Reg. Voters	Vote For	Times Counted	Total Votes	Hensley, Adam S.		Smith, Wayne M.		Strate, Brent J.		Orr, Sallee	
Jurisdiction Wide												
SOG001												
Polling	296	3	14	37	7	18.92%	9	24.32%	11	29.73%	10	27.03%
Mail In	296	3	19	44	11	25.00%	7	15.91%	12	27.27%	14	31.82%
By-Mail	296	3	73	181	41	22.65%	48	26.52%	42	23.20%	50	27.62%
Paper at Polls	296	3	1	3	1	33.33%	0	0.00%	1	33.33%	1	33.33%
Total	296	12	107	265	60	22.64%	64	24.15%	66	24.91%	75	28.30%
SOG002												
Polling	392	3	18	46	9	19.57%	13	28.26%	14	30.43%	10	21.74%
Mail In	392	3	24	65	13	20.00%	13	20.00%	21	32.31%	18	27.69%
By-Mail	392	3	90	202	45	22.28%	58	28.71%	51	25.25%	48	23.76%
Paper at Polls	392	3	0	0	0	-	0	-	0	-	0	-
Total	392	12	132	313	67	21.41%	84	26.84%	86	27.48%	76	24.28%
SOG003												
Polling	475	3	18	44	7	15.91%	15	34.09%	11	25.00%	11	25.00%
Mail In	475	3	26	62	14	22.58%	21	33.87%	12	19.35%	15	24.19%
By-Mail	475	3	129	300	75	25.00%	87	29.00%	67	22.33%	71	23.67%
Paper at Polls	475	3	1	3	0	0.00%	1	33.33%	1	33.33%	1	33.33%
Total	475	12	174	409	96	23.47%	124	30.32%	91	22.25%	98	23.96%
SOG004												
Polling	478	3	30	77	20	25.97%	21	27.27%	14	18.18%	22	28.57%
Mail In	478	3	37	97	20	20.62%	32	32.99%	15	15.46%	30	30.93%
By-Mail	478	3	155	386	94	24.35%	99	25.65%	78	20.21%	115	29.79%
Paper at Polls	478	3	0	0	0	-	0	-	0	-	0	-
Total	478	12	222	560	134	23.93%	152	27.14%	107	19.11%	167	29.82%
SOG005												
Polling	609	3	19	49	12	24.49%	12	24.49%	10	20.41%	15	30.61%
Mail In	609	3	47	112	25	22.32%	27	24.11%	21	18.75%	39	34.82%
By-Mail	609	3	194	474	117	24.68%	111	23.42%	100	21.10%	146	30.80%
Paper at Polls	609	3	0	0	0	-	0	-	0	-	0	-
Total	609	12	260	635	154	24.25%	150	23.62%	131	20.63%	200	31.50%
SOG006												
Polling	278	3	16	34	8	23.53%	16	47.06%	7	20.59%	3	8.82%
Mail In	278	3	21	42	6	14.29%	15	35.71%	9	21.43%	12	28.57%
By-Mail	278	3	104	249	75	30.12%	75	30.12%	44	17.67%	55	22.09%
Paper at Polls	278	3	0	0	0	-	0	-	0	-	0	-
Total	278	12	141	325	89	27.38%	106	32.62%	60	18.46%	70	21.54%
SOG007												
Polling	633	3	24	57	13	22.81%	8	14.04%	20	35.09%	16	28.07%

Statement of Votes Cast
Weber County, Utah
Municipal General Election
November 3, 2015
SOVC For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

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	South Ogden City Council											
	Reg. Voters	Vote For	Times Counted	Total Votes	Hensley, Adam S.		Smith, Wayne M.		Strate, Brent J.		Orr, Sallee	
Mail In	633	3	64	148	34	22.97%	41	27.70%	33	22.30%	40	27.03%
By-Mail	633	3	192	433	112	25.87%	125	28.87%	95	21.94%	101	23.33%
Paper at Polls	633	3	0	0	0	-	0	-	0	-	0	-
Total	633	12	280	638	159	24.92%	174	27.27%	148	23.20%	157	24.61%
SOG008												
Polling	665	3	19	45	11	24.44%	10	22.22%	13	28.89%	11	24.44%
Mail In	665	3	46	116	24	20.69%	29	25.00%	30	25.86%	33	28.45%
By-Mail	665	3	243	539	128	23.75%	119	22.08%	150	27.83%	142	26.35%
Paper at Polls	665	3	0	0	0	-	0	-	0	-	0	-
Total	665	12	308	700	163	23.29%	158	22.57%	193	27.57%	186	26.57%
SOG009												
Polling	531	3	8	19	3	15.79%	2	10.53%	6	31.58%	8	42.11%
Mail In	531	3	36	80	19	23.75%	10	12.50%	22	27.50%	29	36.25%
By-Mail	531	3	91	226	45	19.91%	60	26.55%	54	23.89%	67	29.65%
Paper at Polls	531	3	0	0	0	-	0	-	0	-	0	-
Total	531	12	135	325	67	20.62%	72	22.15%	82	25.23%	104	32.00%
SOG010												
Polling	741	3	9	17	4	23.53%	5	29.41%	4	23.53%	4	23.53%
Mail In	741	3	44	110	27	24.55%	29	26.36%	25	22.73%	29	26.36%
By-Mail	741	3	309	712	166	23.31%	160	22.47%	197	27.67%	189	26.54%
Paper at Polls	741	3	0	0	0	-	0	-	0	-	0	-
Total	741	12	362	839	197	23.48%	194	23.12%	226	26.94%	222	26.46%
SOG011												
Polling	753	3	22	52	21	40.38%	5	9.62%	13	25.00%	13	25.00%
Mail In	753	3	56	150	45	30.00%	19	12.67%	50	33.33%	36	24.00%
By-Mail	753	3	322	775	249	32.13%	123	15.87%	224	28.90%	179	23.10%
Paper at Polls	753	3	0	0	0	-	0	-	0	-	0	-
Total	753	12	400	977	315	32.24%	147	15.05%	287	29.38%	228	23.34%
SOG012												
Polling	562	3	15	35	10	28.57%	7	20.00%	9	25.71%	9	25.71%
Mail In	562	3	26	50	17	34.00%	10	20.00%	15	30.00%	8	16.00%
By-Mail	562	3	124	282	73	25.89%	73	25.89%	58	20.57%	78	27.66%
Paper at Polls	562	3	0	0	0	-	0	-	0	-	0	-
Total	562	12	165	367	100	27.25%	90	24.52%	82	22.34%	95	25.89%
Total												
Polling	6413	36	212	512	125	24.41%	123	24.02%	132	25.78%	132	25.78%
Mail In	6413	36	446	1076	255	23.70%	253	23.51%	265	24.63%	303	28.16%
By-Mail	6413	36	2026	4759	1220	25.64%	1138	23.91%	1160	24.37%	1241	26.08%
Paper at Polls	6413	36	2	6	1	16.67%	1	16.67%	2	33.33%	2	33.33%

Statement of Votes Cast
Weber County, Utah
Municipal General Election
November 3, 2015
SOVC For South Ogden City, All Counters, South Ogden City
OFFICIAL RESULTS

Date:11/14/15
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	South Ogden City Council											
	Reg. Voters	Vote For	Times Counted	Total Votes	Hensley, Adam S.		Smith, Wayne M.		Strate, Brent J.		Orr, Sallee	
Total	6413	144	2686	6353	1601	25.20%	1515	23.85%	1559	24.54%	1678	26.41%

Attachment B

Good Landlord Report Handout

Not Approved

City Council Staff Report

Subject: Good Landlord Program Quarterly Report
Author: Andrew Hyder
Department: Administration
Date: 11/17/15

Background

The Good Landlord Program was adopted on June 18, 2013 and has been steadily growing. Property owners have renewed their licenses two or three times since the program started. The program has been in effect of three full years and people are realizing it is here to stay.

Analysis

This quarter, staff has been working on completing aging applications.

The list of properties that have been sold and now have new owners has been growing. Staff is updating their list of properties with Weber County every six months.

The City has issued 381 Rental Dwelling Licenses, 115 landlords of the 381 have opted out of participation. The most common reason for not becoming a member is the time obligation to take the Good Landlord class.

The last letter to property owners has not been mailed out yet. I have been working on calling the property owners and have had some success on getting property owners to turn in applications. I will work with Chief Park and Mr. Bradshaw to get it mailed out to the appropriated people.

Last quarter I reported The City would not accept the Good Landlord price until the class and application had been completed. This practice has been working well. We believe it has given property owners incentive to complete the class in a timely matter.

The court office staff has been doing a great job making sure the applications are completed before accepting them or receiving payments. New property owners already know about the Good Landlord Program without us contacting them. The program has grown through word of mouth but there are still a significant number of properties that are not licensed.

Not Approved

memo

South Ogden City

To: Matthew Dixon, City Manager
From: Cindee Paulsen
Date: November 5, 2015
Re: Surplus Property

In accordance with current City policies, I am requesting that the following property currently within the possession of this department be declared surplus to City needs:

No. of Items	Description of Property	Value of Property (or min. bid amnt. accptd)	How Value Was Determined*	Recommended Means of Disposition** (trade, sale by bid, lease, salvage, destruction, donation)
1	15-10496 Pink child's NEXT bicycle	$10 min bid	Min. bid accepted was based on last lot of bicycles sold by auction	Sale by bid. If no bid made, bike will be donated or sold for scrap.
1	15-10069 blue/whi ladies bike	"	"	"
1	15-9695 girls pur/whi bike	"	"	"
1	15-8756 pink trouble maker bike	"	"	"
1	15-8487 gry/blu mtn. bike	"	"	"
1	15-8211 purple baby trend stroller	"	"	"
1	15-7741 green BMX bicycle	"	"	"
1	15-7469 whi/blu huffy bicycle	"	"	"
1	15-7451 blu/yel NEXT bmx bike	"	"	"
1	15-5847 green BMX bike	"	"	"
1	15-3034 red/gry radio flyer plastic childs scooter	"	"	"
1	15-2910 blk next mtn bike	"	"	"
1	14-13013 blk/pnk 18 speed Magna bicycle	"	"	"
1	14-13371 blue diamondback bike	"	"	"
1	14-13472 purple girls bike	"	"	"
1	14-14684 genesis bicycle	"	"	"
1	14-15917 red/whi mongoose bike	"	"	"
1	14-15879 silver Schwinn bike	"	"	"
1	14-16231 blk Trek mtn. bike	"	"	"
1	14-16370 purple mtn. bike	"	"	"
1	14-17041 blu/whi next bike	"	"	"
1	14-3860 blk bmx bike with damage	"	"	"
1	14-8036 huffy mtn bike	"	"	"
1	14-11129 wheelchair	"	"	"
1	13-5350 wheelchair	"	"	"
1	13-1510 Toro snow blower	"	"	"

* Value of property shall be estimated by evaluation by a qualified and disinterested appraiser, through professional publications and valuation services, or through an informal market survey conducted by the Director of Finance.

**Sales of City property shall be based, whenever possible, on competitive sealed bids. The Director of Finance, in consultation with the City Manager, may waive the competitive bidding requirement when the value of the property has been estimated by an alternate method and the value is considered negligible in relation to the

memo

South Ogden City

costs of sale by bid, sale by bidding procedure is deemed unlikely to produce a competitive offer, or circumstances indicate that bidding on the property will not be in the best interests of the city.

City Manager's findings:

I find that the above items are surplus to the needs of South Ogden City and the proposed disposition of this property is approved.

Matthew Dixon, City Manager

11/04/2015
Date

Notice of Surplus Property
South Ogden City

Notice is hereby given that Darin Parke, Police Chief, has requested that the following property be declared surplus, and that Matthew Dixon, City Manager, has verified that the following items are surplus to the city's needs and will be utilized or disposed of as noted:

No. of Items	Description of Property	Value of Property (or min. bid amnt. accptd)	How Value Was Determined*	Recommended Means of Disposition** (trade, sale by bid, lease, salvage, destruction, donation)
1	15-10496 Pink child's NEXT bicycle	$10 min bid	Min. bid accepted was based on last lot of bicycles sold by auction	Sale by bid. If no bid made, bike will be donated or sold for scrap.
1	15-10069 blue/whi ladies bike	"	"	"
1	15-9695 girls pur/whi bike	"	"	"
1	15-8756 pink trouble maker bike	"	"	"
1	15-8487 gry/blu mtn. bike	"	"	"
1	15-8211 purple baby trend stroller	"	"	"
1	15-7741 green BMX bicycle	"	"	"
1	15-7469 whi/blu huffy bicycle	"	"	"
1	15-7451 blu/yel NEXT bmx bike	"	"	"
1	15-5847 green BMX bike	"	"	"
1	15-3034 red/gry radio flyer plastic childs scooter	"	"	"
1	15-2910 blk next mtn bike	"	"	"
1	14-13013 blk/pnk 18 speed Magna bicycle	"	"	"
1	14-13371 blue diamondback bike	"	"	"
1	14-13472 purple girls bike	"	"	"
1	14-14684 genesis bicycle	"	"	"
1	14-15917 red/whi mongoose bike	"	"	"
1	14-15879 silver Schwinn bike	"	"	"
1	14-16231 blk Trek mtn. bike	"	"	"
1	14-16370 purple mtn. bike	"	"	"
1	14-17041 blu/whi next bike	"	"	"
1	14-3860 blk bmx bike with damage	"	"	"
1	14-8036 huffy mtn bike	"	"	"
1	14-11129 wheelchair	"	"	"
1	13-5350 wheelchair	"	"	"
1	13-1510 Toro snow blower	"	"	"

Any member of the city council may make a written request for a hearing concerning this surplus property within fifteen days of posting of this notice, with such hearing taking place before, after, or in conjunction with a regularly scheduled city council meeting.

Posted this 4th day of November, 2015

Leesa Kapetanov
City Recorder

Leesa Kapetanov

From:	Leesa Kapetanov
Sent:	Wednesday, November 04, 2015 4:57 PM
To:	Elected Officials
Cc:	Matt Dixon; Darin Parke
Subject:	Surplus Property
Attachments:	Police - Surplus Bikes.pdf

Dear Mayor and Council,

Attached is a notice of surplus property. If you have questions about the items on the list, please call Cindee Paulsen at 801-622-2804. If you have concerns, please call Matt. As per our rules on surplus property, you may make written request for a hearing concerning this surplus property within 15 days of posting of this notice (that would be today, Nov. 4).

If no written request is received, the declaring of this property as surplus will appear on the Dec. 1 council agenda.

Thanks!

Leesa Kapetanov,CMC
South Ogden City Recorder
801-622-2709 fax 801-622-2713
3950 Adams Ave., Ste. 1
South Ogden UT 84403
lkapetanov@southogdencity.com

memo

South Ogden City

To: Matthew Dixon, City Manager
From: Cindee Paulsen
Date: November 5, 2015
Re: Surplus Property

In accordance with current City policies, I am requesting that the following property currently within the possession of this department be declared surplus to City needs:

No. of Items	Description of Property	Value of Property (or min. bid amnt. accptd)	How Value Was Determined*	Recommended Means of Disposition** (trade, sale by bid, lease, salvage, destruction, donation)
1	15-7067 Kent BMX bike	Min bid $10	Min. bid accepted was based on last lot of bicycles sold by auction	Sale by bid. If no bid made, bike will be donated or sold for scrap.

* Value of property shall be estimated by evaluation by a qualified and disinterested appraiser, through professional publications and valuation services, or through an informal market survey conducted by the Director of Finance.
**Sales of City property shall be based, whenever possible, on competitive sealed bids. The Director of Finance, in consultation with the City Manager, may waive the competitive bidding requirement when the value of the property has been estimated by an alternate method and the value is considered negligible in relation to the costs of sale by bid, sale by bidding procedure is deemed unlikely to produce a competitive offer, or circumstances indicate that bidding on the property will not be in the best interests of the city.

City Manager's findings:

I find that the above items are surplus to the needs of South Ogden City and the proposed disposition of this property is approved.

Matthew Dixon, City Manager

11/12/15
Date

Notice of Surplus Property
South Ogden City

Notice is hereby given that Darin Parke, Police Chief, has requested that the following property be declared surplus, and that Matthew Dixon, City Manager, has verified that the following items are surplus to the city's needs and will be utilized or disposed of as noted:

No. of Items	**Description of Property**	**Value of Property** (or min. bid amnt. accptd)	**How Value Was Determined***	**Recommended Means of Disposition**** (trade, sale by bid, lease, salvage, destruction, donation)
1	15-7067 Kent BMX bike	Min bid $10	Min. bid accepted was based on last lot of bicycles sold by auction	Sale by bid. If no bid made, bike will be donated or sold for scrap.

Any member of the city council may make a written request for a hearing concerning this surplus property within fifteen days of posting of this notice, with such hearing taking place before, after, or in conjunction with a regularly scheduled city council meeting.

Posted this 12th day of November, 2015

Leesa Kapetanov
City Recorder

Leesa Kapetanov

From:	Leesa Kapetanov
Sent:	Thursday, November 12, 2015 9:18 AM
To:	Elected Officials
Subject:	Notice of Surplus Properties
Attachments:	Notice of Surplus Property.pdf

This bike was not included on the previous list.

Leesa Kapetanov,CMC
South Ogden City Recorder
801-622-2709 fax 801-622-2713
3950 Adams Ave., Ste. 1
South Ogden UT 84403
lkapetanov@southogdencity.com

NOTICE AND AGENDA

SOUTH OGDEN CITY
COMMUNITY DEVELOPMENT & RENEWAL AGENCY
BOARD MEETING

Tuesday, December 1, 2015

Notice is hereby given that the South Ogden City Community Development and Renewal Agency will hold a meeting on Tuesday, December 1, 2015, at 6 p.m., or as soon as the agenda permits, in the council chambers located at 3950 Adams Avenue, South Ogden, Utah.

I. **CALL TO ORDER** – Chairman James F. Minster

II. **CONSENT AGENDA**

A. Approval of November 17, 2015 CDRA Minutes

III. **DISCUSSION/ACTION ITEMS**

A. Consideration of Previously Tabled **CDRA Resolution 15-03** – Amending the FY2016 CDRA Budget

IV. **ADJOURN**

Posted and faxed to the Standard Examiner November 25, 2015

The undersigned duly appointed Community Development and Renewal Agency Board Secretary hereby certifies that a copy of the foregoing notice and agenda was posted in three public places within the South Ogden City limits on November 25, 2015. These public places being: the State of Utah Public Notice Website, the Municipal Center (1st and 2nd floors), the South Ogden Senior Center, and on the City's website (southogdencity.com). Copies were also provided to the governing body.

Leesa Kapetanov, Board Secretary

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the board secretary at least 72 hours in advance of the meeting.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA

MINUTES
OF THE SOUTH OGDEN CITY
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING

Held Tuesday, November 17, 2015 in the Council Chambers of City Hall

BOARD MEMBERS PRESENT

Chair James F. Minster, Board Members Brent Strate, Bryan Benard, and Russell Porter

BOARD MEMBERS EXCUSED

Wayne Smith and Sallee Orr

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Fire Chief Cameron West, Finance Director Steve Liebersbach, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Robert Bliss, Debby Bliss, Bonnie Rembacz, Bill Rembacz, Walt Bausman, Ami Dillingham, Katelyn Panter, Allei Holden, Mitchell Holden, Mikayla Harbrove, Calvin Holden, Mitchell H., Aubree Allen, Breonca Benard, Matthew Story, Connie Kaufman, Meghan Williams, Nancy Gibson, Ashley Andersen, Hames McGregor, Nate Foulger, Kylee Strate, Doug Gailey, Bridger Butters, J.P. Holden, Rudy Strate, J. Sherman Strate, Richard Reeve, Julie Furniss, Kim Didier, Matt Howard

(Motion from city council meeting to enter CDRA Board Meeting):

Council Member Porter moved to recess into a CDRA Board Meeting. Council Member Benard seconded the motion. The voice vote was unanimous in favor of the motion.

I. CALL TO ORDER

Chairman James Minster called the Board Meeting to order at 7:55 pm and moved to the first item on the agenda.

II. CONSENT AGENDA

A. Approval of September 1, 2015 CDRA Minutes

The chairman asked if there were any corrections to the minutes. There were no comments. The chairman called for a motion.

Board Member Strate moved to approve the consent agenda. The motion was followed by a second from Board Member Porter. The vote was unanimous for approval of the consent agenda.

Chairmen Minster then called for a motion to enter a public hearing concerning the CDRA budget. Board Member Benard asked if having eliminated the CDRA portion of the budget

Not Approved

in the regular council meeting obviated the need to have this meeting. City Attorney Bradshaw recommended the public hearing still be held so it would not have to be re-scheduled. They could then just table the resolution.

Board Member Benard moved to enter a public hearing to receive comments on proposed amendments to the CDRA FY2016 budget. Board Member Porter seconded the motion. All present voted aye.

III. PUBLIC HEARING

A. To Receive and Consider Comments on Proposed Amendments to the CDRA FY2016 Budget

Chairman Minster invited anyone who wished to come forward to make comment to do so. No one came forward. The chair called for a motion to leave the public hearing.

Board Member Porter moved to leave the public hearing and reconvene as the CDRA Board, followed by a second from Board Member Benard. The voice vote was unanimous in favor of the motion.

IV. DISCUSSION/ACTION ITEMS

A. Consideration of CDRA Resolution 15-03 – Amending the CDRA FY2016 Budget

City Attorney Bradshaw stated it was his recommendation, as discussed earlier, to table this item.

Board Member Benard moved to table consideration of CDRA Resolution 15-03. The motion was seconded by Board Member Strate. The chair made a roll call vote:

Board Member Benard-	**Yes**
Board Member Strate-	**Yes**
Board Member Porter-	**Yes**

The resolution was tabled.

Chairman Minster state there was no more business on the agenda and called for a motion to adjourn the CDRA meeting and reconvene as the South Ogden City Council.

V. ADJOURN

Board Member Benard moved to adjourn as the CDRA Board and reconvene as the South Ogden City Council, followed by a second from Board Member Porter. The voice vote was unanimous in favor of the motion.

The meeting adjourned at 7:59 pm.

I hereby certify that the forgoing is a true, accurate and complete record of the South Ogden City Community Development and Renewal Agency Board Meeting held Tuesday, November 17, 2015.

Leesa Kapetanov

Leesa Kapetanov, Board Secretary

Date approved by the CDRA Board _____

Not Approved

City Council/CDRA Staff Report

Subject: CDRA budget amendment
Author: Steve Liebersbach
Department: Finance
Date: CDRA Board meeting 12/01/2015

Background

At the 11/17/2015 meeting, Resolution 15-03 to amend the FY 2016 CDRA budget was tabled. Tonight that will be re-visited.

Analysis

The amendment will incorporate the necessary entries and adjustments to reinstate the loans owed to the general, water and sewer funds as well as partial repayment schedules.

Recommendation

Staff recommends that the CDRA Board approve Resolution 15-03.

Significant Impacts

General Fund loan amount of $457,290.95 plus interest
Water Fund loan amount of $302,001.65 plus interest
Sewer Fund loan amount of $302,001.63 plus interest

Attachments

Attached is the opinion letter from CDRA Attorney Craig Smith. On page 3 it states "The Agency is legally authorized and obligated to repay the Loan to the City. Although some of the documentation for the Loan has not yet been located, it is clear that the Loan is a valid obligation of the Agency". Also attached are the proposed balance sheet and budget entries.

SMITH HARTVIGSEN PLLC
ATTORNEYS AT LAW

J. CRAIG SMITH
jcsmith@smithlawonline.com

ADAM S. LONG
along@smithlawonline.com

September 1, 2015

Mayor James F. Minster
Members of the City Council
South Ogden City
c/o Matt Dixon, City Manager
3950 S Adams Ave
South Ogden, UT 84403

Re: Agency loan for 36th Street Project

Dear Mayor Minster and Members of the City Council:

I have been asked, as legal counsel to the South Ogden Community Development and Renewal Agency (fka Redevelopment Agency) ("**Agency**") to address the repayment of certain loans made by South Ogden City ("**City**") to the Agency. Specifically, in years past, the City loaned money to the Agency for the 36th Street Project Redevelopment Project Area ("**Project Area**"). The loans were needed to fund both the creation of the Project Area and to supplement shortfalls of the tax increment paid to the Agency under the 36th Street Project Area Budget ("**Budget**") to make the required annual payment for the tax increment bonds ("**Bonds**") that were issued to finance the Project Area. Collectively, the loans from the City to the Agency are referred to in this letter as the "**Loans**".

For many years the Agency lacked funds to repay the above-mentioned Loans. However, with the retirement of the Bonds the Agency now has funding to partially repay the Loans. Due to the long period of time that the Loans have been outstanding and the belief that the Agency would likely never have the funds to repay the Loans, the Loans were apparently written off in 2005 (according to a note in the 2005 audit).

When City Manager Matt Dixon and Director of Finance Steve Liebersbach realized that the Agency now has funds from the Project Area to, at least partially, repay the Loans, they contacted me for direction and advice. This letter will recap that direction and advice in written form.

The 36th Street Project Area Plan was adopted in 1992 and the Agency began receiving tax increment for tax year 1997. According to Utah law, the Agency will continue to receive tax increment from the Project Area through tax year 2021, for a total of 25 years of tax increment collection. Note that the tax increment collected from the Project Area is subject to the "haircut" provisions of Utah Code Ann. § 17C-403(2)(a); namely that the Agency is entitled to be paid 100

percent of the tax increment for years 1-5, 80 percent for years 6-10, 75 percent for years 11-15, 70 percent for years 16-20, and 60 percent for years 21-25. For 2015, the nineteenth year of tax increment collection, the Agency will receive 70 percent of the tax increment generated in the Project Area; beginning with tax year 2017, the Agency will receive 60 percent of the tax increment generated in the Project Area.

The Agency is a legal entity, separate and distinct from the City. The Agency has the authority and power to borrow funds from other public agencies such as the City. See Utah Code Ann. §§ 17C-1-202(j) and 17C-1-207(1)(a)(viii). It is also specifically empowered to repay funds advanced to it. See Utah Code Ann. §§ 17C-1-202 and 17C-1-409. Thus the Loans and their repayment are both authorized under Utah law. The Loans from the City are specifically contemplated in the Project Area Plan in paragraph 601 (General Description of the Proposed Financing Methods), which states in relevant part:

> *Advances and loans for the processes in creating the Agency and adopting this plan for survey and planning, and for the operating capital for administration of this Project have been are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and/or to permit borrowing adequate working capital from sources other than the City. The City as it is able is authorized to supply additional assistance through city loans and grants for various public facilities. All advances and loans from the City shall bear a reasonable rate of interest.*
>
> *The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.*
>
> *The Agency is authorized to obtain advances, to borrow funds and to create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.*

In 1995, the City did indeed agree to advance the Agency up to $1.5 million so that the Agency could fund the establishment of the Project Area. The Agency approved the advance with Agency resolution 95-21 and the City Council approved the advance with City resolution 95-22 (the resolutions are enclosed with this letter). The Project Area Plan and the resolutions authorizing advances from the City to the Agency make clear that the advances are a loan, not a grant, and that the City expects and is entitled to be repaid.

The City eventually wrote off the amounts owed by the Agency concerning the Project Area; however, the fact that the City deemed the money uncollectable and decided the amount should be written off does not affect the Agency's legal obligation to repay the City. At the December 6, 2005 City Council Meeting, the Council discussed the issue, including a recommendation from the auditor that the City write off the amounts it was owed by the Agency. In addition to helping the City comply with the 18 percent maximum fund balance (as noted in the minutes), writing off the amount owed was likely the proper action under governmental accounting

standards based on the City's reasonable belief that it would not collect those amounts. The mere fact that the amounts owed by the Agency no longer appeared on the City's accounting records does not relieve the Agency of the obligation to repay the Loan.

As you know, note 10 (Contingencies) to the Agency's financial statements in the 2005 Audit report discusses a development agreement entered into by the Agency. The note is referring to the possibility of amounts owed by the Agency to a developer being forgiven in the event that collected tax increment under the particular agreement is less than the stated amount owed by the Agency to the developer. This is a typical condition for payments by agencies. In any case, amounts owed by the Agency to a developer, even for the 36th Street Project Area, are not tied to the outstanding advances from the City; forgiveness of amounts owed by the Agency to a Developer do not affect amounts owed by the Agency to the City.

I have reviewed the available documentation and discussed the issue with Matt Dixon and Steve Liebersbach. The Agency is legally authorized and legally obligated to repay the Loan to the City. Although some of the documentation for the Loan has not yet been located, it is clear that the Loan is a valid obligation of the Agency. The City should accept the Agency's partial payment of the Loan.

Please contact me with any questions or concerns.

Sincerely,
SMITH HARTVIGSEN, PLLC

J. Craig Smith
Adam S. Long

Encl.:

cc: Leesa Kapetanov, City Recorder and Agency Secretary
Steve Liebersbach, Director of Finance
Ken Bradshaw, City Attorney

CDRA Bonds and Loan Timeline

Red type indicates record has been included in file

November 24, 1992- City adopts Ordinance 829 approving the plan for 36th Street Redevelopment Project which outlined methods of financing. Craig Smith, city's current RDA Attorney, was involved in the creation and passing of the project area.

February 7, 1995- RDA passes parameters resolution for the issuance of bonds for 36th Street Redevelopment Project Area

February 21, 1995- City amends budget to allocate funds to the RDA for future operations (Annual contribution agreement-only have copy of unsigned and undated agreement). RDA enters into agreement? (No minutes saying they did, but it was on agenda for consideration).

April 18, 1995- Council approves resolution authorizing City to provide short term loans to the Agency to acquire property by the Agency in the 36th Street Project Area. (loans to come from water funds). Council approves Resolution 95-01 authorizing the preparation of issuance and sale of bonds for 36th Street Project (copy of resolution is not signed or dated; number comes from 1995 resolution index, date from minutes. The date in the index is assumed to be a typo).

April 26, 1995- Possible adoption of resolution authorizing sale of bonds. Possible ratification of resolution approving South Ogden RDA Shopping Center development agreement between South Ogden RDA and South Ogden City Center LLC, on April 18, 1995 and City's concurrent agreement; and a development assistance agreement between the City, the Agency, South Ogden City Center LLC, and Associated Food Stores Inc. (No minutes exist of this meeting, nor can the resolutions be found. Info comes from meeting agenda).

June 29, 1995- Minutes indicate short term loan mentioned in April 18, 1995 minutes was repaid but development outlined in development agreement was delayed (due to 36th Street widening delay).

August 1, 1995- No minutes exist, however copies of amended development agreements and unnumbered and unsigned copy of resolution are found under this date, as they were to be considered at the meeting.

August 20, 1995- Ratification of amended development agreements is tabled until signed documents are received.

September 5, 1995- Development agreements are ratified. A resolution exists, but is undated and unsigned (see end of September 5, 1995 minutes).

October 17, 1995- Second amendment to shopping center development agreement and ancillary agreements is approved. It addressed the delay of interest issue and provided that the date for closing be extended. It also provided a right of first refusal for the developer. It did not change terms or amounts that had to be paid.

December 12, 1995- Council/RDA pass Resolutions 95-21 and 95-22 approving the RDA to incur indebtedness to City. The resolutions refer to a Note, then says the "Note is incorporated herein by this reference", indicating there probably was not a

physical note, but merely the idea or reference of one. The resolutions state "the Agency has incurred substantial expenses to fulfill its obligations in carrying out the Plan and the Development Agreement, and these costs have exceeded the amount of the proceeds of tax increment bonds that have been issued in order to assist with the costs of carrying out these expenses;" they also ratify loans and advances already made.

February 17, 2004- City bonds for construction of the new City Hall and at the same time wraps the bonds from the 36th Street Project into the new bonds because the new bonds were at a better interest rate. The RDA continues paying its portion of the debt service on the new bonds.

May 3, 2005- RDA approves FY2006 tentative budget. City Manager Darrington reports the City would hire an "accountant who specialized in redevelopment projects to audit the City's records so they could determine how much revenue the City could expect in the future from each separate redevelopment project. A report would be given at a future meeting".

June 7, 2005- In the June 7, 2005 CDRA minutes, City Manager Darrington notes that the City would be taking whatever increment the 36th Street Project (Macey's) generated in the next six to seven years to pay off the bonds from the project.

December 6, 2005- City Manager Darrington reports during this City Council meeting that after auditing the RDA budget, auditor (Brent Litz) had recommended the City write off the money loaned to the RDA (on top of the debt service). This would leave a net revenue gain for the city. Unfortunately, there are no minutes for the RDA meeting held that day.

September 1, 2015 Craig Smith and Adam Long, RDA Attorneys, draft letter for Mayor and City Council to address the repayment of loans made by the City to the RDA. They state "The Agency is legally authorized and legally obligated to repay the Loan to the City".

RESOLUTION NO. 15-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH OGDEN COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, UTAH, AMENDING THE BUDGET FOR FY 2015-2016; PROVIDING THAT THE SAME SHALL BE AVAILABLE FOR PUBLIC REVIEW AND COMMENT; AND PROVIDING FOR AN EFFECTIVE DATE

SECTION 1 - RECITALS

WHEREAS, the Board of South Ogden Community Development And Renewal Agency ("Agency") is a quasi municipal corporation and Community Development And Renewal Agency duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the Board of Directors finds that in conformance with Utah Code ("UC") §10-3-717, the governing body of the Agency may exercise all administrative powers by resolution; and,

WHEREAS, the Board of Directors finds that in conformance with UC §10-6-111, the governing body of the Agency adopted a tentative budget "on or before the first regularly scheduled meeting of the governing body in the last May of the current period"; and,

WHEREAS, the Board of Directors finds that in conformance with UC §10-6-111, the budget officer of the Agency has adopted a final budget for the current fiscal year period, (FY 2015-2016) on forms provided by the state auditor, a tentative budget for each fund for which a budget is required; and,

WHEREAS, the Board of Directors finds that the Agency finds that certain exigencies of Agency governmental operations require that amendments be made to the current Agency budget and related documents; and,

WHEREAS, the Board of Directors finds that UC §10-6-119 provides authority for amending the Agency's budget as necessary; now,

Therefore, Be It Resolved By The Board Of Directors Of The South Ogden Community Development And Renewal Agency That The Agency Budget And Related Documents For Fiscal Year 2015-2016 Be, And The Same Hereby Are, Amended As Follows:

SECTION 2 – CHANGES TO BUDGET

Those changes set out in **Attachment "A"** of the 1st day of December, 2015, attached hereto, and incorporated as if fully set out, as those changes affect and adjust the previously authorized budget and other documents of various Agency departments and funds, ought to be, and the same are, adopted and enacted as amendments to the fiscal year 2015-2016 Budget for Board of Directors of the South Ogden City Community Development And Renewal Agency

BE IT FURTHER RESOLVED this Resolution shall become effective immediately upon its passage.

SECTION 3 - REPEALER OF CONFLICTING ENACTMENTS:

All orders and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the Board, or parts thereof, which conflict with any of this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 4 - PRIOR RESOLUTIONS:

The body and substance of all prior Resolutions, with their specific provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION 5 - SAVINGS CLAUSE:

If any provision of this Resolution shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed to be the separate independent and severable act of the Board of Directors of South Ogden Board Community Development And Renewal Agency.

SECTION 6 - DATE OF EFFECT:

This Resolution shall be effective on the 1st day of December, 2015, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF SOUTH OGDEN COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, STATE OF UTAH, on this 1st day of December, 2015.

SOUTH OGDEN COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

_____
James F. Minster
Board Chair

ATTEST:

_____
Leesa Kapetanov
Board Recorder

South Ogden City

December 01, 2015
Fiscal Year 2015 - 2016
CDRA Budget Amendment

	Balance Sheet Entries - Prior Period Adjustments	Debit Entry	Credit Entry
10-14-230	Loan Receivable from CDRA - General Fund	$567,034.40	
10-29-800	Fund Balance - General Fund		$567,034.40
51-14-110	Loan Receivable from CDRA - Water Fund	$374,477.83	
51-29-800	Fund Balance - Water Fund		$374,477.83
52-14-220	Loan Receivable from CDRA - Sewer Fund	$374,477.81	
52-29-800	Fund Balance - Sewer Fund		$374,477.81
61-29-800	Fund Balance - CDRA	$1,315,990.04	
61-22-000	Loan Payable to General Fund - CDRA Fund		$567,034.40
61-22-100	Loan Payable to Water Fund - CDRA Fund		$374,477.83
61-22-101	Loan Payable to Sewer Fund - CDRA Fund		$374,477.81
	* Balance sheet entries to set up receivable/payables		
61-22-000	Loan Payable to General Fund - CDRA Fund	$109,743.45	
61-22-100	Loan Payable to Water Fund - CDRA Fund	$72,476.18	
61-22-101	Loan Payable to Sewer Fund - CDRA Fund	$72,476.18	
10-14-230	Loan Receivable from CDRA - General Fund		$109,743.45
51-14-110	Loan Receivable from CDRA - Water Fund		$72,476.18
52-14-220	Loan Receivable from CDRA - Sewer Fund		$72,476.18
	* Entry to record payment of all prior years' interest		

	FY 2016 Budget Entries - Record CY Interest	Current Budget	New Budget	Difference
61-40-820	Loan Interest Expense - CDRA Fund	$0	$25,987	$25,987
10-36-100	Interest Earned - General Fund	$23,700	$34,897	$11,197
51-30-100	Interest Earned - Water Fund	$2,400	$9,795	$7,395
52-30-100	Interest Earned - Sewer Fund	$1,200	$8,595	$7,395
	* Budget for FY 2016 interest payments			

ATTACHMENT "A"

RESOLUTION NO. 15-03

A Resolution Of The Board Of Directors Of The South Ogden Community Development And Renewal Agency, Utah, Amending The Budget For FY 2015-2016; Providing That The Same Shall Be Available For Public Review And Comment; And Providing For An Effective Date

01 Dec 15

[Attachment to be provided by Agency Finance Officer]

Planning Commission Report

Subject: Proposal to Revise the Zoning Ordinance to Allow Chickens in Residential Zones (Title 10, Chapter 11 of South Ogden City Code)

Author: Mark Vlasic

Department: Planning & Zoning

Date: October 8, 2015

Background

This is an application to allow chickens in South Ogden City. While not addressed specifically in Title 10 (Zoning Regulations), chickens and other fowl are specifically prohibited in Title 4.1.2.K (Public Health and Safety – Specific Nuisances - Fowl Kept In Enclosure), which is defined as follows:

> *1. It shall be unlawful for any person to keep chickens, ducks, pigeons or other fowl in the city unless the same are at all times kept confined in proper pens or enclosures. All such pens or enclosures shall be kept in a clean and sanitary condition and shall not be placed or maintained within seventy five feet (75') of any dwelling.*
>
> *2. Notwithstanding this provision, no fowl shall be maintained or kept within the city unless the area wherein the fowl are kept or to be kept is zoned so as to allow such keeping. (1970 Code § 14-18; amd. 2001 Code)*

The second paragraph trumps the first, as fowl are only permitted in zones which allow such uses. The application does not specify which zone(s) the application refers to, although it is assumed that it is for residential purposes, and therefore residential zones. At present chickens are not allowed in any residential or commercial zones, but are permitted in manufacturing zones for the purpose of family food production. According to Title 10-14-6 ANIMALS AND FOWL of the zoning ordinance:

> *No barn, coop, pen or corral shall be maintained closer than one hundred feet (100') to any street, twenty five feet (25') to any lot line and seventy five feet (75') to any dwelling on an adjacent lot. (Ord. 673, 1-8-1980*)

The application is very specific regarding the number and type of fowl to be allowed, as follows:

- 3-5 female chickens
- License required including a yearly fee
- Coops no closer than 50 feet from residences
- No selling of meat or eggs permitted

A similar application was heard by the South Ogden City Council in May 2011. According to the minutes of that meeting, Council Member Orr questioned whether the city would be able to allow chickens in the city and still be fair to the neighbors with the chickens. She was nervous about the rodents chickens attracted and also questioned whether the city would be able to maintain enforcement of the ordinance

if chickens were allowed. She also felt if the city allowed chickens, it would open the door to other small animals such as pigs, goats, rabbits, etc.

Council Member Bradley commented he was not against talking about the issue, and directed staff to study the issue further to see if they felt they wanted to change the zoning to allow chickens. He had not heard any arguments for or against allowing chickens in the city.

Council Member Benard felt he had not heard a good reason to change the ordinance. He had done a little research, and had found no compelling reason to allow chickens in predominantly residential neighborhoods. He felt although the council had heard from one or two citizens who wanted chickens in the city, the majority of the citizens would be opposed to the idea and would not want the city to waste taxpayer money for the time and effort to study the matter further. He said the city already had enough code enforcement issues in the upkeep of properties and should focus its limited resources on those issues and not chickens.

Council Member Smith added that if the city does consider allowing chickens, all citizens should have the opportunity for input. He was also aware of other communities that allowed chickens, and knew there would be additional costs to the city for code enforcement; chickens would wander into neighboring yards and would attract rats and raccoons. He stated he was not opposed to looking at the issue further, and would like some more information. He wanted to make sure all issues were addressed.

Council Member Porter commented that he had viewed some information stating both advantages and disadvantages in allowing chickens. He also was concerned with code enforcement. Although he was now aware of some more advantages to having chickens, he was also aware of many disadvantages,

Mayor Minster felt that the ordinance should be left as is-chickens should not be allowed. Council Member Porter moved to leave the ordinance as is in regards to chickens, which was approved unanimously.

Discussion

There are many benefits to raising chickens and harvesting one's own eggs. According to a recent article in the salt the Deseret News (*The downside of raising backyard chickens* by Flint Stephens, Deseret News. Friday, June 8 2012 2:00 p.m.), urban chicken proponents tend to understate many of the accompanying challenges. With growing interest in keeping backyard chickens, there are distinct pros and cons, negatives and challenges.

Debate tends to focus on things like noise and smell, but there are many others to consider, including the following:

Noise
While roosters crow early, loudly and often, hens also make a racket. Chickens squabble all day long, and plenty of cackling usually accompanies the activity.

Expense
Store-bought eggs are a bargain when compared to the cost of keeping a backyard flock. Setting up a coop with all the equipment can easily cost a few hundred dollars. Then an aspiring chicken rancher must feed and maintain the chicks for five or six months. Only then will he be

able to start collecting eggs. According to www.poultrykeeper.com, in the first 18 months of its life, an exceptional hen could lay up to 250 eggs. At a price of $2 a dozen, that is $42 worth. Multiplied by five chickens, that amounts to about $210. That means it could take three or four years to break even on the initial investment, and that doesn't count labor or continuing costs for feed.

Garden damage

Chickens are living cultivators and rototillers. That can be a good thing when they are eating bugs and weeds. Unfortunately, chickens can't distinguish between weeds and newly emerging garden vegetables.

Smell and mess

Anyone who has been near a commercial chicken operation has undoubtedly experienced some unpleasant scents. Fortunately, keeping a few chickens at home is not comparable. One benefit of Utah's dry climate is that there is little smell or mess with properly maintained backyard chickens. Six chickens produce about the same waste as a medium-sized dog.

Culling

This is a reality every chicken owner must confront. Even when maintaining hens for eggs, there will eventually be old and unproductive hens. Sometimes chickens become injured or sick, and it makes little sense to spend lots of money taking them to a veterinarian. And when one buys baby chicks from a farm store, some turn out to be roosters — even when the signs on the cages promise they are pullets (young females). Killing chickens is not fun. One can give them away, but that just forces someone else to deal with the problem.

Another reality is that chickens allowed to roam or range are not very good to eat. Unlike the grocery store birds, free-range chickens have little or no fat. They are also tough — as in chewy. If one hopes to raise birds for the table, they need to be confined and eaten at a young age; otherwise, plan on chicken soup instead of fried chicken.

Predators

Even in urban areas, chickens attract predators. In Utah, the list includes raccoons, foxes, skunks, mink, weasels, hawks, magpies, dogs and cats. Some are primarily interested in eggs or young chickens. The prospect of eggs or a chicken dinner draws them all. If successful, they will return repeatedly. A sturdy enclosure and regular maintenance are necessary.

Constant care

Chickens need daily attention. They must have food and fresh water. They need to be let out in the mornings and put away at night. Eggs must be collected daily. Coops must be cleaned regularly (at least a couple times each month). Nesting and bedding materials must be provided and changed. Ignoring any of these tasks for even a day or two is irresponsible.

Staff also conducted a review of ordinances related to the keeping of chickens along the Wasatch Front indicates little consistency. As summarized below, both Salt Lake City and Salt Lake County allow chickens, although SLC allows chickens within residential zones while the county only allows chickens within agricultural zones. Both Ogden and Roy prohibit chickens, which has sparked protest in recent months.

1) Salt Lake City Utah Chicken Ordinance

Are Chickens Allowed in this location Yes
Max Chickens Allowed 15
Roosters Allowed No
Permit Required Yes
Coop Restrictions Chickens shall be confined within a secure outdoor enclosed area. 1. The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop. a. The coop shall have a minimum floor area of at least two (2) square feet per chicken. b. If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken. 2. The coop shall be located in a rear yard at least twenty-five (25) feet from any dwelling located on an adjacent lot. a. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be maintained as provided in Section 8.08.070 of this chapter.

2) Salt Lake County Utah Chicken Ordinance

Are Chickens Allowed in this location Yes
Max Chickens Allowed 50
Roosters Allowed No
Permit Required No
Coop Restrictions No closer than 40 feet to another dwelling

3) Ogden Utah Chicken Ordinance

Are Chickens Allowed in Ogden No
Max Chickens Allowed Unknown - (100 pigeons, no mention of chickens)
Roosters Allowed No
Permit Required N/A
Coop Restrictions N/A

Additional articles secure on the internet are located at the end of this report.

Recommendation:

Staff recommends that no change be made to the zoning ordinance to permit the keeping of female chickens as requested, as it has not been demonstrated that such a change is desired by the general populace of South Ogden City.

ADDITIONAL INFORMATION FROM THE INTERNET: ARTICLES AND SUMMARY OF KEY COMMUNITY ORDINANCES, INLCUDING

1- Ogden's ban on backyard chickens irks urban millennials

MONDAY, JUNE 01, 2015 - 9:56 AM
By Leia Larsen

Editor's note: This is the second in a two-part series about the urban chicken movement in northern Utah. See story one to see how chicken complaints in Ogden stack up against neighboring cities and to learn about the growing guerrilla movement for backyard chickens.

Jill Little and Wally Cromar work at the corporate headquarters of the Intermountain Farmers Association, or IFA, in Salt Lake City. They're both young, they're city-dwellers and they're backyard chicken fans. "I think for me, the benefit is a couple things. I'm an avid gardener, so having poultry is helpful not just for eggs, it's for fertilizer, it's for bugs," Cromar said, who works as IFA's category manager for feed and live animals. "They're great animals to have around if you're into gardening and producing your own things."

Cromar has three hens in the backyard of his house located in Salt Lake City's hip Ninth and Ninth district. Little, IFA's advertising coordinator, said she lives on a lot in Salt Lake that's too small for chickens, but she grew up on a farm in Morgan. When she wants fresh eggs, she takes a trip north to see her parents.

"It's not necessarily getting back to nature, but that concerned interest in where your food comes from and how it's produced, I think, that has really generated a lot of the interest in backyard chickens," Little said.

Among the half-dozen or so backyard chicken owners interviewed by the Standard-Examiner, IFA always comes up when discussing their birds. It's where they go to get their live hens, feed and supplies. They go to IFA to get advice on building and chick nutrition. Cromar and Little confirmed that for IFA, the chicken business is booming.

"The amount of chickens we've been selling has grown hand over fist as people get that comfort," Little said. "I think we are experts; we have the feed, the products and the knowledge."

Wally Cromar and Jessica Little stand near the live rabbits and chicks for sale at the corporate headquarters of the Intermountain Farmers Association in Salt Lake City on May 21, 2015. IFA got its start as the Utah Poultry & Farmers Cooperative in the 1920s, distributing Utah eggs throughout the nation. It changed its name in the 1960s and opened its first country stores in the 1970s.

They've got 19 Country Stores in Utah, and another five in four neighboring states. The IFA representatives didn't provide exact numbers, but the most urban of their stores, Salt Lake City, sells the most chickens, they said. The Ogden store, which is technically just over the city line in Marriott-Slaterville, is second.
"Our chicken business is a big business," Cromer said. "I think chickens enhance a community. It's a great way to have connection with your neighbors." Over the last five years or so, Utah cities from Brigham City to Salt Lake to Provo to St. George have adopted ordinances allowing hens in residential backyards. But a few cities have held out, Ogden being the largest.

Among their concerns is that this backyard poultry thing could just be a fad. If folks start taking on chickens in droves, then decide they're too much work, what does the city do with abandoned birds that can live up to 10 years? Even if the chicken crusade has staying power, city staffs have wondered, don't most people move to cities to get away from farm animals? Are the smaller, denser lots found in cities and diverse demographics conducive to keeping everyone happy?

Fad, fringe or something else?

As the backyard chicken movement has gained steam over the past decade, the news media has alternatively called it a "fad," "trend" and a "craze." It turns out, there isn't much research to add veracity to those claims. If urban chickens were just a "fad," it seems to follow that local animal shelters would be getting overrun by chickens as well, as poultry owners turned in their chickens or abandoned them after losing interest.

Inquiries with the Humane Society of Utah, however, suggested otherwise. They said they haven't found a noticeable increase in chicken calls since the state's various cities started adopting various ordinances. In Davis County, where nearly every large city allows urban chickens, Director of Animal Services Clint Thacker said he hasn't seen a significant influx of chickens coming to the shelter.

"If anything, this year has been low compared to previous years," he said. "It seems people know how to take care of them … (and) we don't get very many loose chicken calls. It's nothing compared to dogs and cats."

Numbers suggest that backyard chickens don't seem to be much of a "craze," either. One the few national urban poultry studies, conducted by the U.S. Department of Agriculture in 2013, looked at backyard chickens in four cities — Los Angeles, New York, Miami and Denver. It found that only between 0.2 and 1.7 percent of urban households have chickens.

2-Roy residents told to back off about chickens

TUESDAY, AUGUST 26, 2014 - 3:32 PM
By RACHEL J. TROTTER
Standard-Examiner correspondent

ROY – Roy leaders told chicken proponents to back off until further notice about having the fowl in all zones in the city. For the past few weeks, a group of residents has been petitioning the city to allow chickens in all zones. They came with a petition of names and several spoke during the last two city council meetings about their desire for chickens in residential zones. Many are from the same group that went the rounds with the city over the issue last year. Last year, the council declined the planning commission's recommendation to allow chickens in all zones, leaving them to be allowed only in agricultural zones.

"I guess I've been the fly in the ointment here," Mayor Willard Cragun said, referring to when he was on the council and discouraged chickens in all zones. "The problem is when you start, where do you stop? I have someone asking me for pigs every week." Cragun advised the residents to leave the issue alone and abide by the law as it stands, and that maybe in the future, the ordinance would be brought back. "Just abide by the law," Cragun said over and over again.

Two weeks ago, the council said it would think about bringing back discussion on the all-zones

ordinance, but at the most recent meeting, the answer was a firm no. At that, the pro-chicken residents said they were frustrated and said they have felt targeted by the city's code enforcement officer. Resident Gregory Sagun said several of his neighbors who have kept chickens in violation of the city ordinances have been cited in recent months, even though they were told that if no one complained about it, the code enforcement officer wouldn't investigate them. Another resident, Christee Kyte, said she also went the rounds with the city because her chickens are grandfathered in from an ordinance back in the 1970s because that's how long chickens have been at the residence.

"This all began because members of the community wanted this. I do feel I have been targeted because of my involvement," Kyte said. "I talked to all my neighbors and there hasn't been one complaint," Sagun said. "For the code enforcement officer to come down and say she has a complaint, that just makes no sense. I think we are being targeted," Sagun said. He added that he and his neighbors want to be heard by the council.

City Councilman John Cordova said the idea had been suggested to put the issue on the ballot. At that, acting City Manager Andy Blackburn said no other cities had done that. "Until a council member wants to put it on the agenda, it's a done deal, the ordinance stands as it is," Blackburn said. Kyte and Sagun both continued to bring up points with the council, pointing out how residents had done their due diligence to get the issue brought up to the council and that there is still a desire by many residents. At that, City Councilman Dave Tafoya put a stop to the conversation.

"Look, they are allowed in R-20 (agricultural) zones. Does anyone on the council want to change that?" No council members responded. "No. It's a done deal," Tafoya said. The council then moved on to the next item, but Sagun continued to quietly complain about the issue through the meeting, and Kyte walked out with several family members. Both said they will continue the process to get chickens in the future.

Planner Vlasic gave a quick summary concerning the PRUD and Multiple Buildings on A Single Lot Ordinances. He said the current PRUD ordinance left too much to interpretation. The new PRUD Ordinance was incentive based and encouraged better utilization of the land and a better development. Likewise, the new Multiple Buildings on A Single Lot Ordinance was more defined and understandable. It only applied to the R-3, R-4 and R-5 zones.
Chair Heslop asked if there were any comments concerning the PRUD Ordinance. There were no comments. The Chair called for a motion.

Commissioner Bradley moved to recommend approval to the PRUD Ordinance. The motion was seconded by Commissioner Rounds. Chair Heslop called the vote:

Commissioner Pruess-	**Aye**
Commissioner Layton-	**Aye**
Commissioner Bradley-	**Aye**
Commissioner Rounds-	**Aye**

The vote was unanimous in favor of the motion.

B. <u>Discussion and Recommendation on Proposed Amendments to Title 10, Chapter 13 Having to Do with Multiple Buildings on a Single Lot</u>

Mr. Vlasic re-iterated that this ordinance would encourage better development in the R-3, R-4, and R-5 zones.
Chair Heslop called for any discussion, and seeing none, he entertained a motion concerning the ordinance.

Commissioner Layton moved to recommend approval of Title 10, Chapter 13 having to do with multiple buildings on a single lot. Commissioner Rounds seconded the motion. The Chair called the vote:

Commissioner Pruess-	**Aye**
Commissioner Layton-	**Aye**
Commissioner Bradley-	**Aye**
Commissioner Rounds-	**Aye**

The motion passed.

C. <u>Discussion and Recommendation On Whether to Amend Zoning Ordinance to Allow Chickens (Tabled from previous meeting)</u>

Commissioner Layton began the discussion by saying he had taken some time to review the comments made at the previous meeting's public hearing as well as do some research on what other cities are doing concerning chickens. He had changed his opinion about the matter since the last meeting. He had actually raised chickens where he grew up, which was in the country. However, several issues had been talked about at the last meeting, including the fact that the City did not have the manpower to enforce the keeping of chickens; after weighing things altogether, he was of the opinion that the zoning ordinance should remain as is; chickens should not be allowed. He believed there were many people against allowing chickens in the community who had not come to the public hearing.

Not Approved

Commissioner Bradley said he was still against allowing chickens, but if chickens were allowed, he had thought that neighbors should be able to give their approval; however as he thought about it, he did not see a way that involving neighbors in the approval process would work.
Commissioner Pruess stated he was still in favor of allowing chickens. None of those who commented at the public hearing wanted to have a lot of chickens. They seemed to only want one or two and keep them as pets. He recommended allowing them but having regulations to keep the number of chickens to a minimum as well as restricting the location of the coop. The majority of those who spoke at the public hearing were in favor of allowing chickens and he felt to be fair the Commission needed to make the recommendation to the Council to allow them.
Commissioner Rounds said he had not been present at the last meeting, but he had read through the minutes and reviewed the public comments. He agreed with Commissioner Pruess that they needed to recommend that chickens be allowed so it would move forward to the City Council; he would vote in favor of it so that the Council would decide the matter.

Commissioner Pruess moved to recommend to the Council that chickens be allowed in the City with the parameters he had set forth in his motion at the last meeting (Note: the motion was: no barn, coop, pen or corral could be kept or maintained closer than 75' to any street, 25' to any lot line, or 50' to any building on an adjacent lot. He added that there should not be any more than 3 hens allowed on lots 7,000-14,000 square feet, and no more than 5 hens on 14,000 square to feet-half acre lots. Also, anyone wishing to have chickens would have to get a permit and the permission of any neighbors on either side of the person wanting the hens. Also, neither roosters nor processing should be allowed). Mr. Pruess said he would withdraw the requirement of neighbors giving approval as it seemed to not be feasible. He also added that no eggs could be sold. Commissioner Layton seconded the motion. Chair Heslop asked if there were any discussion on the motion. City Manager Dixon said he wanted to clear up the misconception that if the Planning Commission did not recommend allowing chickens it would not go forward to the City Council. The Planning Commission was making a recommendation and whether that recommendation was to leave the ordinance as is or allow chickens, it would still be forwarded to the City Council. Commissioner Rounds said if they did not recommend approval, there would be nothing to go forward to the Council, and it could only be the Council who could change the ordinance anyway. Mr. Dixon said the Planning Commission really did not have the authority to "kill" a petition to amend the ordinance, but they could recommend that it be changed or that the ordinance remain the same. He did not want to think they had to vote differently from how they felt in order for the issue to move forward to the City Council. There was no more discussion. **The Chair called the vote:**

Commissioner Pruess-	**Aye**
Commissioner Layton-	**Nay**
Commissioner Bradley-	**Nay**
Commissioner Rounds-	**Aye**

The vote resulted in a tie. Chair Heslop's vote was needed to break the tie.

Chair Heslop-	**Aye**

The motion passed.

Not Approved

City Council Staff Report

Subject: Amending the Culinary Water CFP
Author: Jon Andersen
Department: Public Works
Date: December 1, 2106

Recommendation

City Staff is recommending that Ordinance 15-26 - Amending the Culinary Water Capital Facilities Plan and Impact Fee Analysis be passed. It will help the City seek funding through grants to help improve the water distribution system.

Background

The CFP is a plan was revised in 2008. The amendment will add a few projects to the plan that need to be completed. In order to seek grant money for some of the water projects, the projects need to be in the CFP plan or the projects are not eligible for funding from certain grant funding sources.

Analysis

During the road construction project on 38th street last year, it was discovered that the waterline in that area all have lead joints. City staff has 37th road project bid out, since this road will be rebuilt and the waterline needing to be upsized from a 6" to 8", City staff is recommending that we replace/upsize the waterline while the road is being rebuilt. We are seeking grant funding for the project through the Community Development Block Grant (CDBG) process. To be eligible for the funding through the CDBG the project needs to be located in a low-Moderate income area of the City. CDBG funding was used to complete the 850 E. road project a few years ago. The funding requirements have changed and the City can seek up $250,000 for a utility project. South Ogden can use the road project funds for matching fund to help improve the application. The grant applications are due January 29, 2106.

Significant Impacts

If grant funding is received there will be little impact to the water enterprise fund to complete the project. According to the estimate the water fund would have to pay $7,640.00 of the estimated $257,640.00 for the project. The water fund will be responsible for any amount over $250,000.00

Attachments

Proposed amendments
Map - CFP projects

WASATCH CIVIL
Consulting Engineering

Mayor James F. Minster
South Ogden City Corporation
3950 South Adams Avenue
South Ogden City, Utah 84403

November 24, 2015

RE: Amendment to the South Ogden City Culinary Water Capital Facilities Plan and Impact Fee Analysis

Dear Mayor Minster:

It is our understanding that South Ogden City Corporation wishes to amend their Culinary Water Capital Facilities Plan and Impact Fee Analysis. Following additional analysis and modeling, it was discovered that an additional project should be added to the Distribution System Improvements. The project that is proposed to be added to the study is the 37th Street Waterline Replacement Project and will be identified as project No. P-1. It will replace a project that has been completed.

The following items are attached to this letter:

1. Updated Table 5-1, Distribution Project Improvements
2. Updated Table 6-1, Project Allocation
3. Updated Table 6-2, Impact Fee Calculation
4. Revision of Section entitled, "ASSESSING IMPACT FEES TO NEW DEVELOPMENT"
5. Revised Exhibit 5-3, System Improvements Map.

The revisions in the tables and sections indicated are shown in italics. If you have any questions regarding the information presented herein, or need additional information, please do not hesitate to call.

Sincerely,

WASATCH CIVIL CONSULTING ENGINEERING

Brad Jensen, P.E.
City Engineer

PHONE 801-775-9191 • FAX 775-9197

TABLE 5-1 (Amended)
DISTRIBUTION SYSTEM IMPROVEMENTS

Project No.	Description	Length	Estimated Cost	Comment
P-1	***Replace an Existing 6" Line With a new 8" Diameter D.I. Water Line on 37th St. Between Washington Blvd. and Orchard Ave.***	***1,280 feet***	***$257,640.00***	***Improves Fire Flow in the Area and Replaces a Sub-standard Line.***
P-2	Replace an Existing 6" Line w/ an 8" Line on Adams Avenue Between 4942 South and Adams Avenue Pump House	1,100 feet	$158,610.00	Provides an Emergency Feeder Line for the City
P-3	Replace an Existing 4" Line w/ an 8" Line on Madison Avenue Between 3800 South and 3700 South and on 3700 South From Madison Ave. To the South Ogden Boundary.	1,735 feet	$235,932.00	Improves Fire Flow Madison Avenue
P-4	Replace an Existing 4" Line w/ an 8" Line on Jefferson Between 3600 South and 3800 South Streets.	1,425 feet	$151,668.00	Improves Fire Flow on Jefferson Avenue
P-5	Furnish and Install a PRV Station on Burch Creek Hollow at 785 East	N.A.	$89,676.00	Improves Fire Flow in the Area
P-6	Replace Existing 4" Line w/ an 8" Line on Leona Drive Between 4000 South and Leona Drive.	1,100 feet	$168,318.00	Improves Fire Flow in the Area
P-7	Replace Existing 4" Line w/ an 8" Line on Adams Avenue Between 4000 South and Leona Drive.	925 feet	$129,882.00	Improves Fire Flow on Adams Avenue
P-8	Replace Existing 4" Line w/ an 8" Line on Adams Avenue Between 3800 South and Sylvia Drive.	600 feet	$85,140.00	Improves Fire Flow on Adams Avenue
P-9	Replace an Existing 6" w/ an 8" Line on 5375 South Street in the Cul-De-Sacs East and West of 1300 East Street.	1,500 feet	$181,140.00	Improves Fire Flow to Both Cul-De-Sacs
P-10	Replace an Existing 6" Line w/ an 8" Line on 900 East Between 5700 South and the End of the Cul-De-Sac.	560 feet	$68,364.00	Improves Fire Flow in Cul-De-Sac
P-11	Replace an Existing 4" Line w/ an 8" Line on Liberty Avenue Between Monroe Blvd, and Country Hills Drive.	1,140 feet	$137,580.00	Improves Fire Flow on Liberty Avenue
P-12	Disconnect Fire Hydrants form an Existing 4" Line and Connect them to an Existing 8" Line on the We3st Side of Washington Blvd. Between Monroe Blvd. And Country Hills Drive.	150 feet	$53,580.00	Improve Fire Flow for two Hydrants on the East Side of Washington Blvd.

P-13	Replace an Existing 4" Line w/ an 8" Line on Bel Mar Drive Between Madison Ave. And 775 East.	615 feet	$89,700.00	Improve Fire Flow on Bel Mar Drive
P-14	Replace an Existing 4" Line w/ an 8" Line on Maple Street Between Madison Ave. And 3600 South Street and on Madison Avenue Between 3600 and 3700 South Streets.	1,715 feet	$214,260.00	Improve Fire Flow on Maple Street
P-15	Construct an 8" Diameter Water Line on Edgewood Drive from 600 East to Burch Creek Drive.	1,440 feet	$118,890.00	Improves Circulation and Fire Flow
P-16	Replace an Existing 4" Line w/ an 8" Line on Adams Avenue Between Leona Drive and 3700 South Street.	992 feet	$143,256.00	Improves Fire Flow on Adams Avenue
P-17	Construct a New PRV Station at 3850 South on Orchard Drive.	NA	$89,676.00	Existing PRV is not Functioning
P-18	Replace Existing 6" Line w/ an 8" Line on Burch Creek Drive Between Oak and Kawana Drives.	2,365	$290,910.00	Existing Line is Deteriorating and Requires Excess Maintenance.
P-19	Replace Existing 6" Line w/ an 8" Line on Kawana Drive Between Oak and Burch Creek Drives.	2,500 feet	$319,610.00	Existing Line is Deteriorating and Requires Excess Maintenance.
P-20	Reconstruct Inlet Structure in Strongs Canyon.	N.A.	$105,000.00	Existing Structure in Restricting Flow
P- 21	Replace and Realign an Existing Walter Line Between the Strongs Canyon Diversion Structure and WBWCD Treatment Plant No. 2 .	9,500 feet	$812,430.00	Existing Line is Undersized and is Restricting Flow
P-22	Install a SCADA System on PRVs Throughout South Ogden City. Replace an Existing 4" Line w/ an 8" Line on Liberty Avenue Between Monroe Blvd, and Country Hills Drive.	N.A.	$327,600.00	Will Improve the Overall Efficiency of the System.
P-23	Install a SCADA System on Diversion Structures in Burch Creek Canyon and Strongs Canyon.	N.A.	$75,600.00	Will Improve the Overall Efficiency of the System.
P-24	Replace Existing Water Meters with Touch Read or Radio Read Meters Throughout South Ogden City.	N.A.	$148,800.00	Will Improve the Overall Efficiency of the System.
P-25	Replace and Existing 14" Transite Line With 14" Diameter D.I. Water Line on Country Hills Drive Between Harrison Blvd. And Grammercy Avenue.	3,150 feet	$439,320.00	Replaces a Sub-standard Line.
P-26	Future Planning Studies.	N.A.	$20,000.00	Improves Fire Flow on Adams Avenue
Project Total			***$4,912,592.00***	

TABLE 6-1 (Amended)
PROJECT COST ALLOCATION

Project No.	Project Description	Existing System Upgrade Cost [1]	Cost to Existing System [2]	Cost to New Growth [3]	Total Cost
P-1	***Replace an Existing 6" Line With a new 8" Diameter D.I. Water Line on 37th Street Between Washington Blvd. and Orchard Avenue.***	***$128,820.00***	***$128,820.00***		***$257,640.00***
P-2	Replace an Existing 6" Line w/ an 8" Line on Adams Avenue Between 4942 South and Adams Avenue Pump House		$134,818.00	$23,792.00	$158,610.00
P-3	Replace an Existing 4" Line w/ an 8" Line on Madison Avenue Between 3800 South and 3700 South and on 3700 South From Madison Ave. To the South Ogden Boundary.		$235,932.00		$235,932.00
P-4	Replace an Existing 4" Line w/ an 8" Line on Jefferson Between 3600 South and 3800 South Streets.		$151,668.00		$151,932.00
P-5	Furnish and Install a PRV Station on Burch Creek Hollow at 785 East			$89,676.00	$89,676.00
P-6	Replace Existing 4" Line w/ an 8" Line on Leona Drive Between 4000 South and Leona Drive.		$168,318.00		$168,318.00
P-7	Replace Existing 4" Line w/ an 8" Line on Adams Avenue Between 4000 South and Leona Drive.		$129,882.00		$128,882.00
P-8	Replace Existing 4" Line w/ an 8" Line on Adams Avenue Between 3800 South and Sylvia Drive.		$85,140.00		$85,140.00
P-9	Replace an Existing 6" w/ an 8" Line on 5375 South Street in the Cul-De-Sacs East and West of 1300 East Street.		$181,140.00		$181,140.00
P-10	Replace an Existing 6" Line w/ an 8" Line on 900 East Between 5700 South and the end of the Cul-De-Sac.		$68,364.00		$68,364.00
P-11	Replace an Existing 4" Line w/ an 8" Line on Liberty Avenue Between Monroe Blvd, and Country Hills Drive.		$137,580.00		$137,580.00

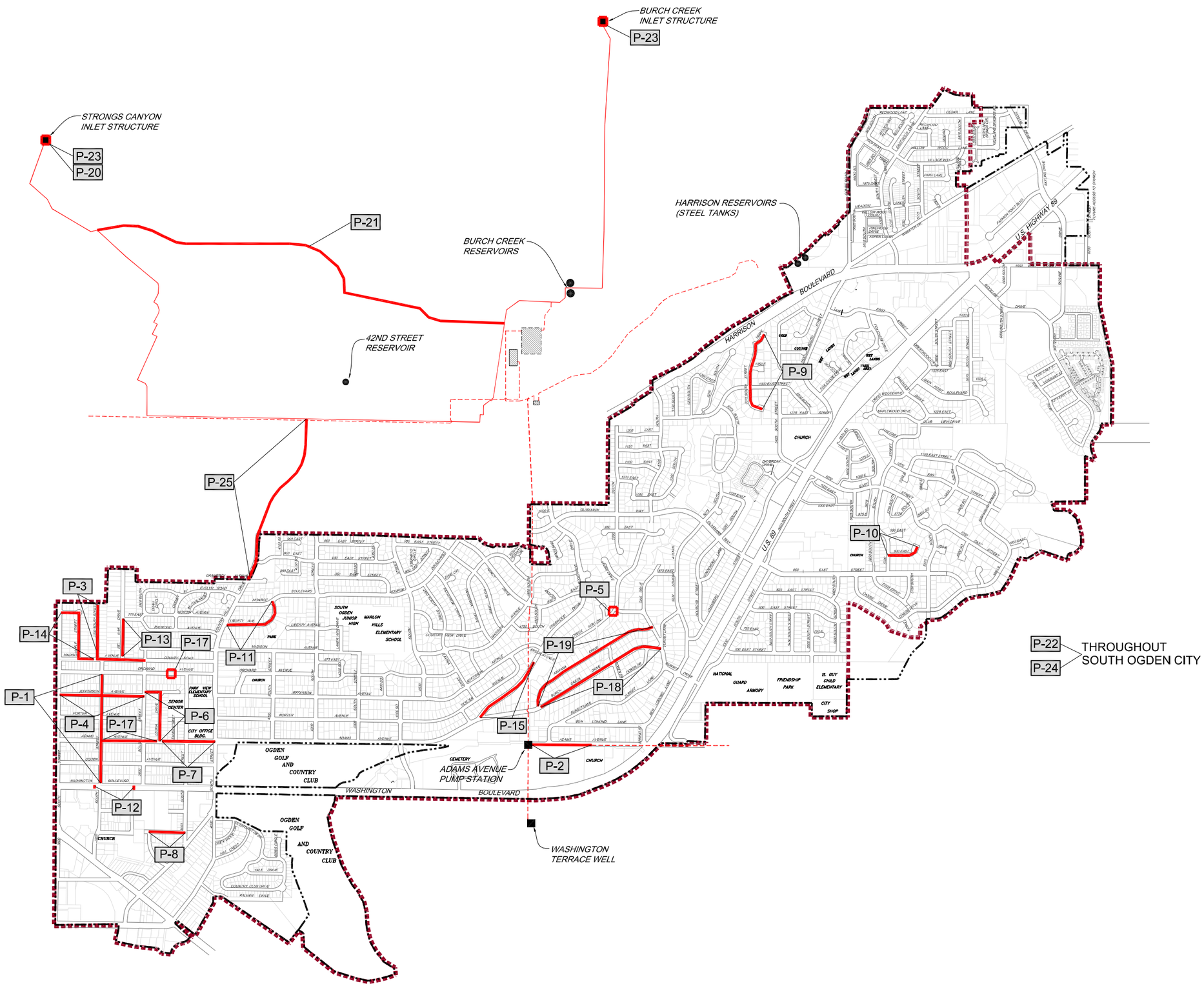
P-12	Disconnect Fire Hydrants form an Existing 4" Line and Connect them to an Existing 8" Line on the We3st Side of Washington Blvd. Between Monroe Blvd. And Country Hills Drive.		$53,580.00		$53,580.00
P-13	Replace an Existing 4" Line w/ an 8" Line on Bel Mar Drive Between Madison Ave. And 775 East.		$89,700.00		$89,700.00
P-14	Replace an Existing 4" Line w/ an 8" Line on Maple Street Between Madison Ave. And 3600 South Street and on Madison Avenue Between 3600 and 3700 South Streets.		$214,260.00		$214,260.00
P-15	Construct an 8" Diameter Water Line on Edgewood Drive from 600 East to Burch Creek Drive.		$101,056.00	$17,834.00	$118,890.00
P-16	Replace an Existing 4" Line w/ an 8" Line on Adams Avenue Between Leona Drive and 3700 South Street.		$143,256.00		$143.256.00
P-17	Construct a New PRV Station at 3850 South on Orchard Drive.	$89,676.00			$89,676.00
P-18	Replace Existing 6" Line w/ an 8" Line on Burch Creek Drive Between Oak and Kawana Drives.	$290,910.00			$290,910.00
P-19	Replace Existing 6" Line w/ an 8" Line on Kawana Drive Between Oak and Burch Creek Drives.	$319,620.00			$319,620.00
P-20	Reconstruct Inlet Structure in Strongs Canyon.		$105,000.00		$105,000.00
P-21	Replace and Realign an Existing Walter Line Between the Strongs Canyon Diversion Structure and WBWCD Treatment Plant No. 2 .	$406,215.00	$406,215.00		$812,430.00
P-22	Install a SCADA System on PRVs Throughout South Ogden City. Replace an Existing 4" Line w/ an 8" Line on Liberty Avenue Between Monroe Blvd, and Country Hills Drive.	$245,700.00	$81,900.00		$327,600.00
P-23	Install a SCADA System on Diversion Structures in Burch Creek Canyon and Strongs Canyon.	$56,700.00	$18,900.00		$75,600.00
P-24	Replace Existing Water Meters with Touch Read or Radio Read Meters Throughout South Ogden City.		$148,800.00		$148,800.00

P-25	Replace and Existing 14" Transite Line With 14" Diameter D.I. Water Line on Country Hills Drive Between Harrison Blvd. And Grammercy Avenue.	$439,320.00			$439,320.00
P-26	Future Planning Studies			$20,000.00	$20,000.00
	Totals	***$1,976,961.00***	***$2,784,329.00***	***$151,302.00***	***$4,912,592.00***

1. These are upgrades to the existing system that are not eligible for funding by impact fees.
2. These are projects that will benefit the entire system so are funded by impact fees. The cost is spread over the entire service base population (ERUs).
3. These are project that are required because of growth so are funded by impact fees. The cost is spread over the by future population (ERUs) only.

TABLE 6-2 (Amended)
IMPACT FEE CALCULATION

Description	Capital Cost ($)	Service Base (ERUs)	Cost per ERU ($/ERU)
Costs to Existing System	***$2,784,329.00***	*7,777*	***$358.02***
Costs For New Growth	***$151,302.00***	1,177	***$128.55***
		Total	***$486.57***



SOUTH OGDEN CITY CORPORATION

N

SCALE: 1" = 1600'

LEGEND

- STUDY AREA BOUNDARY
- S.O. CITY LIMITS
- P-XX PROJECT REFERENCE NO.
- LOCATION OF CAPITAL IMPROVEMENT PROJECT

WC-CAD\07-SOC\100-WATER\WATER-STUDY\DWG\BASE3.DWG

SYSTEM IMPROVEMENTS MAP

EXHIBIT 5-3

DESIGNED B.L. DATE FEBRUARY 19, 2008
DRAWN S.R.H. SCALE 1" = 1600'
CHECKED M.T.M.

WASATCH CIVIL Consulting Engineering
5320 SOUTH 1950 WEST, SUITE 1
ROY CITY, UTAH 84067 (801) 775-9191

ORDINANCE NO. 15-26

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING THE CITY'S CULINARY WATER STORAGE AND DISTRIBUTION CAPITAL FACILITIES PLAN IN CONFORMANCE WITH THE PROVISIONS OF UCA § 11-36-201 ET. SEQ., AND CONFIRMING AND ADOPTING THE FINDINGS OF THE CITY'S CULINARY WATER CAPITAL FACILITIES PLAN AND IMPACT FEE ANALYSIS DATED DECEMBER, 2015; AND ESTABLISHING AN EFFECTIVE DATE FOR THESE CHANGES.

BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH AS FOLLOWS:

Section 1. Recitals

WHEREAS, the City Council of SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds that in conformance with ,and UCA §10-3-701, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that in conformance with UCA §11-36a-201 et.seq., the City Council finds that the City is authorizes to enact and promulgate certain impact fees within the city; and,

WHEREAS, the City Council finds that in conformance with UCA §11-36a-301 et.seq, the City Council finds that impact fees may be imposed within the city must be in conformance with and as supported and justified in need and amount by the City's Culinary Water Capital Facilities Plan and Impact Fee Analysis; and,

WHEREAS, the City Council finds that in conformance with UCA §11-36a-301, the City Council finds that a Culinary Water Storage and Distribution Capital Facilities Plan has been adopted by the City following a public hearing before the City Council; and,

WHEREAS, the City Council finds that in conformance with UCA §11-36a-301, the City Council finds that its Culinary Water Storage and Distribution Capital Facilities Plan should be amended, and that such amendments have been made by the City's Consulting Engineers, Wasatch Civil Consulting Engineering, by way of a "Culinary Water Capital Facilities Plan and Impact Fee Analysis" dated as of December, 2015, which update has now been the subject of a public hearing before the City Council; and,

WHEREAS, the City Council finds that in conformance with UCA §11-36a-304, the City's Culinary Water Capital Facilities Plan and Impact Fee Analysis, as now amended, identifies the: (i) demands placed upon existing public facilities by new development activity; and (ii) the proposed means by which the City will meet those demands; and,

WHEREAS, the City Council finds that, based on its Culinary Water Capital Facilities Plan and Impact Fee Analysis that its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne, compared to the benefits already received and yet to be received; and,

WHEREAS, the City Council finds that the City has prepared a written analysis as a part of its Culinary Water Capital Facilities Plan and Impact Fee Analysis of each impact fee it intends to implement which (i) identifies the impact on system improvements required by identified development activity; (ii) demonstrates how those impacts on system improvements are reasonably related to the development activity; (iii) estimates the proportionate share of the costs of impacts on system improvements reasonably related to the new development activity; and (iv) based upon those factors and the requirements of UCA §11-36a-304 et. Seq., identifies how the impact fee was calculated; and,

WHEREAS, the City Council finds that in analyzing whether the proportionate share of the costs of public facilities are reasonably related to the new development activity, the City has identified: (i) the cost of existing public facilities; (ii) the manner of financing existing public facilities, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants; (iii) the relative extent to which the newly developed properties and the other properties in the City have already contributed to the cost of existing public facilities, by such means as user charges, special assessments, or payment from the proceeds of general taxes; (iv) the relative extent to which the newly developed properties and the other properties in the City will contribute to the cost of existing public facilities in the future; (v) the extent to which the newly developed properties are entitled to a credit because the City is requiring their developers or owners, by contractual arrangement or otherwise, to provide common facilities, inside or outside the proposed development, that have been provided by the City and financed through general taxation or other means, apart from user charges, in other parts of the municipality; (vi) extraordinary costs in servicing the newly developed properties; and (vii) the time-price differential inherent in fair comparisons of amounts paid at different times; and,

WHEREAS, the City Council finds that the Culinary Water Capital Facilities Plan and Impact Fee Analysis developed and adopted by the City, in the now amended form is based on and considers each requirement; and,

WHEREAS, the City Council finds that the City may not impose impact fees that exceed the highest fee justified by the impact fee analysis performed under UCA §11-36a-401(b); and,

WHEREAS, the City Council finds under UCA §11-36a-305 that in calculating the impact fee, the City may include: (i) the construction contract price; (ii) the cost of acquiring land, improvements, materials, and fixtures; (iii) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and (iv) debt service charges, if the City might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements; and,

WHEREAS, the City Council finds that the City has caused to be developed and adopted an amended Culinary Water Capital Facilities Plan and Impact Fee Analysis that addresses and meets each of these immediately above-listed criteria; and,

WHEREAS, the City Council finds that the City has chosen, in conformance with UCA §11-36a-301 to prepare and adopt an Independent Culinary Water Capital Facilities Plan and Impact Fee Analysis rather than including a capital facilities element in the City's general plan; and,

WHEREAS, the City Council finds that the City has given public notice of the proposed Culinary Water Capital Facilities Plan and Impact Fee Analysis and has provided a copy of the plan to the public at least 14 days before the date of the public hearing on the plan; and,

WHEREAS, the City Council finds that the City has held a public hearing to hear public comment on the plan under the notice and hearing requirements of UCA §10-9a-205; and,

WHEREAS, the City Council finds that prior to enacting an impact fee, the City must establish one or more service areas within which it shall calculate and impose impact fees for various land use categories; and,

WHEREAS, the City Council finds that UCA §11-36a-601 requires special individualized accounting for impact fees; and,

WHEREAS, the City Council finds that the City seeks to comply with current statutory requirements; and,

WHEREAS, the City Council finds and the City recognizes that impact fees should be reviewed regularly and adjusted for inflation and changing economic conditions; and,

WHEREAS, the City Council finds and the City recognizes that the Building Cost Index as published by the Engineering News Record is an acceptable and appropriate escalation factor indicator to be utilized in the annual review of impact fees;

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires the adoption of the Culinary Water Storage and Distribution Capital Facilities Plan by the City; now,

THEREFORE, BE IT ORDAINED by the City of SOUTH OGDEN as follows:

Section 2. Culinary Water Capital Facilities Plan and Impact Fee Analysis Adopted:

Based on and in consideration of the above-listed findings of the City Council and the data contained in the City's **Culinary Water Capital Facilities Plan and Impact Fee Analysis**, together with the requirements of state law, there is reconfirmed, a **Culinary Water Storage and Distribution Impact Service Area** which area is described by the geographic boundary of the City of South Ogden, Utah, as constituted and as those boundaries may, from time to time, be lawfully modified and the City's **Culinary Water Capital Facilities Plan and Impact Fee Analysis,** as amended as of December, 2015, and by this reference fully incorporated, is adopted in toto.

Section 3. Culinary Water Storage and Distribution Impact Fee Enacted:

That based on and in consideration of the above-listed findings of the City Council and the data contained in the City's **Culinary Water Capital Facilities Plan and Impact Fee Analysis**, the City Council finds there should be, and there are enacted, **Culinary Water Storage and Distribution Impact Fees**, as set out below:

ASSESSING IMPACT FEES TO NEW DEVELOPMENT

A ***$486.07*** per ERU impact fee was calculated with the proportionate share analysis. This represents the maximum impact fee that can be charged to new development. Each single-family residence is defined as 1 ERU. The number of ERUs representing the impact of non-residential development will be calculated by dividing the development's projected average water demand in gallons per year by the average yearly demand for a typical residential connection (82,855 gallons per year). Projected water demands for non-residential developments will be evaluated by the City and will be based upon historical demands from similar developments or on design standards published by the State of Utah.

- Single Family Dwellings $_____/ERU

- Commercial and other non-residential uses will be determined for each site individually and will be based on the estimated water use as compared with a typical residence.

NOTE: These fees and the rational upon which they are based are more fully set out in the "City's Culinary Water Capital Facilities Plan and Impact Fee Analysis" of December, 2015, incorporated by this reference as if fully set out.

BE IT FURTHER ORDAINED this Ordinance, and the adopted **Culinary Water Capital Facilities Plan and Impact Fee Analysis**, shall become effective 90 days after adoption as required by law.

DATED this 1st day of December, 2015

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

_____
Leesa Kapetanov
City Recorder

City Council Report

Subject: Proposed Revisions to the PRUD Ordinance (Title 10, Chapter 11 of South Ogden City Code)

Author: Mark Vlasic

Department: Planning & Zoning

Date: December1, 2015

Background

In June 2015 staff was requested to review the existing PRUD Ordinance as part of a comprehensive review of the city code that has been underway throughout the past year. The intent of this review was to ensure that the specific ordinances and procedures related to residential land use are adequately addressed to meet the needs and vision of the city.

An initial review revealed that the existing PRUD Ordinance is unclear and somewhat ambiguous, which according to consulting attorney Neil Lindberg could be easily challenged on a legal basis. In order to find an appropriate model, staff reviewed several PRUD ordinances from comparable communities along the Wasatch Front, eventually settling on the Ogden Ordinance as the most appropriate model to consider.

Discussions with Ogden City's planning staff indicated that they had recently revised the PRUD Ordinance, but it had not been used, primarily since the majority of their development opportunities are smaller than are typically accommodated through the PRUD ordinance. It was also noted that they had also recently revised their Group Dwellings on a Single Lot Ordinance (which is comparable in intent to South Ogden's Multiple Dwellings on a Single Lot ordinance) to meet this need, and had some success implementing it.

Since South Ogden has a similar development profile as Ogden (few large acreage development opportunities and significant infill/smaller lot development potential), staff reviewed the existing South Ogden Multiple Dwellings on Single Lot ordinance, which was determined to be too concise and inadequate as a tool for encouraging development that meets the city's needs and vision. As a result, both the PRUD and Multiple Dwellings on Single Lot ordinances were revised as a coordinated effort, with the intent of better meeting the needs of South Ogden.

Several versions of the Revised PRUD Ordinance were then developed and reviewed with the Planning Commission during the ensuing months, all based on variations of the Ogden model. Once a preferred draft was established, the City Planner met with the City Engineer and other staff to ensure that revised ordinance was well-coordinated with engineering and other standards currently in place. The new draft was then presented to the Planning Commission, and a Public Hearing was held in October 2015.

Recommendation:

The South Ogden Planning Commission recommends that the City Council adopt the following ordinance as a replacement of the existing PRUD Ordinance (Title 10, Chapter 11 of South Ogden City Code.)

ORDINANCE NO. 15-27

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING AND READOPTING TITLE 10, CHAPTER 11 OF THE CITY CODE MAKING CHANGES TO PLANNED RESIDENTIAL UNIT DEVELOPMENTS (PRUD); MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - **Recitals**:

WHEREAS, SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Planned Residential Unit Developments (PRUD) within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapter 11, deals with certain Planned Residential Unit Developments (PRUD) and other development issues within certain zones of the city and that certain changes should be made thereto based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate the procedures governing these Planned Residential Unit Developments (PRUD) and development issues; and,

WHEREAS, the City Council finds that the requirements provision herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that

Title 10, Chapter 11, Planned Residential Unit Developments (PRUD) Is Amended And Readopted As Set Out In **Attachment "A"**, Incorporated Fully Herein By This Reference.

Section 2 - **Repealer of Conflicting Enactments**:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - **Prior Ordinances and Resolutions**:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - **Savings Clause**:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - **Date of Effect**

This Ordinance shall be effective on the 1st day of December, 2015, and after publication or posting as required by law.

DATED this 1st day of December, 2015

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

_____
Leesa Kapetanov
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 15-27

An Ordinance Of South Ogden City, Utah, Revising And Amending And Readopting Title 10, Chapter 11 Of The City Code Making Changes To Planned Residential Unit Developments (PRUD); Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

01 Dec 15

[Attachment to be provided by Planning Staff]

Chapter 11
PLANNED RESIDENTIAL UNIT DEVELOPMENT

10-11-1: PURPOSE AND INTENT:
10-11-2: DEFINITIONS
10-11-3: USE REGULATIONS:
10-11-4: AREA REGULATIONS:
10-11-5: DENSITY DETERMINATION:
10-11-6: MINIMUM DEVELOPMENT REQUIREMENTS:
10-11-7: BONUSES FOR MAXIMUM DENSITY:
10-11-8: BONUS DENSITY CALCULATIONS:
10-11-9: BONUS DENSITY DESIGN REQUIREMENTS:
10-11-10: SUBMISSION AND APPROVAL PROCESS:
10-11-11: PLANNING COMMISSION ACTION:
10-11-12: CITY COUNCIL ACTION:
10-11-13: FINAL SITE PLAN APPROVAL:
10-11-14: BUILDING PERMIT ISSUANCE:
10-11-15: TIME LIMIT:
10-11-16: EASEMENT OVER COMMON AREAS:
10-11-17: VIOLATIONS:

10-11-1: PURPOSE AND INTENT:

A. The purpose of a planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.
B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.

10-11-2: DEFINITIONS:

As used in this Chapter, the following terms shall mean:

ATTACHED DWELLING UNITS: Two (2) or more dwelling units connected by at least one wall or floor of common construction.

DEVELOPED COMMON ACTIVITY AREA: Open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic

pavilions, gazebos and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners' association or shall be available for use by all residents if the PRUD will be held in single ownership.

FACADE: All exterior walls of a building or structure.

GROSS ACREAGE: The total amount of acreage in a PRUD development.

NET ACREAGE: The total amount of acreage in a PRUD development, excluding right of ways or roads.

OPEN GREEN SPACE: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership. It should be unoccupied and unobstructed by buildings and hard surface such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

PERIPHERY: A one hundred foot (100') depth around the perimeter of the project measured inward from the property line.

10-11-3: USE REGULATIONS:

A. Zones Permitted: A planned residential unit development shall be permitted in the R-1-10, R-1-8, R-1-6, R-2, R-3, R-3A, R-4 and R-5, R-5B, R-5C zones, and notwithstanding any other provisions as hereinafter set forth, shall be applicable if any conflict exists.

B. Development Plan Approval: An overall development plan for a planned residential unit development showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping, may be approved by the planning commission and city council and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the buildings proposed differ from the residential uses, housing types and regulations governing such uses in effect in the zone in which the development is proposed, provided the provisions of this chapter are complied with.

C. Accessory, Nonresidential Uses: Accessory uses to the PRUD which are located in a common main building may be permitted. Accessory uses shall be limited to daycares, personal services and recreational facilities so long as adequate parking is provided as determined by the planning commission. (Ord. 673, 1-8-1980)

10-11-4: AREA REGULATIONS:

The minimum area for a planned residential unit development shall be as follows:

Zone	Acres	
R-1-10	10	
R-1-8	8	
R-1-6	6	
R-2	1	(40,000 square feet)
R-3	4	
R-4	4	
R-5	3	

10-11-5: DENSITY DETERMINATION:

A. Developable Acreage: Density in a PRUD shall be determined by using the developable acreage of the entire proposed development. Developable acreage is land under thirty percent (30%) slopes which is capable of being improved with landscaping, recreational facilities, buildings or parking. Land devoted to street usage (the right of way for public streets and the area from back of curb to back of curb for private streets) shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.

B. Baseline Density: The maximum number of residential units allowed per developable acre in a PRUD which meet only the minimum development requirements per developable acre shall be calculated using the following chart. This shall be referred to as the baseline density:

Zone	Square Footage	Baseline Density Units/Acre
R-1-10	1 unit per 15,000 square ft.	2.9
R-1-8	1 unit per 12,000 square ft.	3.6
R-1-6	1 unit per 9,000 square ft.	4.8
R-2	1 unit per 8,000 square ft.	5.4
R-3	1 unit per 7,000 square ft.	6.2
R-4	1 unit per 6,000 square ft.	7.3
R-5	1 unit per 5,000 square ft.	8.7

10-11-6: MINIMUM DEVELOPMENT REQUIREMENTS:

All proposed PRUD developments shall comply with all minimum development requirements as provided in this section:

A. General Regulations:

1. The minimum acreages indicated in the chart in 10-11-4 is required for a proposal to be developed as a PRUD.

2. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and thirty foot (30') setback at those locations where development abuts other parcels of land. Notwithstanding the above provision, if the development has subdivided single-family lots which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped.

3. Minimum distance between main buildings in the development shall be ten feet (10') for single-story buildings, fifteen feet (15') for two (2) story buildings, and twenty feet (20') for three (3) or more stories.

4. If fencing is proposed adjacent to a public or private street, the maximum fence height shall be four feet (4') for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. The width of the setbacks shall be according to the required setback of the zone in which the development is proposed. Fence heights located outside of these setbacks shall be limited to a maximum height of seven feet (7'). The planning commission may vary the height or location if it determines the proposed fence design, materials and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

   a. Not isolate the surrounding neighborhoods;

   b. Be consistent with the theme of the development; and

   c. Be compatible with the neighborhood.

   If fencing isolates property between the fence and the public street, the development shall provide means to ensure continued maintenance of this area.

5. Two (2) parking stalls shall be required for each unit in the development. All parking and access shall be hard surfaced. Required parking for the unit shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. Units which have an attached garage shall have the garage set back a minimum of eighteen feet (18') from the road, street or from the walkway if a walkway is designed along the road or street. Units with an attached garage shall also have the garage recessed a minimum of five feet (5') from the front of the building.

6. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

7. If a group RV parking area is provided for the development, it shall be at a minimum of one RV space per five (5) dwelling units. The RV parking area shall not be located in the periphery of the development and shall be completely screened.

8. All utilities shall be placed underground where possible.

B. Compatibility:

1. The number of units per building within the periphery of the project shall be the same as seventy five percent (75%) of the surrounding neighborhood within three hundred feet (300') of the project boundary line; provided however, that where an adjacent residentially zoned property is vacant or occupied by schools or churches, then only single-family units are allowed along that side. The corner of the periphery development shall be developed with the least intense number of units when sides of the periphery development are different. The limitation on units per building does not apply if adjacent to a commercial, manufacturing, open space zone or property used for parks or cemeteries.

2. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PRUD. Units which are on corners may front either street. The planning commission may waive this provision due to unusual topographic features or unusual conditions, provided such waiver does not negatively impact the continuity of the existing streetscape.

3. The height of the buildings within the periphery shall not exceed the average height of the existing residential structures adjacent to each side of the development. When the periphery is next to vacant residentially zoned land, the maximum height shall be limited to thirty five feet (35'). The maximum height allowed beyond the internal edge of the periphery shall be limited to the height allowed in the periphery plus one additional foot in height for every ten feet (10') from the internal edge of the periphery.

4. The type of exterior building material and ratio of surface coverage for the proposed facade for other than single-family dwelling units shall be similar in material and ratio of coverage to fifty one percent (51%) of the existing residential structures adjacent to the development (e.g., the majority of the existing buildings have the lower $^1/_3$ of the facade in brick on the front and the rest is siding, the new development shall have as a minimum $^1/_3$ of the front in brick and the rest in siding). This provision shall not limit the use of brick in place of other material.

5. If a building has an attached garage and the garage doors are located along the front of the building facing a public or private street, the garage doors shall not occupy more than forty percent (40%) of the ground level building frontage facing the street. The portion of the building facing the street shall have ten percent (10%) of the wall surface area on the main level in glazing.

C. Design Theme:

1. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development, surrounded by a variety of ground cover, shrubs, and trees.

2. All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not visible from the main circulation routes and do not restrict vehicular movement or parking. Enclosures shall not be located within the periphery of the project.

3. Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.

D. Open Space:

1. A minimum of forty percent (40%) of the entire site shall be in open green space. Each phase of development shall provide its proportionate required open green space needed for that phase.

2. Developed common activity area for single-family and attached dwelling units shall be provided as follows:

   a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

   b. Subdivided, single-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

3. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

   As one of the purposes of a PRUD is to protect natural features, the Planning

Commission may deny approval of a PRUD if it is determined there has been removal of trees or shrubs prior to submittal.

4. A minimum of two (2) 2-inch caliper deciduous trees shall be required to be planted for each unit in the development and one 4-foot tall evergreen tree for every two (2) units in the development. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

E. Street Design: PRUDs shall be designed to meet the circulation requirements of the General Plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Engineering Division, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets, provided they meet the following criteria:

1. Public Street Requirements:

a. Right-Of-Way Width: Public streets, sidewalks, curb/gutter and other street facilites shall meet the appropriate right-of-way widths and design requirements as required in the *Public Works Standard Drawings, Details and Technical Specification*s.

2. Private Street Requirements:

a. Right-Of-Way Width: Private streets, sidewalks, curb/gutter and other street facilites shall meet the appropriate right-of-way widths and design requirements as required in the *Public Works Standard Drawings, Details and Technical Specification*s.

b. Maintenance And Cost: Homeowners' associations are responsible for maintenance, repair and replacement of private streets and sidewalks. To ensure adequate funds are set aside for the maintenance of private roads and sidewalks, the developer shall provide a cost analysis of the life expectancy of the entire private road and sidewalk system. The cost analysis shall include maintenance schedule and projected cost for sealing, resurfacing, and replacement of the road and the repair and replacement of sidewalks and an estimate of the annual homeowner fee to cover these projected costs.

10-11-7: BONUSES FOR MAXIMUM DENSITY:

Density in excess of the baseline density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density

bonus shall be determined by the type of bonus density design requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:

Zone	Baseline Density	Maximum Density
R-1-10	2.9 units/acre	4.3 units/acre
R-1-8	3.6 units/acre	5.4 units/acre
R-1-6	4.8 units/acre	7.2 units/acre
R-2	5.4 units/acre	7.2 units/acre
R-3	6.2 units/acre	8.7 units/acre
R-4	7.3 units/acre	8.7 units/acre
R-5	8.7 units/acre	20.3 units/acre

10-11-8: BONUS DENSITY CALCULATIONS:
For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as provided in section 10-11-6 of this chapter and shall assign density points as applicable. The additional units per acre allowed above the baseline density for the PRUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project; provided, that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an R-4 zone and the design is awarded 75 bonus points. 75 x 0.0441 = 3.3 additional units per acre. 3.3 + 7.3 [baseline density] = 10.6 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

Zone	Density Coefficient	Maximum Density Points
R-1-10	0.0175	80
R-1-8	0.02	85
R-1-6	0.024	100
R-2	0.02	90
R-3	0.0177	85
R-4	0.0441	295
R-5	0.0492	380

10-11-9: BONUS DENSITY DESIGN REQUIREMENTS:

If greater density is requested above the baseline density, a PRUD development shall comply with one or more of the bonus density design requirements outlined in this section, depending upon the desired density increase. The planning commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency or building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The bonus density design requirements are as follows:

A. Energy Efficiency:

1. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (10)

2. All dwellings are designed with an active or passive solar feature, as approved by the Planning Commission. (Single feature per unit throughout the entire project, 20 points. Combination features per unit throughout the entire project, 30 points.)

B. Building Design:

1. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of eighty percent (80%) of the exterior surface in either brick or stone. (30)

2. Required parking for each unit is provided for by an attached garage. (25)

3. All required dwelling unit parking (2 stalls per unit) is covered by carports. (10)

C. Design Theme:

1. Theme lighting is used throughout the development for street lighting, lighting of walkways, entrances and building exteriors. (15)

2. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest to the development. (20)

3. Architectural details of all buildings have a common theme which unifies the entire development. This theme is not so dominant, however, that all buildings are identical. (20)

4. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (25)

5. Large special features such as lakes and golf courses which define the theme of the development and are utilized throughout the entire project. (40)

D. Parking Areas:

1. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (20)

2. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety feet (90') in length has a landscaped island which provides landscaping at a ratio of one square foot of landscaping per thirteen (13) square feet of hard surface. (15)

3. Areas with five (5) or more uncovered parking stalls are designed to include a sufficient number of two inch (2") caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (15)

E. Recreation Amenities:

1. The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (5 to 35)

2. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the Planning Commission. (20)

3. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access 15 points, public park 30 points)

4. Construction according to City standards of trail or park which has been dedicated to the City according to subsection E3 of this Section. (Trail 15 points, public park 40 points)

F. Landscaping:

1. Design and planting a minimum of four (4) 2-inch caliper deciduous trees for each dwelling unit in the development and two (2) 4-foot tall evergreen trees for every two (2) dwelling units in the development. (20)

2. Increasing caliper size of all the required trees from a minimum two inch (2") caliper to:

3" caliper	(5)
4" caliper	(10)
6' evergreen	(5)
8' evergreen	(10)

3. Increasing caliper size of all elected bonus design requirement trees to:

3" caliper	(10)
4" caliper	(20)
6' evergreen	(10)
8' evergreen	(20)

4. The majority of new plant material used for landscaping the development are drought-tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering. (20)

5. For the purpose of water conservation, the use of turf grass is limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted in lawn shall be planted with ground covers, shrubs or trees. (35)

6. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed. (20)

7. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs or trees. (15)

G. Open Green Space:

1. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development, linking dwellings and recreation amenities. (25)

2. Storm water detention facility areas are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (20)

H. Public Streets: All streets within the development are dedicated public streets. (25)

10-11-10: SUBMISSION AND APPROVAL PROCESS:

A. Steps Outlined: The PRUD approval process consists of three (3) basic review steps. The first step is submission and review of a conceptual sketch plan. The purpose of this step is to evaluate the appropriateness of the development as PRUD based on the consideration of the existing features of the proposed site and the relationship to adjacent properties. The second step is submission and review of a preliminary development plan based on the conceptual sketch plan. The purpose of this step is to determine if the preliminary plan shall be granted. The third step is submission and review of a final development plan. The purpose of this step is to review compliance with preliminary plan. For purposes of recordation, the PRUD shall be recorded as a subdivision. Upon compliance with final approval, a final plat shall be recorded.

B. Conceptual Sketch Plan Approval Process: The application shall provide a conceptual sketch plan which shall include the following:

1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views and how they will be incorporated into the proposed development;

2. Traffic patterns into, through and out of the proposed development, including vehicular, pedestrian, and other;

3. The general location of the housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and

4. The existing land uses bordering the proposed site.

C. Preliminary Development Plan/Conditional Use Permit Submission: An application for a PRUD preliminary plan/conditional use permit shall be presented to the Planning Commission and shall include the following information:

1. Topographic maps of the entire site, including contour intervals of no greater than ten feet (10');

2. A tabulation of the total acreage of the site and the percentages to be designated for parking, streets and travel ways, various types of residential units, other buildings and structures, open space, and waterways, along with other relevant aspects of the site;

3. The proposed circulation patterns, including private and public streets, and any other path systems;

4. The proposed location of all parking and ingress and egress;

5. The proposed location of parks, common open spaces, playgrounds, school sites, recreation facilities, and other similar types of improvements;

6. The proposed location of all dwellings by type and number of dwelling units per building, along with other buildings (e.g., recreational buildings or club houses) or structures (e.g., fencing, lighting, and signage);

7. The proposed location of each phase, if the project is to be done in phases;

8. A table of densities for each development phase with a overall density for the development;

9. A general landscape plan showing the areas to be landscaped and the retention of existing plant materials and landscape features, along with the use of plant materials for buffers and screening;

10. Preliminary building elevations with notation of building materials of all building types proposed within the development, excluding detached single-unit dwellings;

11. A preliminary subdivision design, showing a general lot layout and buildable area;

12. A preliminary utility plan showing the manner in which adequate sewage disposal, subsurface drainage, storm drainage, and water are to be provided to the site, including the location from which said services will need to be extended;

13. Such other information as may be necessary to determine whether the proposed PRUD is desirable and in accordance with the applicable standards.

D. Preliminary Development Plan Review Process:

The Planning Commission, subject to the requirements of this Chapter, may approve or deny the preliminary development plan for the proposed PRUD. During the preliminary review process, a public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission.

1. In reviewing the proposed PRUD, the Planning Commission shall ensure that the PRUD:

   a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;

   b. Meets the minimum requirements in this Chapter;

   c. Meets the requirements for any bonus density requested for the PRUD;

   d. Provides an adequate traffic circulation system and whether streets should be designated as public or private; and

   e. Meets the general intent and purpose of this Chapter and the General Plan.

E. Final Development Plan Submission: The final development plan, based on the conceptual sketch and preliminary plans, shall be presented to the Planning Commission and include the following information:

1. All of those items required by the Planning Commission as part of the approval of the preliminary development plan and conditional use permit;

2. A complete and accurate legal description of all property proposed for development;

3. A detailed site plan showing the precise location of all buildings and structures, the location of developed common activity area and recreational uses, waterways, detailed circulation patterns, including proposed ownership of common areas, streets and trails, along with other relevant aspects of the site;

4. Parking layout showing the location of individual stalls and all areas of ingress and egress;

5. Design of entryways, along with elevations of proposed signage;

6. A detailed landscape plan showing the location, types and sizes of all plant materials, sprinkling or irrigation systems, screening and fencing;

7. Final elevations of all buildings proposed within the development with notation of building materials, excluding detached single-unit dwellings;

8. A final plat of the PRUD, along with all covenants, conditions and restrictions which the City deems necessary to provide adequate guarantees for retention and maintenance of the development as approved;

9. Detailed engineering plans including site grading, street improvements, drainage and public utility locations; and

10. A time schedule for the completion of landscaping and amenities (e.g., common buildings, playground equipment, recreational facilities, trails and entry signage).

F. Final Development Plan Review Process:

1. In reviewing the proposed PRUD, the Planning Commission shall ensure that the final development plan meets the following:

   a. Whether or not the requirements provided during the conceptual, preliminary processes and the conditions have been adequately addressed in the final development plan;

   b. Any additional changes from the preliminary development plan proposed by the developer; and

   c. Any additional information relevant to the success of the proposed development. The planning commission, subject to the requirements of this chapter, may

recommend approval or denial or approval with conditions, of the preliminary plan for the proposed planned residential unit development to the city council.

10-11-11: FINAL SITE PLAN APPROVAL ACTION:
The planning commission, subject to the requirements of this chapter, may recommend approval or denial of the Final Development Plan for the proposed planned residential unit development to the city council. Approved final site plans will be forwarded to the building official for issuance of building permits. (Ord. 673, 1-8-1980)

10-11-12: BUILDING PERMIT ISSUANCE:
The building official shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan. Approved development plans shall be filed with the planning commission, city engineer, building official and city recorder.

10-11-13: TIME LIMIT:
Unless there is substantial action leading toward completion of a planned residential unit development or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the city council, such approval shall expire, unless after reconsideration of the progress of the project, an extension is approved.

10-11-14: EASEMENTS OVER COMMON AREAS:
In every planned residential unit there shall be reserved proper easements over the common areas to accommodate public services, including, but not limited to, the right of police and fire personnel to enter upon any part of the common areas, and to allow the city to repair or replace facilities or improvements thereon if any association fails so to do. The declaration for any such development shall include a provision covenanting with the city and all unit owners to maintain the common areas and facilities for the use of declarant and all unit owners prior to being turned over to an association.

10-11-15: VIOLATIONS:

A. The preliminary development plan and the final development plan which have been issued in accordance with the provisions of this chapter shall have the full force of this title. Any violation of such approved plan or permit shall be grounds for the city to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the city.
B. Violations of any plan approved under this chapter or of the conditional use permit issued in accordance with the provisions of this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title.

CITY COUNCIL STAFF REPORT

Subject: Proposed Revisions to the Multiple Dwellings on a Single Lot Ordinance - Title 10, Chapter 13 of the S Ogden City Code)

Author: Mark Vlasic

Department: Planning & Zoning

Date: December 1, 2015

Background

In June 2015 staff was requested to review the existing Multiple Buildings on A Single Lot Ordinance. As part of this review, it was discovered that Ogden City had also recently revised their Group Dwellings on a Single Lot Ordinance, which is similar in intent to the South Ogden Multiple Dwellings on a Single Lot Ordinance. Specifically, Ogden had updated their ordinance to encourage better development of the smaller, infill-type developments that represent much of the current development interest in the city.

Since South Ogden has a similar development profile (few large acreage development opportunities and significant infill/smaller lot development potential), staff reviewed the exiting South Ogden Multiple Dwellings on Single Lot ordinance, and determined that it is inadequate for encouraging the type of development envisioned under the code. As a result, the Multiple Dwellings on Single Lot ordinance was revised in tandem with updating the PRUD Ordinance, in an effort to better meet the needs and vision of the city.

Several versions of the revised Multiple Dwellings on a Single Lot Ordinance were then developed and reviewed with the Planning Commission, based in large part on the Ogden model, but modified to meet local needs and conditions. Once a preferred draft was established, the City Planner met with the City Engineer and other staff to ensure that revised ordinance is coordinated with engineering and other standards currently established. These were then presented to the Planning Commission, which held a Public Hearing on the matter in October 2015.

Recommendation:

The South Ogden Planning Commission recommends that the City Council adopt the following ordinance as a replacement for the existing Multiple Dwellings on a Single Lot Ordinance - Title 10, Chapter 13 of the South Ogden City Code.)

ORDINANCE NO. 15-28

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING AND READOPTING TITLE 10, CHAPTER 13 OF THE CITY CODE MAKING CHANGES TO MULTIPLE BUILDINGS ON A SINGLE LOT; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - **Recitals**:

WHEREAS, SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Multiple Buildings on a Single Lot within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapter 13, deals with certain Multiple Buildings on a Single Lot and other development issues within certain zones of the city and that certain changes should be made thereto based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate the procedures governing these Multiple Buildings on a Single Lot and related development issues; and,

WHEREAS, the City Council finds that the requirements provision herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that

Title 10, Chapter 13, Multiple Buildings on a Single Lot Is Amended And Readopted As Set Out In **Attachment "A"**, Incorporated Fully Herein By This Reference.

Section 2 - **Repealer of Conflicting Enactments**:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - **Prior Ordinances and Resolutions**:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - **Savings Clause**:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - **Date of Effect**

This Ordinance shall be effective on the 1st day of December, 2015, and after publication or posting as required by law.

DATED this 1st day of December, 2015

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

_____
Leesa Kapetanov
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 15-28

An Ordinance Of South Ogden City, Utah, Revising And Amending And Readopting Title 10, Chapter 13 Of The City Code Making Changes To Multiple Buildings On A Single Lot; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

01 Dec 15

[Attachment to be provided by Planning Staff]

Chapter 13
Multiple Residential Buildings On a Single Lot

11-13-1: PURPOSE AND INTENT:
11-13-2: TYPES OF MULTIPLE BUILDINGS ON A SINGLE LOT:
11-13-3: MINIMUM DESIGN STANDARDS:
11-13-4: SUBMISSION AND APPROVAL PROCESS:
11-13-5: TIME LIMITATIONS:
11-13-6: FINANCIAL GUARANTEE; INSTALLMENT OF IMPROVEMENTS:
11-13-7: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:
11-13-8: REVOCATION OF PERMIT:
11-13-9: VIOLATIONS:

11-13-1: PURPOSE AND INTENT:

A. The purpose of a of this chapter is to encourage better utilization of parcels of land in the R-3, R-4 and R-5 zones, and all their variations, to ensure neighborhood compatibility and to provide land development patterns which meet the needs of those living in the developments and the surrounding community. This is accomplished by allowing more than one building on a lot and flexible placement of buildings

B. A project with multiple buildings on a single lot project is a residential development which has more than one residential building on a lot and which is planned as a single complex. The ownership may be either in single ownership or units sold according to the condominium requirements. It incorporates a definite development theme which includes usable open space, a well-defined circulation system, and is designed to be compatible with the land and the surrounding neighborhood.

C. A complex of multiple buildings on a single lot may be utilized if the area of the complex is equal to or less than the following zone maximums:

Zone	Acres
R-3 and variations	4
R-4 and variations	4
R-5 and variations	3

Otherwise all developments must meet the minimum requirements of the zone in which it is found.

11-13-2: TYPES OF MULTIPLE BUILDINGS ON A SINGLE LOT:

There are two (2) types of multiple buildings on a single lot: (a) a small lot project with multiple buildings on a single lot and (b) a neighborhood project with multiple buildings on a single lot. Because of the different character and impact of these two (2) types of

developments, some development standards may be different. The types of multiple buildings on a single lot are distinguished by their size:

A. Small Lot Group: Small lot group dwelling is development on a small parcel of land which is equal to or less than one acre in total area; and

B. Neighborhood Group: Neighborhood group dwelling is a development on property which is between one acre and the maximum acreage listed in **11-10-1-C.**

11-13-3: MINIMUM DESIGN STANDARDS:

A. Building Setbacks:

1. Any building which is adjacent to a public street shall meet the minimum front yard setback required for the respective zone. If the building is on a corner, then the shortest side facing a street or either side of a square building shall meet the corner side yard setback of the respective zone. Only the building closest to the corner shall meet the corner side yard setback. Other buildings adjacent to the public street shall be required to meet the front yard setback of the respective zone. The minimum setbacks for all buildings from the interior property lines shall be based on the orientation and the comparative length of the sides of the buildings.

2. If any main building is adjacent to any residential zoned property and is over two (2) stories in height, it shall be set back an additional ten feet (10') from the interior property lines for every additional story the building is over two (2) stories as allowed in the applicable zone.

B. Distance Between Buildings: The minimum distance between buildings shall be ten feet (10') for single-story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for three-story buildings. Buildings which are over three (3) stories shall have a separation of twenty feet (20'), plus ten feet (10') for every story over three (3) stories If a lower building is next to a taller building, then the larger separation distance will apply.

C. Building Orientation:

1. Requirement: Those buildings which are adjacent to a public street shall have the front elevation of the building face the public street in order to retain the front yard appearance of the community. If the building is on a corner which abuts two (2) streets, only one front elevation is required for the building.

2. Exception: The planning commission may consider other orientations of the building if there is not an existing neighborhood which fronts the street or if other conditions exist which restrict such development and the planning commission determines that the surrounding neighborhood identity, front yard appearances and streetscape continuity will not be impacted by such a design. If it is determined that the front

elevation should not face the street, an additional ten foot (10') setback shall be added to the front yard setback. This ten foot (10') area shall be landscaped with trees and plants in order to provide a transition from the public street to the private development. Any fencing which is installed shall not be placed in this ten foot (10') area.

D. Site Layout:

The materials and height of the building are to be sensitive to the existing topography and vegetation that exist on site. The buildings shall be built into the existing topography so that no major cuts occur (i.e., if for example the site slopes the building should be stepped into the hill). The existing vegetation shall be identified and shown how it will be preserved on site. In the event that areas of vegetation are proposed to be removed, removal shall occur only upon approval by the planning commission based upon a site analysis and revegetation plan that is sensitive to the existing topography and vegetation.

E. Building Height:

The height of the main buildings shall be limited to the maximum height allowed in the respective zone of the project. Accessory buildings shall be one story with a maximum height of fifteen feet (15').

F. Parking Requirements

1. Two (2) parking stalls per dwelling shall be required for each unit in the development in all and access shall be hard surfaced. Detached unit parking shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit.

2. Parking adjacent to any public street and any access parallel to the street shall be set back the required front yard setback for the respective zone of the development. Parking stalls and access lanes shall be set back a minimum of eight feet (8') from any property line which is not adjacent to a street. The eight foot (8') setback area shall be landscaped. The planning commission may reduce the eight foot (8') setback for access lanes if it is determined that the accessway is adequately screened, the proximity and amount of traffic will not adversely impact existing neighboring uses, and there is adequate landscaping to soften the appearance of the access area.

3. Landscaped islands shall be required at the end of each row of stalls if the row exceeds ten (10) parking stalls in length. A row of parking that has over twenty (20) parking stalls shall have one additional landscaped island for every twenty (20) stalls in the row. Required parking areas shall install landscaped islands with raised curbs. Islands shall not be placed over hard surface. The landscaped island shall be a minimum width of nine feet (9') and a minimum length of eighteen feet (18').

G. Open Green Space And Landscaping:

1. Required Yard Setbacks: All required yard setbacks shall be landscaped.

2. Parkways: All parkways within the public right of way which abut the development shall be landscaped with grass, or other material approved by the planning commission, and two inch (2") caliper shade trees spaced no farther than forty feet (40') apart. Street trees are required along interior roads whether public or private at a maximum spacing distance of thirty-five feet (35') apart.

3. Incorporation of Natural Features: Developments shall be designed to incorporate existing trees, clusters of trees or clusters of shrubs and natural settings along rivers, streams or canals. The planning commission shall review the appropriateness of removal of portions of these types of vegetation if removal is planned. The planning commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create. If existing vegetation is removed prior to submittal or not in keeping with the approved plan, the maximum density allowed for the development shall be the area requirement for single-family units in the zone of the project.

4. Minimum Plantings Required: A minimum of one 2-inch caliper tree and five (5) 5-gallon shrubs shall be planted on the property for each unit in the development of a small lot project with multiple buildings on a single lot . Neighborhood multiple buildings on a single lot require a minimum of two (2) 2-inch caliper trees and five (5) 5-gallon shrubs (at least 1 shrub a flowering shrub) to be planted on the property for each unit in the development.

5. Minimum Landscaped Area Abutting Parking Or Access Lanes: A minimum six foot (6') landscaped area excluding sidewalk is provided between the unit and any parking or access lanes.

6. Screened Enclosures: All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not in the required setback areas, not visible from the public street and do not restrict vehicular parking or circulation.

7. Storm Water Detention Facilities: Storm water detention facilities are designed and used for multiple functions. The design of the facility shall blend in with the overall theme of the open space. Factors which will be used in determining compliance may include, but not be limited to, freeform design, grading and landscaping to provide gradual transitions, or artistic design elements.

8. Small Lot Group Special Landscaping Requirements: Rear and abutting dwelling units within small lot multiple buildings on a single lot shall be separated by a minimum thirty foot (30') landscaped area.

9. Neighborhood Group Special Landscaping Requirements: All neighborhood multiple buildings on a single lot shall include open space designed as either visual passive open space, courtyard open space, active area open space or natural features open space as provided herein. Such open space shall be a minimum of thirty percent (30%) of the total lot area. The required yard setbacks from property lines shall not be included in meeting the thirty percent (30%) open space minimum.

H. Street Design: Multiple buildings on a single lot shall be designed to meet area transportation plans. Developments which are located on or next to a collector or arterial public street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local streets or in areas where local streets may be of benefit to the development of the general area may be required to design and install a local public street through the development. The planning commission shall review the future and existing circulation needs of the area, existing road patterns, and emergency access needs in determining if a local public street should be required or extended. Interior private streets shall meet all requirements according to the Public Works Standards.

11-13-4: SUBMISSION AND APPROVAL PROCESS:

A. General Review Process:

1. Two Step Process: The group dwelling process consists of a two (2) step review process. The first step is submission and review of a preliminary plan. The purpose of this review is to determine general compliance with the regulations of this chapter and the appropriateness of the development. The second step is submission and review of a final plan. The purpose of the final review is to ensure all conditions and details needed to build the project are met.

B. Preliminary Plan Permit Submission: A complete application for a permit shall be submitted to the planning office for review and comment. Once the plan has been reviewed and found meeting the minimum site plan requirements for submittal, it shall be scheduled for the next appropriate planning commission meeting for review of the project to consider whether or not the request should be approved. The minimum site plan requirements for the submittal shall include the following accurate information:

1. The property boundary location, direction and length;

2. Contour lines at no greater than one foot (1') intervals if there is more than a ten foot (10') grade difference on any portion of the site;

3. Existing vegetation, buildings, canals, ditches, streams, easements, utility poles, or other existing features whether manmade or natural;

4. Any adjacent buildings, parking lots, streets, sidewalks and curbs within thirty feet (30') of the property boundary;

5. The proposed location of buildings, parking, carports, driveways, sidewalks and fences. These shall be dimensioned. The distance of these items from property lines and from each other shall also be dimensioned;

6. A general landscaping plan which shows areas to be landscaped, general types of landscaping to be used (i.e., trees, shrubs and grass), areas to be preserved in their existing conditions, and any open space amenities;

7. A table which indicates total acreage of the development, total hard surface, building coverage and landscape area square footage;

8. Preliminary building elevations of all four (4) sides and the types of materials proposed to be used on the building;

9. Preliminary utility plan showing the manner in which water, sewer and storm sewer services will be provided; and

10. If located in an environmentally sensitive area, all necessary reports or information required for compliance with the sensitive area.

C. Preliminary Plan Permit Review and Consideration: The planning commission, subject to the requirements of this chapter, may approve, approve with conditions or deny the preliminary plan permit for a group dwelling. In reviewing a preliminary plan permit, the planning commission shall consider if the group dwelling:

1. Meets the minimum lot area and design standard requirements of this chapter;

2. Provides an adequate interior traffic circulation system which does not adversely impact neighboring properties. In considering impacts to the neighbors, such things as car lights, visibility of parking areas, screening, access location and distance of parking areas from neighboring buildings shall be considered;

3. Interrupts or restricts future local or community traffic patterns;

4. Site design is compatible with the topography and other existing features of the site;

5. Architecture is compatible with the character of the neighborhood. In determining compatibility, the planning commission shall consider types of building materials, color, architectural relief to the face of the building, roof style and height of the building;

6. Site design and building design does not adversely impact neighboring properties. Such things as building location and orientation, landscaping, screening, privacy and other specific site issues shall be considered in determining if the neighborhood is adversely impacted beyond permitted development possibilities;

7. Open space development meets the needs of the residents of the development by providing private outdoor areas, common play areas and areas of interest;

8. Meets the design requirements of this chapter for increased density.

D. Final Development Plan Submission: Once preliminary plan approval has been given, a final development plan shall be submitted for review and approval. The final plan shall meet all the conditions established when the preliminary plan was approved. A small lot group dwelling may submit for a permit/final approval without going through the preliminary plan, provided the submitted plan has all information needed as required for submittal for both approval processes. Only upon approval of the final development plan shall the use become effective. The final development plan shall include the following accurate information:

1. The property boundary with bearings and length of each property line;

2. Final site grading plan at no more than two foot (2') contour intervals showing all walls, cuts and fills proposed;

3. A detailed site plan showing the precise location and size of all buildings and structures, parking areas, access lanes, canals, ditches, streams, easements, utility poles, sidewalks, and public street, curb, gutter and sidewalk;

4. A final landscape plan showing the location, types and sizes of all plant material;

5. Final building elevations of all four (4) sides and the types of materials proposed to be used on the building;

6. Detailed engineering plan including site drainage, street improvements, and utility plans (showing location, sizes and slopes of lines); and

7. All conditions established with the preliminary plan permit approval.

E. Final Development Plan Permit Approval: The planning commission may approve, deny or approve with conditions the final development plan permit for the group dwelling. The planning commission review of the final development plan permit approval shall consider the following:

1. Whether or not the issues addressed as conditions for preliminary plan permit have been adequately addressed.

2. Any changes from the preliminary plan permit which are now being proposed by the developer.

3. Compliance with all applicable requirements of this chapter and the development code.

11-13-5: TIME LIMITATIONS:

A final development plan permit shall be submitted for approval within twelve (12) months of the preliminary plan permit approval. Failure to submit a final development plan permit within the year time period shall result in a revocation of the preliminary approval permit and the permit and approval shall be null and void. Once a final development plan permit has been approved, the applicant has six (6) months to obtain a building permit and begin construction. Failure to obtain a building permit within the six (6) month time period shall result in a revocation of the approval of the project and all approvals shall be null and void.

11-13-6: FINANCIAL GUARANTEE; INSTALLMENT OF IMPROVEMENTS:

A. Prior to issuance of any building permit on the property approved for a group dwelling, a financial guarantee shall be required. The guarantee shall be sufficient to cover the cost of all infrastructure, right of way improvements and landscaping shown on the final approved plan. Unless otherwise approved pursuant to subsection B of this section, landscaping and site improvements shall be installed prior to occupancy of any structure within the group dwelling unless inclement winter weather prevents their completion. In no case shall time for completion be extended beyond June 1 immediately following the completion date. If the development is to occur in phases, then the landscaping and other improvements which make the phase functional shall be installed prior to occupancy.

B. In a neighborhood group dwelling, the City Manager may approve occupancy of one or more of the buildings without completion of all improvements, if all of the following required improvements have been installed and determined to be in compliance with the approved plan and an adequate financial guarantee is in place to ensure completion of the remaining improvements:

1. All private roads and utilities within the project with multiple buildings on a single lot;

2. All landscaping within the common open space to be established for the entirety of the project with multiple buildings on a single lot and along the private roads;

3. Entryway signage and associated landscaping;

4. All accessways and parking associated with the building to be occupied; and

5. All landscaping around and associated with the building to be occupied.

11-13-7: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:

In case of failure or neglect to comply with any and all of the provisions of this chapter and the conditions and stipulations herein established and as specifically made applicable to a multiple buildings on a single lot project, the building official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter.

11-13-8: REVOCATION OF PERMIT:

The permit may be revoked if any of the conditions or terms are violated; however, the holder of the permit shall first be afforded an opportunity to be heard before the planning commission and show cause as to why the permit should not be revoked. A violation of a condition or term of a permit shall constitute a violation of this code, and the revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation. The decision of the planning commission to revoke the permit may be appealed to the mayor, in writing, within fifteen (15) days of the planning commission's decision.

11-13-9: VIOLATIONS:

Violations of any plan approved under this chapter or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title

City Council Staff Report

Subject: FY 2016 Budget Amendment
Author: Steve Liebersbach
Department: Finance
Date: Council meeting 12/01/2015

Background

At the 11/17/2015 meeting, Ordinance 15-24 to amend the FY 2016 budget was only partially passes. The portion that was not passed will be re-visited tonight.

Analysis

This amendment covers the balance sheet and budget entries that are needed to reinstate the loan owed by the CDRA to the general, water and sewer funds.

Recommendation

Staff recommends that the Council approve the FY 2016 Budget Amendment Ordinance 15-29.

Significant Impacts

General Fund loan amount of $457,290.95 plus interest
Water Fund loan amount of $302,001.65 plus interest
Sewer Fund loan amount of $302,001.63 plus interest

Attachments

Attached is the opinion letter from CDRA Attorney Craig Smith. On page 3 it states "The Agency is legally authorized and obligated to repay the Loan to the City. Although some of the documentation for the Loan has not yet been located, it is clear that the Loan is a valid obligation of the Agency". Also attached are the proposed balance sheet and budget entries.

SMITH HARTVIGSEN PLLC
ATTORNEYS AT LAW

J. CRAIG SMITH
jcsmith@smithlawonline.com

ADAM S. LONG
along@smithlawonline.com

September 1, 2015

Mayor James F. Minster
Members of the City Council
South Ogden City
c/o Matt Dixon, City Manager
3950 S Adams Ave
South Ogden, UT 84403

Re: Agency loan for 36th Street Project

Dear Mayor Minster and Members of the City Council:

I have been asked, as legal counsel to the South Ogden Community Development and Renewal Agency (fka Redevelopment Agency) ("**Agency**") to address the repayment of certain loans made by South Ogden City ("**City**") to the Agency. Specifically, in years past, the City loaned money to the Agency for the 36th Street Project Redevelopment Project Area ("**Project Area**"). The loans were needed to fund both the creation of the Project Area and to supplement shortfalls of the tax increment paid to the Agency under the 36th Street Project Area Budget ("**Budget**") to make the required annual payment for the tax increment bonds ("**Bonds**") that were issued to finance the Project Area. Collectively, the loans from the City to the Agency are referred to in this letter as the "**Loans**".

For many years the Agency lacked funds to repay the above-mentioned Loans. However, with the retirement of the Bonds the Agency now has funding to partially repay the Loans. Due to the long period of time that the Loans have been outstanding and the belief that the Agency would likely never have the funds to repay the Loans, the Loans were apparently written off in 2005 (according to a note in the 2005 audit).

When City Manager Matt Dixon and Director of Finance Steve Liebersbach realized that the Agency now has funds from the Project Area to, at least partially, repay the Loans, they contacted me for direction and advice. This letter will recap that direction and advice in written form.

The 36th Street Project Area Plan was adopted in 1992 and the Agency began receiving tax increment for tax year 1997. According to Utah law, the Agency will continue to receive tax increment from the Project Area through tax year 2021, for a total of 25 years of tax increment collection. Note that the tax increment collected from the Project Area is subject to the "haircut" provisions of Utah Code Ann. § 17C-403(2)(a); namely that the Agency is entitled to be paid 100

percent of the tax increment for years 1-5, 80 percent for years 6-10, 75 percent for years 11-15, 70 percent for years 16-20, and 60 percent for years 21-25. For 2015, the nineteenth year of tax increment collection, the Agency will receive 70 percent of the tax increment generated in the Project Area; beginning with tax year 2017, the Agency will receive 60 percent of the tax increment generated in the Project Area.

The Agency is a legal entity, separate and distinct from the City. The Agency has the authority and power to borrow funds from other public agencies such as the City. See Utah Code Ann. §§ 17C-1-202(j) and 17C-1-207(1)(a)(viii). It is also specifically empowered to repay funds advanced to it. See Utah Code Ann. §§ 17C-1-202 and 17C-1-409. Thus the Loans and their repayment are both authorized under Utah law. The Loans from the City are specifically contemplated in the Project Area Plan in paragraph 601 (General Description of the Proposed Financing Methods), which states in relevant part:

> *Advances and loans for the processes in creating the Agency and adopting this plan for survey and planning, and for the operating capital for administration of this Project have been are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and/or to permit borrowing adequate working capital from sources other than the City. The City as it is able is authorized to supply additional assistance through city loans and grants for various public facilities. All advances and loans from the City shall bear a reasonable rate of interest.*
>
> *The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.*
>
> *The Agency is authorized to obtain advances, to borrow funds and to create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.*

In 1995, the City did indeed agree to advance the Agency up to $1.5 million so that the Agency could fund the establishment of the Project Area. The Agency approved the advance with Agency resolution 95-21 and the City Council approved the advance with City resolution 95-22 (the resolutions are enclosed with this letter). The Project Area Plan and the resolutions authorizing advances from the City to the Agency make clear that the advances are a loan, not a grant, and that the City expects and is entitled to be repaid.

The City eventually wrote off the amounts owed by the Agency concerning the Project Area; however, the fact that the City deemed the money uncollectable and decided the amount should be written off does not affect the Agency's legal obligation to repay the City. At the December 6, 2005 City Council Meeting, the Council discussed the issue, including a recommendation from the auditor that the City write off the amounts it was owed by the Agency. In addition to helping the City comply with the 18 percent maximum fund balance (as noted in the minutes), writing off the amount owed was likely the proper action under governmental accounting

standards based on the City's reasonable belief that it would not collect those amounts. The mere fact that the amounts owed by the Agency no longer appeared on the City's accounting records does not relieve the Agency of the obligation to repay the Loan.

As you know, note 10 (Contingencies) to the Agency's financial statements in the 2005 Audit report discusses a development agreement entered into by the Agency. The note is referring to the possibility of amounts owed by the Agency to a developer being forgiven in the event that collected tax increment under the particular agreement is less than the stated amount owed by the Agency to the developer. This is a typical condition for payments by agencies. In any case, amounts owed by the Agency to a developer, even for the 36th Street Project Area, are not tied to the outstanding advances from the City; forgiveness of amounts owed by the Agency to a Developer do not affect amounts owed by the Agency to the City.

I have reviewed the available documentation and discussed the issue with Matt Dixon and Steve Liebersbach. The Agency is legally authorized and legally obligated to repay the Loan to the City. Although some of the documentation for the Loan has not yet been located, it is clear that the Loan is a valid obligation of the Agency. The City should accept the Agency's partial payment of the Loan.

Please contact me with any questions or concerns.

Sincerely,
SMITH HARTVIGSEN, PLLC

J. Craig Smith
Adam S. Long

Encl.:

cc: Leesa Kapetanov, City Recorder and Agency Secretary
Steve Liebersbach, Director of Finance
Ken Bradshaw, City Attorney

ORDINANCE NO. 15-29

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING THE CITY'S 2015-2016 BUDGET BY MAKING CERTAIN CHANGES TO VARIOUS OF THE CITY'S FUNDS AND COMPENSATION PLANS; ACCOUNTING FOR REVENUE AND EXPENDITURE CHANGES; MODIFYING PRIOR CITY ORDINANCES AS NECESSARY, BY THESE ACTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City of SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the city Council finds that in conformance with Utah Code (UC") §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the city Council finds that in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the city Council finds that certain exigencies of city governmental operations require amendments be made to the current city budget and related documents; and,

WHEREAS, the city Council finds that UC §10-6-119 provides authority for amending the City's budget as necessary; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN THAT THE SOUTH OGDEN CITY BUDGET AND STAFFING DOCUMENT FOR FISCAL YEAR 2015-2016 BE, AND THE SAME HEREBY IS, AMENDED AS FOLLOWS:

SECTION II - CHANGES TO BUDGET

Those changes set out in **Attachment "A"** of the 1st day of December, 2015, attached hereto, and incorporated as if fully set out, as those changes affect and adjust the previously authorized budgets and staffing provisions, including compensation schedules of various city departments and funds represented, ought to be, and the same are, amended, re-adopted and enacted as amendments to the fiscal year 2015-2016 Budget for South Ogden City.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Ordinances and Resolutions, together with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, ordinances and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with any of this Ordinance Amendment, are, to the extent of such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance shall be effective on the 1st day of December, 2015, and after publication or posting as required by law.

DATED this 1st day of December, 2015

SOUTH OGDEN, a municipal corporation

by: _____
James F. Minister, Mayor

Attested and recorded

_____
Leesa Kapetanov
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 15-29

An Ordinance Of South Ogden City, Utah, Amending The City's 2015-2016 Budget By Making Certain Changes To Various Of The City's Funds And Compensation Plans; Accounting For Revenue And Expenditure Changes; Modifying Prior City Ordinances As Necessary, By These Actions; And Establishing An Effective Date.

01 Dec 15

[Attachment to be provided by Finance Officer]

South Ogden City

December 01, 2015
Fiscal Year 2015 - 2016
Budget Amendment

	Balance Sheet Entries - Prior Period Adjustments	Debit Entry	Credit Entry
10-14-230	Loan Receivable from CDRA - General Fund	$567,034.40	
10-29-800	Fund Balance - General Fund		$567,034.40
51-14-110	Loan Receivable from CDRA - Water Fund	$374,477.83	
51-29-800	Fund Balance - Water Fund		$374,477.83
52-14-220	Loan Receivable from CDRA - Sewer Fund	$374,477.81	
52-29-800	Fund Balance - Sewer Fund		$374,477.81
61-29-800	Fund Balance - CDRA	$1,315,990.04	
61-22-000	Loan Payable to General Fund - CDRA Fund		$567,034.40
61-22-100	Loan Payable to Water Fund - CDRA Fund		$374,477.83
61-22-101	Loan Payable to Sewer Fund - CDRA Fund		$374,477.81
	* Balance sheet entries to set up receivable/payables		
61-22-000	Loan Payable to General Fund - CDRA Fund	$109,743.45	
61-22-100	Loan Payable to Water Fund - CDRA Fund	$72,476.18	
61-22-101	Loan Payable to Sewer Fund - CDRA Fund	$72,476.18	
10-14-230	Loan Receivable from CDRA - General Fund		$109,743.45
51-14-110	Loan Receivable from CDRA - Water Fund		$72,476.18
52-14-220	Loan Receivable from CDRA - Sewer Fund		$72,476.18
	* Entry to record payment of all prior years' interest		

	FY 2016 Budget Entries - Record CY Interest	Current Budget	New Budget	Difference
61-40-820	Loan Interest Expense - CDRA Fund	$0	$25,987	$25,987
10-36-100	Interest Earned - General Fund	$23,700	$34,897	$11,197
51-30-100	Interest Earned - Water Fund	$2,400	$9,795	$7,395
52-30-100	Interest Earned - Sewer Fund	$1,200	$8,595	$7,395
	* Budget for FY 2016 interest payments			

RESOLUTION NO. 15-50

A RESOLUTION OF THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH, APPROVING AN AGREEMENT WITH TOTAL DENTAL ASSOCIATES FOR DENTAL HEALTH SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1 - RECITALS

WHEREAS, the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, the City Council as the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds that Total Dental Associates for Dental Health Services ("Total Dental") can provide necessary services for the City; and,

WHEREAS, the City Council finds that Total Dental has offered the City services of the City as set out in Attachment "A" (the "Agreement"); and,

WHEREAS, the City Council finds that the Agreement should be accepted between the City and Total Dental, (the "Parties"); and

WHEREAS, the City Manager of South Ogden is the chief administrative officer and representative of the City;

WHEREAS, the City Council finds that entering into the current Agreement between the parties and the execution of the required Agreement is in the best interest of the citizens of South Ogden City; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH OGDEN UTAH THAT:

That the attached agreement with **"Total Dental Associates", Attachment "A"** by This Reference Fully Incorporated Herein, Is Hereby Approved and Adopted; and That the City Manager Is Authorized To More Fully Negotiate Any Remaining Details under the Agreement On Behalf Of the City and Then to Sign, and the City Recorder Authorized to attest, any and all documents necessary to effect this authorization and approval.

BE IT FURTHER RESOLVED this Resolution shall become effective immediately upon its passage.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS

All orders and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with any of this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 3 - PRIOR RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION 4 - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed to be the separate independent and severable act of the City Council of South Ogden City.

SECTION 5 - DATE OF EFFECT

This Resolution shall be effective on the 1st day of December, 2015, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 1st day of December, 2015.

SOUTH OGDEN CITY

_____
James F. Minster
Mayor

ATTEST:

_____
Leesa Kapetanov
City Recorder

ATTACHMENT "A"

RESOLUTION NO. 15-50

A Resolution Of The City Council Of South Ogden City, Utah, Approving An Agreement With Total Dental Associates For Dental Health Services, And Providing For An Effective Date.

01 Dec 15

[Attachment to be provided by City Manager]

City Council Staff Report

Subject: Amendments to Personnel Policy Manual
Author: Doug Gailey
Department: Human Resources
Date: December 1, 2015

Recommendation

- Adopt resolution 15-51

Background The policy manual should be updated periodically to reflect changes in procedures and to make procedures comply with updated laws. Several policies have been amended to reflect these changes. In addition to the listed policies, some minor wording and grammatical changes were made. These changes are highlighted in the redline version.

Click on links to take you to specified section in red-line version of policy manual

Analysis

Section 02.105 adds the Measurement method Policy to determine full-time employee status under employer shared responsibility. The Affordable Care Act (ACA) has several requirements for Employers. The ACA requires employers to track part time hours and offer health care to employees who work a yearly average of 130 hours a month or more. The proposed policy outlines how South Ogden City will comply with the requirements of the ACA. The policy provides a measurement period, an administrative period and a stability period. Human Resources will be responsible to apply the provisions of this policy and ensure compliance.

Section 011.010 was changed to bring South Ogden City's Vacation policy for Exempt employees in line with best practices for dealing with leave on a day in which work was performed. Exempt employees are by design paid by the job rather than the hour. The courts have ruled that absent a specific policy, deductions for partial days cannot be made. The amended policy puts all exempt employees on the same system and fixes some operational difficulties.

Section 011.020 This section is identical to the Vacation policy, but addresses sick leave.

Section 011.082 The Utah TRUST recommends that we have a policy to help employees injured on the job to return to work as soon as possible. The new policy includes reporting procedures for on the job injuries as well as instructions on where to go if an employee is injured on the job. This policy outlines the procedures for light/transitional duty. The adoption of this policy will lower the risk to South Ogden City as well as satisfy one of the

requirements for the Trust Accountability Program, which makes us eligible for a cash award equal to 5% of our liability premium. One of the drivers of the cost to our workers compensation bill is the claims from employees who are off work due to injuries. This policy would shorten the time they are off and therefore reduce our workers compensation liability.

Section 012.047 The Utah TRUST recommends that we have a policy to monitor the Motor Vehicle Records (MVR) and history of employees who drive South Ogden City vehicles or any other vehicle while on City business. The amended policy includes criteria for acceptable driving history and history of job related motor vehicle incidents not recorded on the MVR. The policy provides provisions for at least an annual MVR review and verification of unacceptable drivers who are not authorized to drive. The license status, driving records and points accumulation of authorized driver's will be monitored and employees will be notified when they are borderline or unacceptable. The policy outlines criteria for moving from an acceptable status to an unacceptable status as well as what it takes to get back to acceptable.

Section 013.025, 013.030, 013.035, 014.005 these sections of the policy deal with the Employee Appeals Process. These sections provide for a professionally trained Hearing Officer and Court of Appeals to handle employee appeals. Since the deciding party would not have an interest in the outcome, this new policy would provide a completely unbiased ruling thereby making the process fairer to both the employee and South Ogden City.

Significant Impacts

The adoption of this amended policy manual will lower the risk to South Ogden City by providing updated policies and in some cases outlining our compliance strategies.

Attachments

Copy of Redline policy manual
Copy of proposed final policy manual

Policies and Procedures Manual

SOUTH OGDEN CITY

~~1/8/2013~~12/15/2015

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INTRODUCTION

It is the policy of South Ogden City to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of South Ogden City and its employees.

These policies are designed to acquaint all employees with the City and to provide information about working conditions and some policies affecting employment with the City. Employees should read, understand, and comply with all provisions of these policies. It is a condition of employment that all employees adhere to the City's policies, and sign the Policy Acknowledgement Form (**AT THE END OF THIS MANUAL**). It is important to be familiar with these policies. One of the City's objectives is to provide a work environment conducive to both personal and professional growth. The City encourages discussion of any portion of these policies with a supervisor. Supervisors can arrange a convenient time to review the material with you as necessary.

THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPRESS OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY SOUTH OGDEN CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MAYOR OF SOUTH OGDEN CITY.

It is also the policy of South Ogden City to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. South Ogden City will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran's status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

It is the policy of South Ogden City to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to South Ogden City by enlisting the help of all employees to ensure public and work areas are free of hazardous conditions.

South Ogden City reserves the right to change its policies and/or procedures in the future. Therefore, any suggestions or comments concerning the content of this manual, please submit in writing, to South Ogden City's City Manager for review.

Final interpretation authority of all policies and procedures contained rests with the City Manager. Questions related to the interpretation of any policy and/or procedure shall be directed to the City Manager.

MISSION STATEMENT

South Ogden City Corporation is a responsible organization dedicated to preserving and enhancing quality of life by providing premium public services, promoting fiscal responsibility and responding in a timely and professional manner to the needs of every resident, visitor or employee of South Ogden City.

SECTION 1: EQUAL EMPLOYMENT OPPORTUNITY

01.005 General Policy

It is the policy of South Ogden City to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status.

01.010 Supervisor Responsibilities

The City Manager will ensure South Ogden City complies with all of the personnel policies and procedures in this manual, including all EEO standards. The Administrative Services Director will ensure that each employee receives a copy of this Personnel Policies and Procedures Manual and that the employee signs and dates a Policy Statement and Acknowledgment Form stating receipt of the manual. The Administrative Services Director will then file the signed and dated Policy Statement and Acknowledgment Form in the employees personnel file.

01.015 Employee Responsibilities

Employees are responsible for informing themselves about the policies, practices, and benefits set forth in South Ogden City's Personnel Policy and Procedures Manual by reading them and asking that they be explained to them. All employees must sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual.

01.020 Equal Employment Opportunity

To provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practice on the basis of race, color, religion, gender, national origin, age, disability, or any other characteristic protected by law.

The City will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would cause an undue hardship on the City. This policy governs all aspects of employment including recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

The City adheres to federal and state law regarding veterans' preference criteria when making decisions regarding initial, new hiring. It is City policy that veterans' preference does not apply to promotional opportunities. Applicants for initial employment with the City shall be required to provide reasonable documentation and records as proof of any claimed veteran's preference. Such documentation may include, but may not be limited to, a Form DD-214, or equivalent discharge or other official record from the armed services of the United States.

The City develops job descriptions, duty rosters and other guidelines for each employee's job. These will be used in determining whether an employee meets the qualifications and standards of performance on which decisions of initial employment or continued employment are based. Jobs site evaluations and other evaluative and analytical processes and procedures may be used besides other written documents pertaining to job duties to assist employees, supervisors and appropriate professionals in better determining job duties and work demands, and employee performance.

Employees with questions about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or City Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including, termination of employment.

SECTION 2: RECRUITMENT AND EMPLOYEE HIRING

02.005 General Policy

It is the policy of the City to fill vacancies with qualified individuals, who are able to perform job functions properly, appropriately and adequately. This policy extends to all aspects and phases of the employment life cycle from job announcement, recruitment, hiring, performance evaluation, discipline and separation. While the City will give first consideration to current employees, the City reserves the right to accept applications from non-City employees.

02.010 Employment

Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.

02.015 Hiring

The City will use the following when taking action to fill a job vacancy in a merit or classified position.

A. Former employees with reinstatement rights Section 02.085 will be considered pursuant to the Reinstatement Rights policy.

B. Vacant positions will be posted for a minimum of five (5) calendar days in the City Administrative offices and may be advertised in appropriate newspapers, professional journals and publications, state authorized websites, or other appropriate media simultaneously. Announcements will also be distributed to the city departments for posting at appropriate work sites, and may be distributed to interested candidates. Applications will then be accepted from current employees, and non-employees, when applicable, in the Administrative Office until 5:00 p.m. on the closing date in the vacancy announcement.

C. Testing procedures applicable to job position qualifications, which assess a candidate's knowledge, skill and ability to successfully complete an essential job function, may be conducted by the city, or under the City's direction and guidance.

D. An eligibility list will be compiled and the top two to five (2-5) eligible candidates will be certified by the department director for possible selection. The department director may select any person on the certified eligible list for an appointment. If the department director has fewer than five persons from which to make a selection and no additional names can be certified, he/she may choose from the certified names available, elect to postpone filling the vacancy, or fill the position by a temporary appointment.

E. Division managers of the City may make recommendation to a department director concerning the hiring or transfer of a job candidate. Subject to the terms and conditions of this hiring procedure and guideline, the department director will have final authority in the hiring process, subject to approval by the City Manager. Only those applicants properly certified by the department director will be considered for appointment.

F. Anyone who believes these procedures were not followed, or who wishes to make an inquiry or raise a concern or issue about the proper and appropriate application of these procedures, may contact the Office of the City Manager and file a written inquiry or protest. Any inquiry or protest by an applicant shall be filed within five (5) working days from the date a hiring decision has been made, or it will not be considered.

G. After a period of not more than fourteen (14) calendar days from receipt of a written inquiry or protest, the City Manager shall make a written reply to the petitioner, and a copy of that reply will be filed with the department director.

H. The City reserves the right to investigate any hiring procedure or process, evaluate and analyze data and information received, and otherwise modify, amend or set aside any hiring decision which violates any policy or the best interests of the City. Such investigations shall be performed as directed by the City Manager.

I. Prior to placement in any position and commencement of work activity for any newly hired employee, a drug and alcohol test shall be performed and completed to determine and verify fitness for duty.

J. Post offer may include conducting a background check and/or driver's license check.

02.020 Recruitment

All recruitment shall be conducted under South Ogden City's equal opportunity guidelines.

A. Internal Promotions. It is South Ogden City's policy to give first consideration to current agency employees desiring to fill an open job position.

B. External Advertising.

(1) Only the City Manager, or designee, may place advertisements and respond to inquiries from employment agencies and/or job applicants.

(2) Each Job Opening Announcement should contain a statement indicating South Ogden City is an equal opportunity employer.

(3) Job Opening Announcements may be advertised in the appropriate media as determined by the City Manager.

(4) All Job Opening Announcements must specify the name and the office of the person from whom Job Applications are to be obtained, from whom job applications are to be obtained, to whom completed applications are to be returned, and the deadline for filing an application.

(5) Advertisements may state that job applicants residing in South Ogden City or the surrounding area will be given hiring preference.

02.025 Employment Applications

All interested job applicants shall complete a Job Application. All application and resumes received for the job opening will be forwarded to the Director of Administrative Services. Upon receipt, each application and resume will be marked with the date it was received and placed in an open applicant file for at least one (1) year.

Job applications shall be signed by the job applicant and the truth of all information contained shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.

The City relies upon the accuracy of information in the employment application, and the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in this information violate South Ogden City's policies. Violating City policy may cause the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

A. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:

(1) Does not meet minimum qualifications established for the position.

(2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).

(3) Has falsified a material fact or failed to complete the application.

(4) Has failed to timely file the application.

(5) Has an unsatisfactory employment history or poor work references.

(6) Has failed to attain a passing score, if an examination is required.

B. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed necessary, it may be administered by the Department of Workforce Services.

C. Other Tests. Job Applicants may be required to take other tests which South Ogden City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When South Ogden City uses these tests, the City shall, when necessary, make reasonable accommodations for disabled applicants.

02.030 Selection & Interviewing

The Administrative Services Director, with the Department Head will select applicants to interview from those who have passed the preliminary screening tests and job applications. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.

Individuals conducting job interviews shall only ask questions that pertain to the job position. The Pre-Employment questions should be reviewed by Human Resources before the interview begins.

02.035 Employment Reference Checks

The applicant's signature on the employment application is considered a signed release to facilitate references checks. South Ogden City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked.

To ensure that individuals who become employees of the City are well qualified and have a strong potential to be productive and successful, the City reserves the right at its sole discretion to check the employment references of applicants and otherwise verify the accuracy and validity of information contained on applications or in other documents within the application and selection process.

The Administrative Services Director and/or department directors will respond to all reference inquiries regarding present or former City employees. Responses to such inquires will confirm only dates of employment, wage rates, and position(s) held. No other employment information should be released without authorization and release signed by the individual who is the subject of the inquiry provided. However, good faith release of employment information regarding job performance, professional conduct or evaluation of a former or present employee to a prospective employer as authorized by Utah Code Section 34-42-1 is allowed.

02.040 Hiring of Relatives

The employment of relatives in the same organization or in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. To address these potential problems, the following policies are adopted.

Regarding the employment of relatives, state law prohibits the hiring of relatives under certain circumstances (Title 52, Chapter 3, Utah Code Annotated). The City has adopted as policy, and subscribes to the intent of, existing state law which prohibits employment of relatives within certain guidelines and subject to certain qualifications.

"Relative" for this policy means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, niece, nephew, first cousin, mother-in-law, father-in-law, grandparent, grandchild, half-brother, half-sister, brother-in-law, or sister-in-law.

Applicants for employment shall be required to disclose any familial relationships with other employees of the City, and it will be grounds for immediate discharge if applicants willfully withhold or give false information. Any officer or supervisor who knowingly violates this Section shall be subject to immediate termination.

Employees with questions about state law or wanting copies of the City policy may contact their department director or the Administrative Services Director...

02.045 Personal Conflicts

As with other management rights to set work standards and rules, where a conflict or the potential for conflict in the work force arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. A conflict may exist when a department director determines that a relationship between two employees interferes with the ability to direct work assignments within the department, or interferes with performing work or assignments of employees.

A. Nepotism. It is the policy of South Ogden City to comply with Utah's Anti-Nepotism Act, Utah Code 52-3-1.

B. Employment of Minors. It is the policy of South Ogden City that no one under the age of fourteen (14) shall be hired for any position.

C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The City Manager, or designee, will review the former employee's personnel records and the circumstances surrounding termination of previous employment with South Ogden City.

(1) Former employees terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire.

(2) Applicants who are rehired shall be required to serve an introductory period.

02.050 Placement

After a job applicant is approved by South Ogden City, the Director of Administrative Services shall notify the successful job applicant of their conditional selection through a written Job Offer Letter. The written conditional Job Offer Letter shall state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests and background checks). The written conditional Job Offer Letter shall state that the offer is not accepted until the candidate signs the written conditional Job Offer Letter and returns it to South Ogden City by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:

(1) A clear statement of the job description.

(2) The employee's starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two (2) week period. Starting salary offers for non-exempt positions shall be figured at an hourly wage.

(3) The employee's job title.

(4) The employee's supervisor.

(5) Any relocation commitments, if applicable.

(6) South Ogden City's at-will employment policy.

(7) The employee's starting date.

(8) The length of the employee's introductory period.

(9) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

A. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The Administrative Services Director may send a Job Rejection Letter to each job applicant not selected for a job opening.

B. Medical Examinations. Once South Ogden City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by South Ogden City to determine a job applicant's ability to fulfill essential job related requirements. Only the Director of Administrative Services may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by South Ogden City. The prospective employee must sign a written release of this information to South Ogden City.

C. Reinstatements. Employees reinstated into South Ogden City may maintain their original anniversary date for seniority and for those benefit programs governed by the anniversary date. The policy will be as follows:

(1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority if they are re-employed by South Ogden City within one (1) year after date of termination.

(2) Voluntary resignations. Employees who voluntarily terminate their employment with South Ogden City will maintain their original anniversary date, subject to City Manager approval, if they are re-employed by South Ogden City within six months after date of termination. All reinstatements must be approved by the City Manager.

D. Hiring New Employees.

(1) Required for All Employees: The Director of Administrative Services is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on South Ogden City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours

during the employee's first day of work.

(2) Additional Requirement for Employment of Minors (employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.):

a. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.

b. Unless otherwise exempt, a minor employee must be paid according to the current statutory minimum wage and overtime provisions (currently one and one half {1/2} times the employee's regular wage after forty {40} hours worked in a work week) of the Fair Labor Standards Act of 1938, as amended.

c. Employees fourteen (14) and fifteen (15) years old may not be employed:

1. During school hours, except as provided for in work experience and career exploration programs.

2. Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day (time depends on local standards).

3. Over three (3) hours a day on school days.

4. Over eighteen (18) hours a week, in school weeks.

5. Over eight (8) hours a day, on non-school days.

6. Over forty (40) hours a week, in non-school weeks.

7. In any occupations found and declared to be hazardous.

8. In the operation or tending of hoisting apparatus.

9. In the operation or tending of any power-driven machinery.

10. Outside window washing that involves working from window sills, and all work requiring using ladders, scaffolds or their substitutes.

E. Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor shall find and by order declare to be hazardous or detrimental to their health and well-being as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupation.

F. Orientation. Newly hired South Ogden City employees shall complete all required paperwork and receive an orientation on their first (1st) day of work.

(1) Under the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment and provide the documentation.

(2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.

(3) All new employees should be given a tour of the work place with a overview of company rules and benefits.

02.055 Introductory Period

All new employees, except "non-merit" employees who are at-will employees, shall be subject to a six (6) month introductory period. During this period, introductory employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal with said termination. Part time firefighters shall be subject to twelve (12) month introductory period due to the lack of availability of shifts. See Fire Policies for more information.

Introductory periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to introductory employees so they understand work requirements.

An employee on probation shall have a performance evaluation at the end of the introductory period. This performance evaluation may provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a course of action relative to the introductory employee nor shall it create any property/due process rights for the introductory employee relative to their job/position.

Employees promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. Any continuous absence over 10 working days will automatically extend an introductory period by the length of the absence.

In cases of promotions or transfers within the City an employee who, in the sole judgment of the department director, is unsuccessful in the new position can be removed from that position during the secondary introductory period. If this occurs, the employee may return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs. If a similar position is not immediately available, the employee will be placed on a reinstatement list.

Upon satisfactory completion of the initial introductory period, employees enter the designated employment category.

Benefits eligibility and employment status are not affected during the secondary introductory period that results from a promotion or a transfer within the City.

02.060 Volunteers

A. The City Manager shall develop guidelines for volunteers.

B. Prior to accepting any volunteer services, the Supervisor of the department and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.

C. A volunteer shall be provided the protections as an employee of South Ogden City for:

(1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.

(2) Operating South Ogden City owned vehicles or equipment when the volunteer is properly licensed to do so.

(3) Liability insurance coverage offered employees.

D. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with South Ogden City.

02.065 Personal Information Changes

It is the responsibility of each employee to promptly notify the City of any changes in personal data. Each employee maintains current and accurate information on file with his/her respective department director. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted if emergency occurs,, educational accomplishments, and other such status reports should be accurate and current. .

If and when any personal data has changed, the employee must notify the Director of Administrative Services, and his/her own department director. Notification should be made when possible.

02.070 Immigration Law Compliance

The City will employ only United States citizens and aliens who may to work in the United States, but does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Failure to present proper or adequate documentation required within three (3) working days from hire will cause in termination of employment. Former employees who are rehired must also complete I-9 form. Employee information will be entered into the E-VERIFY website within 3 days of hire by the Administrative Services Director.

02.075 Employment Categories

The employees of the City are classified into various employee categories that relate to employment status, hiring procedures, grievance procedures, compensation, benefit eligibility and applicability of certain federal and state laws. These classifications do not guarantee employment for any specified period of time. Subject to current City personnel policies, the right to terminate the employment relationship at will is retained by both the employee and the City. Such categories or classifications are subject to change depending upon the requirements of State or federal law or the requirements of City ordinance.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee's exempt or nonexempt classification may be changed only upon written notification by the City Manager.

The City also places employees in one of three (3) other job categories, which reflect certain job conditions and/or protections the employee has, or does not have. These three categories are:

Classified Service
This category includes those employees of the police and fire departments, except department directors, and their chief deputies or assistant chiefs, as required by State law. The classified service can comprise full-time, qualified part-time, part-time casual/seasonal, introductory or temporary employees.

Merit Service
The merit service includes the employees of the City who are not members of the classified service and are not members of the non-merit service. The merit service comprises either full-time or qualified part-time employees.

Non-merit Service
Members of the non-merit service comprise:

A. The Mayor and members of the City Council

B. The City Manager, department directors (including the Fire and Police Chiefs), the Finance Director, the Administrative Services Directory, Public Works Director, City Attorney, City Recorder, City Treasurer, and Assistant or Deputy Chiefs within the Police, Fire and Public Works department.

C. Casual or seasonal employees not part of the classified service.

D. Part-time employees not part of the classified services.

E. Introductory employees not part of the classified service.

F. Temporary employees not part of the classified service.

Besides the categories of classified, merit and non-merit service, employees are also placed in categories.

Elected Officials
The Mayor and members of the City Council are elected officials. Elected officials are not considered employees, are paid on a part time basis, and are not eligible for retirement benefits.

Non-merit special employees
Non-merit special employees are the City Manager, department directors, Finance Director, City Treasurer, City Recorder, City Engineer, City Attorney, and assistant or deputy chiefs within the

police and fire departments and who have been approved under the City budget, as adopted by the South Ogden City Council.

Full-time employees

Full-time employees are those employees regularly scheduled to work the City's full-time schedule and who are not categorized as qualified part-time, part-time, casual/seasonal, introductory or temporary employees. Full-time positions are identified and approved under the City budget, as adopted by the South Ogden City Council.

Qualified, part-time employees

Qualified part-time employees are those who are regularly scheduled to work at least 32 hours, but less than 40 hours, per week, and who are not categorized as casual/seasonal, introductory, or temporary. An employee will be presumed to be "regularly scheduled" as a qualified part-time employee if the employee has worked less than 40 hours but over 32 hours per week during at least ten (10) weeks within any quarter.

Part-time employees

Part-time employees are those who are regularly scheduled to work less than 29 hours per week. *Per 2012 healthcare regulations, part-time employees cannot work over 29 hours per week, to be non-benefitted.

Part-time Fire Fighter

Part-time firefighters are those employees of the fire department who have established a limited/part-time employment relationship with the City. This relationship is established by the fire fighters attending a specified number of weekly training sessions and responding to a specified percentage of general callback alarms. Part-time fire fighters may, if they choose, work a limited number of 12-hour part-time shifts to meet required staffing levels, as defined by the Chief. Based on the 96 (5 OT) hour, 12-day work period established for full-time fire suppression personnel, a part-time firefighter may work a maximum of 116 hours in a 28-day work period, and not over 29 hours per week. At least monthly, the Chief will advise the part-time fire fighters of the availability of part-time shifts. Part-time fire fighters may fill these hours voluntarily. Part-time fire fighters must fill at least one 24 hour shift a month to maintain the status of part-time fire fighters.

Casual or seasonal employees

Casual or seasonal employees are those who have established an employment relationship with the City, but who are assigned to work on an intermittent and/or unpredictable basis. Employees in this category may work for indefinite periods of time; however, such employment will not exceed ten (10) months in any calendar year.

Introductory employees
Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position with the City is appropriate. Employees who satisfactorily complete the introductory period will enter another applicable employment category.

Temporary employees
Temporary employees are those who are hired temporarily to supplement the work force or to assist completing a specific project, and whose employment is of limited duration. Temporary employment assignments will not exceed six (6) months. An additional six (6) month extension may be granted with the specific approval of the City Manager. (Any decision to approve such extension will consider the requirement for overtime pay and state retirement benefits which may accrue by such extension.) Unless an extension is granted, no person may be appointed as a temporary employee if it would cause over six (6) months of service in that position within any calendar year.

Employment as a temporary employee beyond the above periods, or beyond any initially stated period, does not imply a change in employment status. Temporary employees retain that status unless notified of a change. Temporary employees may be scheduled to work differing hours each week. Schedules for temporary employees may vary and can even be up to 40 hours or more hours each week.

02.080 Employment Status

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, regarding to eligibility for overtime payment. They shall be defined as:

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

B. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

02.085 Reinstatement Rights

Subject to position availability, and the terms and conditions of this policy, the City allows certain former, eligible employees to return to their same class, position or rank within two (2) years from the date of last separation and with credit for former service with the City. Reinstatement rights must be approved by the City Manager.

Eligible former employees are those who were, at the time of separation, full-time merit and full-time classified employees.

Employees reinstated to their former jobs and departments will receive full credit for prior employment with the City to determine compensation within a range, grade and class, and to determine their rate of accrual or vacation and sick leave benefits. Employees reinstated to their former jobs will have their appointment service date amended to be the same date as that of their former job to assure credit for prior employment. Employees involuntarily separated due to the City's layoff policy and subsequently who apply and are rehired by the City within two (2) years of the layoff, will qualify for reinstatement rights upon rehire, provided they shall have no preference in the hiring decision. Employees who are rehired by the City in a department, a field of work, or a position, that differs from their former employment with the City will not be entitled to any consideration or benefits under this Reinstatement policy.

02.090 Reassignment

Except when due to a demotion or a disciplinary action, an employee reassigned shall be paid at lease the same salary received prior to the assignment.

02.095 Reclassification

A. If a position is reclassified due to market adjustments, the City Manager, or designee shall adjust the incumbent's salary to at least the minimum of the updated market value and may give a salary increase, based upon increased responsibility. If an incumbent's salary exceeds the maximum of the market, the incumbent will not be eligible to receive a salary increase until the market salary increases.

B. A reclassification increase is subject to the availability of funds.

02.100 Transfers

Transferred employees, who have moved from one department to another, retain the benefits commensurate with both their seniority and their work status in the new position. These employees will begin a new introductory period for the new position as it relates to work performance only. If a transferred employee is unsuccessful in the position, he/she may be placed back in the previous position held immediately prior to the transfer or to another position, subject to availability, and the employee's qualifications. Pay for a transferred employee will be determined by the market range established for the position, and based upon the employee's longevity and other considerations at time of transfer.

Transfers will occur with the recommendation(s) of the department director(s) involved and the approval of the City Manager.

It is the policy of the City to prohibit from consideration any application for a transfer by an employee who is the subject of any current disciplinary action. Department directors will consider the severity of any prior disciplinary actions and of any ongoing disciplinary review in determining whether to consider transferring any City employee.

If a transfer decision and placement is set aside due to City error, the involved employee may return to his/her former job with no prejudice to the employee, or his/ her compensation or benefits, so long as the former position, or one similar to it, is available. In cases of error by the City, the City will make all reasonable effort and accommodation to place the employee back in their previous job or similar position so long as an undue hardship to the City is not created. An undue hardship exists when, in the judgment of management, significant difficulty or expense would be incurred by the City, which would interfere with the operations and/or ability to provide for the safety/services/protection owed to the public.

If an employee in the full-time merit or classified service cannot be returned to his/her former or similar position, he/she will be placed on the reinstatement list and shall be subject to all reinstatement rights and privileges as discussed elsewhere in these policies. See Reinstatement Rights above.

An employee wishing to file a complaint or request a review of a decision involving transferring an employee must file such a complaint or request directly to his/her department director and provide a copy to the Director of Administrative Services within fourteen (14) days of the effective date of the transfer. Failure to file within fourteen (14) days will cause forfeiture of any and all rights of grievance, appeal or review under this or any other policy provision of the City.

See Police Policies for the inter-jurisdictional lateral transfer for the police department.

02.105 Measurement Method Policy to Determine Full-time Employee Status under Employer Shared Responsibility

South Ogden City is a large employer under Employer Shared Responsibility provisions of the Affordable Care Act (ACA). South Ogden City offers health benefits to full-time employees that is affordable and meets minimum value. A full-time employee is defined as one who works an average of at least 30 hours per week or 130 hours per month.

The ACA requires large employers to select a measurement method to determine:

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- The full-time status of employees
- If the employer must offer coverage to an employee
- For which months the employer must offer coverage
- For which employees an employer may be subject to potential penalties for not offering coverage.

This policy specifies the Measurement Methods South Ogden City has selected the categories of employees to which the selections apply, the length of the Look-back Measurement Method periods, and the treatment of employees upon return from paid or unpaid leave.

Section 1: Categories of Employees to Whom the Monthly Measurement Method or Look-Back Measurement Method Applies

The measurement method selected for a category of employees applies to all employees *in that category*, whether they work full-time, part-time, have variable hours or are seasonal employees.

1. A. The General Rule

Starting January 1, 2015, South Ogden City will use the Look Back Measurement Method for ALL categories of employees.

1. B. The Exception to the General Rule: Newly-Hired Employees Reasonably Expected to Work Full-time

For new-hires who are reasonably expected at date of hire to be full-time employees, South Ogden City will temporarily track hours using the Monthly Measurement Method (even though the Look-Back Measurement Method would otherwise apply), and will offer them health coverage no later than the first day of the month following their start date.

South Ogden City will continue to track hours of the new employee (who is reasonably expected to work full time) on a monthly basis until the new employee becomes an "ongoing" employee. On the first day of the first STANDARD Measurement period after hire, the employee's hours will also be tracked using the Standard Look Back Measurement method. Specifically,

- On first day of work, employee's hours will be tracked using the Monthly Measurement Method.
- On first day of the first Standard Measurement Period after date of hire, an employee's hours will also be tracked using the (Standard) Look Back Measurement Method
- The employee's hours will continue to be tracked using both the Monthly Measurement Method and the Look Back Measurement Method until the last day of the first Standard Measurement Period after hire.

- On the last day of the first Standard Measurement Period after hire, the new employee becomes an "ongoing" employee.
- When the new employee becomes an "ongoing" employee, the employee's hours will be tracked using only the Look Back Measurement Method. The Monthly Measurement Method will no longer be used for this employee.

1. C. Seasonal Employees

A seasonal employee for purposes of this policy is defined as one in a position for which the customary annual employment is six months or less. "Customary" means an employee who typically works each calendar year in approximately the same part of the year, such as summer or winter.

If South Ogden City hires an employee who falls within the definition of a Seasonal employee, the employee, whether or not expected to work full time at the time of hire, will be treated differently from other newly hired employees reasonably expected to work full time. When newly hired, the seasonal employee will have his or her hours tracked using the Measurement Method South Ogden City elected under section 1 A.

1. D. Employer Discretion to Change Measurement Method and Period Elections for Future Years

For future years, South Ogden City may change the categories of employees for whom it will apply the Monthly Measurement Method or the Look Back Measurement Method, or may elect to use a Look Back Measurement Period, Administrative Period or Stability Period of a different length or with a different start date than indicated above. However, that election to change methods will be effective only as of the first day of a Standard Measurement Period, and not in the middle of a measurement cycle.

SECTION 2: Monthly Measurement Method

2. A. The measurement period for the Monthly Measurement method will be the calendar month. This method applies (temporarily) to new-hires who at the time of hire are reasonably expected to be full time. South Ogden City will track hours each calendar month under the Monthly Measurement Method by counting "hours of service" (hours actually worked and hours for which the employees is paid even though not actively at work) from first of the month through the last day of the month.

An employee who at the time of hire is reasonably expected to be full time will be eligible for coverage effective no later than the first day of the month following start date (pursuant to Section 1B). If thereafter, an employee continues to work at least 130 hours of service within

each month, the employee will remain eligible for coverage through the Monthly Measurement Method.

An employee who is enrolled in the employer's group health plan, but who works fewer than 130 hours per month for four consecutive calendar months may cease to be eligible as of the first day of the next calendar month.

Section 3: Look-Back Measurement Method

3. A. General Definitions Applicable to Look-Back Measurement Method:

- **Measurement Period -** A period of 12 months wherein employee hours are tracked in order to identify the average hours worked.
- **Administrative Period –** A period of time, usually between the Measurement Period and Stability period, to calculate employee hours tracked during the Measurement Period, identify full-time employees, communicate with eligible employees, and process enrollments/terminations. The STANDARD administrative period will be 2 months and the INITIAL administrative period will be 1 and a partial month).
- **Stability Period –** A period of 12 months during which employees who were identified as averaging at least 130 hours per month during the Measurement Period are eligible for coverage.
- **Standard Measurement/Administrative/Stability Periods –** used for ongoing employees
- **Initial Measurement/Administrative/Stability Periods –** used for newly hired employees unless the employee at the time of hire is reasonably expected to work full time, as explained in section 1 B.

3. B. i Ongoing Employees

South Ogden City has made the following elections regarding the Measurement, Administrative and Stability Periods in the STANDARD Look-Back Measurement Method for ONGOING employees:

- South Ogden City has opted to use a 12 month **Standard** *Measurement* Period starting on November 1, 2013 and ending on October 31, 2014. This will repeat each year.
- South Ogden City has opted to use a 2 month **Standard** *Administrative* Period starting on November 1, 2014 and ending on December 31, 2014. This will repeat each year.
- South Ogden City has opted to use a 12 month **Standard** *Stability* Period starting on January 1, 2015) and ending on December 31, 2015. This will repeat each year.

The Standard Measurement/Administrative/Stability periods will continuously repeat. For example, when the Standard Measurement Period starting November 1, 2014 ends on October 31, 2015, a new Standard Measurement Period will start November 1, 2015.

3. C. New Hires

1) New Hires Who Are Reasonably Expected to Work Full-time:

As described in Section 1.B., until a newly hired full-time employee who is reasonably expected at date of hire to work full-time becomes an ongoing employee, the Look Back Measurement Method will not be used. South Ogden City will temporarily track these employee hours using the Monthly Measurement Method even though the Look-Back Measurement Method would otherwise apply, and will offer coverage on the first day of the month following the start date. South Ogden City will continue to track hours on a Monthly basis using the Monthly Measurement Method until the new employee becomes an "ongoing" employee as described in section 1B

2) All Other New Hires, NOT Reasonably Expected to Work Full-time:

South Ogden City has made the following elections regarding the Measurement, Administrative and Stability Periods for the INITIAL Look-Back Measurement Method for NEWLY HIRED employees who at the time of hire are not reasonably expected to work full-time including those who meet the seasonal employee definition under section 1C.

- **Initial** Measurement Period: South Ogden City has opted to use a 12 month) **Initial** *Measurement* Period which will begin the first day the newly hired employee starts working.
- **Initial** Administrative Period (split): South Ogden City has opted to use a 1 month (plus a partial month) **Initial** *Administrative* Period which will be split into two parts. Part 1 is a partial month beginning on date of hire and ending on the last day of the month, the day before the Initial Measurement Period begins (e.g. if employee starts working March 10, Part 1 of the Initial Administrative Period would be March 10 to March 31). Part 2 is the full month immediately after the last day of Initial *Measurement* Period but before the Initial *Stability* Period begins.
- **Initial** Stability Period: South Ogden City has opted to use a 12 month Initial Stability Period which will start immediately after the associated Initial Administrative Period ends. Health coverage will be offered to employees whose hours averaged 130 hours or more per month during the associated Initial Measurement Period. Coverage will be effective on the first day of the Initial Stability Period.

The combined passage of time between a newly hired employee's start date and the date the newly hired employee is offered health coverage (if eligible) will not exceed more than 13 months, plus an additional partial month. In other words, the Initial Measurement Period and the Initial Administrative Period combined will not exceed 13 months, plus an additional partial month.

In addition to tracking hours through the Initial Measurement Period, new hires will also have their hours tracked through the first Standard Measurement Period that starts after the date of hire, i.e. for a limited period of months, both the Initial Look Back and the Standard Look Back Measurement Methods will be used at the same time. After one full Initial Measurement/Administrative/Stability period is complete, a newly hired employee becomes an ongoing employee. South Ogden City will stop using the Initial Measurement period and continue tracking hours using only the Standard Measurement Period.

Section 4: Treatment of Employees Who Leave and then Return to Work under Both the Monthly Measurement Method and Look-Back Measurement Method

4. A. Employees Returning from Paid Leave

When using the Look Back Measurement Method and/or the Monthly Measurement Method to track employee hours, an employee's "hours of service" will include hours of paid leave (e.g. sick or vacation time) used by an employee during a Month or during a Look Back Measurement Period even though the employee did not actual work those hours

4. B. Employees Returning from Regular Unpaid Leave

This section explains how, under the Measurement Methods, South Ogden City will determine whether employees returning from unpaid leave are identified as "ongoing employees" or "newly- hired employees."

4. B.i. Determining Employee Status upon Return from Regular Unpaid Leave

- South Ogden City is using **The 13 Weeks Rule** to determine whether the returning employee is still an "ongoing" employee or whether the employer should be identified as a "newly hired" employee.
    - For employees whose hours are currently measured using the Look-Back Measurement Method
        - An employee who returns from unpaid leave of 13 consecutive weeks or less will be considered an ongoing employee upon return and he or she will be placed back in the Standard Measurement/Stability Period he/she was in before the break. See section 3Bi OR section 3Bii. Note: If the employee left during an Initial Measurement/Stability Period, the employee would finish that cycle.
        - An employee who returns from unpaid leave of more than 13 consecutive weeks will be considered a newly hired employee upon return to work and

will be measured under the Initial Measurement Method (and not the Standard Measurement Method) upon return.

- EXCEPTION: See Section 1.B. for special temporary treatment of a newly hired employee reasonably expected to work full time upon return to work.

- For newly hired full time employees whose hours are currently measured using the Monthly Measurement Method pursuant to section 1.B but will thereafter have hours tracked using the Look Back Measurement Method:
  - An employee who returns from unpaid leave of 13 consecutive weeks or less will be considered an ongoing employee upon return. However, for the period wherein hours will be tracked using the Monthly Measurement Method, no prior service hours will be credited unless an employee returns within the same month the employer left.
  - An employee who returns from unpaid leave of more than 13 consecutive weeks will be considered a newly hired employee upon return and hours for that employee will be tracked using the Monthly Measurement Method

13 Weeks Rule

Length of Unpaid Leave	Treatment Upon Return
More than 13 weeks	Treat as a new hire, count only hours of service after return from leave
Up to 13 weeks	Treat as an ongoing employee, and count hours of service before and after the leave

4. B.ii Determining Timing of Benefits upon Return from Regular Unpaid Leave

- **For Those Identified as an Ongoing Employee** – If determined under 4.B.i to be an ongoing employee upon return, hours will be measured using the appropriate Measurement Method he/she was in before the break as described above

- If an employee returns to work and he/she is identified as a full-time employee (after calculating the average monthly hours worked during the appropriate Measurement Method), the employee will be offered coverage immediately (as soon as administratively feasible, and no later than the first day of the next month—there is no waiting period) and will be treated as a full-time employee through the end of the Standard Stability Period (if using the Look Back Measurement Method) or through the end of the month (if using the Monthly Measurement Method)
- If an employee returns to work and he/she is identified as a part-time employee (after calculating the average monthly hours worked during the appropriate Measurement Method), the employee need not be offered coverage immediately. Instead, the employer would continue to track hours and will calculate again at the end of the current measurement period to determine eligibility.

- **For Those Identified as a Newly-Hired Employee** – If determined under 4.B.i to be a newly hired employee upon return, no prior hours of service will be credited. Hours will be measured using the appropriate Measurement Method for newly hired employees as described in Section 1 beginning on the date the employee had at least one paid hour of work after returning from the break.

4. C Employees Returning from Special Unpaid Leave

- **FMLA or other "Special" Leave**: An employee returning from "special unpaid leave" due to FMLA, military duty or jury duty will be considered an ongoing employee upon return, regardless of the amount of weeks absent, and the employee will be placed back in the applicable measurement method.

- Hours of service accumulated prior to the absence will be credited, and hours of service during the absence will also be credited, as if the employee had not been absent, based on average hours actually worked prior to absence. *Note: It is only under "special unpaid leave" that an employee will be credited for hours of service for which the employee was not paid and was not at work. Employees on other types of unpaid leave will not receive credit for hours absent.*
- After calculating the average monthly hours worked during the appropriate measurement method, when an employee returns to work, if he/she is identified as a full-time employee, the employee will be offered coverage immediately (as soon as

administratively feasible, and no later than the first day of the next month) and will be treated as a full-time employee through the end of the Standard Stability Period (if hours are being tracked under the Look Back Measurement Method) or through the end of the month (if hours are tracked under the Monthly Measurement Method).

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SECTION 3: COMPENSATION

03.005 General Policy

This philosophy of South Ogden City is to provide employees with a total compensation package that is both fair and competitive in the local government market. The City recognizes the value of its employees and will strive to offer a work environment that promotes collaboration and professional growth.

03.010 Compensation Philosophy

South Ogden City desires to provide and maintain competitive compensation rates for its many job classifications. The City's objective is to utilize market data to compare and maintain competitive salary range within the market. The City's desire to accomplish this is based on budgetary constraints and financial limitations. To accomplish this, the city has established the following compensation plan goals:

1. To compete for and retain qualified staff in a competitive environment
2. To compensate employees equitably and fairly
3. To provide compensation program transparency
4. To be fiscally responsible

To accomplish the compensation plan goals, the city will consider both external fairness (based on market data) and internal fairness factors.

03.015 Pay for Performance

Pay-for-performance or Merit pay systems are based on the philosophy that individuals should be paid according to their contributions. Pay increases are based on the employee's performance rather than seniority, equality, or need. Pay-for-performance pay researchers suggest that to have a successful merit pay system the following components must exist: 1) performance must clearly be defined, 2) rewards must be communicated to employees, 3) rewards must be made contingent upon desired performance, 4) opportunities to improve performance must exist, and 5) perceived relationship between rewards and performance should be viewed as important as the actual relationship.

See the Performance Evaluation Section 7 for more information.

03.020 Compensation upon Promotion

Upon promotion to a higher job market classification within a job family, an employee shall be placed within the new pay range to a position which results in not more than a 10% salary increase. Exceptions may be made only with the express permission of the City Manager.

03.025 Compensation upon Demotion

An employee demoted to a job market classification within with a lower compensation range will be subject to a salary reduction of not less than 5% nor more than 10%.

03.030 Compensation upon Transfer

An employee who is the subject of a job transfer from one position to another will be compensated at the same level of compensation the employee was receiving immediately prior to the transfer.

03.035 Compensation upon Upward Classification

An employee, who is the subject of a job market reclassification which moves his/her job class at least one classification higher in the Compensation Plan will be compensated at not less than 5% nor 10% higher than the previous position, except that the salary increase must bring compensation at least to the entry level salary of the new job family. Under no circumstances would an employee start at a salary under the minimum salary for that position.

03.040 Compensation upon Downward Classification

An employee, who is the subject of a job reclassification which moves his/her position at least one market classification lower in the Compensation Plan, may be subject to a salary reduction.

03.045 Career Ladder & Classification Advancement

In conformity with the City's policy to hire, train and promote employees based on qualifications and merit, the City has established a Career Ladder for some departments and certain positions within those departments. The established Classification Plan of the City reflects certain advancement opportunities that may exist regarding positions within City employment and departments.

Career Ladder – Supervisory Authority

The Career Ladder reflects the increasing levels of supervision within departments, and the increasing levels of experience, training and knowledge required to advance to certain positions within City departments. Not all positions fit within a career ladder, and not all jobs in the City's Career Ladder reflect increasing supervisory authority. Some jobs advance within a Career Ladder based solely on the increasing level, or degree, of experience, training and knowledge.

There are three levels of increasing supervisory authority within departments that may be used within Career Ladders. These are:

A. Direct Supervision: This is the first level of supervisory authority over two or more employees.
B. General Supervision: This is the next level of supervision, usually filled by a division supervisor or manager.
C. Administrative Supervision: This is the higher level of supervision expressed through the authority of the Mayor, the City Manager, or the department director.

A traditional form of a Career Ladder in the City grants to an employee compensation increases within the compensation plan whenever the employee acquires specific training, experience, skills and certification recognized by the City for the position the employee holds. This type of Career Ladder allows the employee more direct control regarding the compensation he/she receives in the position, as compared to the more competitive process within a Career Path.

A Career Path is a form of a Career Ladder by which an employee's compensation increases within the compensation plan whenever the employee acquires a position of advancement within the employee's area of service and expertise through open competition with others who apply for the same position. A vacancy must exist for the position for the employee to be eligible to apply. The employee must qualify for promotional consideration based on experience, training, knowledge and demonstrated skills. If the employee qualifies, then he/she competes with other qualified applicants for the position, based on interviews and other selection criteria.

Employees are encouraged to contact their department director or the City Manager for more information about their own, or other jobs, and any Career Ladder information.

03.050 Acting Positions – Qualifications

Subject to the terms and conditions of this policy, the City intends to provide a framework and guideline within which eligible employees may be appointed to acting positions. This policy applies only to merit service and classified employees being appointed to acting positions. When the acting position is within the classified service, the appointment shall follow the rules and procedures of the Civil Service Commission in filling acting positions.

The decision to place an employee in an acting position of another person or position will be made by the department director, except where the acting position is subject to appointment by the City Manager or the Mayor. An employee is appointed temporarily (due to a vacancy or the temporary absence of an incumbent) to an acting position of higher compensation and authority, only when he/she assumes all the functions and authority of the higher position. Appointments shall be approved in writing by the City Manager.

Subject to the terms and conditions of this policy, an employee performing work and service within the scope and role of an acting position, shall enjoy the benefit of additional compensation for such work and service. When the employee has performed at least thirty (30) consecutive

days of service, or one full work shift for an acting position in the classified service, the employee shall be compensated a 5% higher than their current position in the pay range. Any service in an acting position of less than thirty (30) consecutive days, or, in the classified service any number of hours less than one full work shift, will be provided no additional compensation.

It is the policy of the City to prohibit any employee, who is the subject of any current disciplinary action, from serving in any acting role, position or capacity. Department directors will consider the severity of any open disciplinary investigation, review or action, or prior disciplinary preceding any consideration for the acting position.

Maximum time any employee may perform work and service in an acting position or capacity is twelve (12) consecutive months. Should the position still be open at the end of twelve (12) consecutive months, the department director, the City Manager or the Mayor will act to either fill the position or eliminate the position.

03.055 Overtime and Hours of Work

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may cause disciplinary action, up to and including possible termination of employment.

Overtime compensation is paid to all nonexempt employees under federal and state wage and hour restrictions. The Fair Labor Standards Act (FLSA) sets forth certain conditions and procedures under which overtime is determined. However, certain positions as defined by FLSA may not require the payment of overtime, even if the employees in these positions work over 40 hours in a week. Classification under FLSA must be approved by the City Manager.

All work and service activity performed for the City under the direction and with approval of supervisory staff shall be compensable hours of work to perform overtime calculations and overtime calculations, as determined and controlled by applicable policy of the City. Overtime will be paid at a rate of time and one-half the equivalent hourly, base wage rate.

Overtime pay is based on actual hours worked. Paid time off, such as sick leave, vacation leave, holidays, or any other leave of absence will not be considered hours worked to perform overtime calculations. Additional compensation, such as call-back duty pay or holiday pay that does not reflect actual hours worked, or additional compensation for special duty that already reflects overtime compensation shall not be used to calculate additional overtime pay. Notwithstanding

the above, the following time may be used in the calculation of hours worked for overtime:

A. Employees subject to call-back and call-out requirements in their job shall be allowed to include reasonable travel time directly associated with travel to perform emergency or additional duties in the computation of hours worked.

B. When an employee uses compensatory time during the work week, those hours will **not** count as actual hours worked for calculating overtime pay.

Sworn fire officers (i.e., those employees hired to provide direct fire suppression and emergency relief services) and emergency services personnel will be paid overtime based on FLSA guidelines for those hours over 96 (5 OT) actually worked in a 12-day work period. Overtime for these employees will be paid on the first regularly scheduled pay day falling at least one week after the end of the 12-day work period in which the overtime occurred.

Sworn police officers are paid overtime based on FLSA guidelines for those hours over 86 worked in a 14-day work period depending on adopted work schedule of the entire department. (See Compensatory Time Section 03.060 for the compensatory time accrued for "Gap-Time.")

Other non-exempt employees (except sworn fire officers and emergency services personnel and sworn police officers) are paid overtime based on those hours over 40 worked in a 7-day work period.

The normal work schedule for most employees is eight hours a day, five days a week. Employees are scheduled to begin work at 8:00 a.m. and end work at 5:00 p.m., Monday through Friday. However, these hours or days may vary, depending upon work requirements and departmental functions. Work schedules, which vary from the above general rule, may be established by the department director or supervisor. Examples of differing work schedules would commonly involve shift work, such as in public safety or public works, or could involve Flexible Scheduling/Time off Plans policies.

The City's pay period for all employees is based on two (2) consecutive weekly periods each which begins at 12:01 a.m. on Saturday and ends on the next Friday at 12:00 p.m. (midnight). Due to operating requirements and work demands, each employee's own work period may vary from the City's defined pay period.

Except for sworn fire fighters working shifts, the work period for all employees is based on a 7-day period, with no more than 40 hours regularly scheduled within such 7-day period. Unless an alternative 7-day work period has been established, an employee's work period under conditions governed by the federal Fair Labor Standards Act (FLSA) begins at 12:01 a.m. on Saturday and

ends at midnight on the following Friday.

A department director may establish a different beginning and ending date and time for such 7-day period. Department directors shall inform the City Manager, in writing, of the beginning and ending day and time for any such 7-day work period that varies from the general rule above. Information regarding the establishment of alternative work periods will be maintained in each employee's personnel file.

The work period for all sworn full-time firefighters is 96 (5 OT) hours in a 12 day period. Nonexempt firefighters working in excess of 96 hours in a 12-day period will be compensated at time and one half. The Fire Chief will designate the beginning and end of the 12-day work period. Part-time fire fighters will work 12 hours shifts and cannot work over 116 hours in any 14-day work period.

Supervisors shall inform employees of their work schedules and applicable work period. Employees are expected to be at work and ready to commence work at the start of their shift or established work schedule, and to remain working until either an approved break, or the end of their scheduled work day or shift. Employees wishing to leave at other times must check with and obtain approval of their supervisor.

03.060 Compensatory Time

Subject to the terms, conditions and limitations of this policy, the City provides compensatory time off in lieu of actual pay for merit and classified employees. The City places restrictions on both the accrual of compensatory time (sometimes referred to as, "comp time"), and payment for such. All eligible employees must sign a form annually designating their preference for compensatory time or overtime payment. The City, at its discretion, retains the right to pay overtime.

Subject to appropriate management discretion, it is the City's intent to allow compensatory time for designated employees, as approved by the department director as an alternative to payment of compensation for overtime hours worked. No compensatory time is allowed except in compliance with this policy. Compensatory time, as allowed by this policy, is another management tool available to departments to help direct and control the work force. Compensatory time off cannot be granted in advance of it being earned.

Compensatory Time Defined

Compensatory time is defined as the accrued time credits after having worked 40 hours in any week to an employee which the employee may take off work (excluding vacation leave, sick leave, and holiday leave), subject to department and City policy, at the employee's normal, regular base pay rate.

Eligible Employees

Compensatory time off is only allowed for the following City employees:

- Full-time classified
- Full-time merit
- Part-time employees – for work over scheduled budget hours

A cap on compensatory time for eligible employees may be set by department directors.

Classified Sworn Police Officers

Compensatory time off is only accrued in one-half hour increments at the employee's normal, regular base pay rate for hours worked from 40 to 43 (three hours maximum) in a 7-day work period, or 86 hours worked in a 14-day period.. (This 3 hour period is known in the City as "gap-time", which comprises the first three hours that a sworn police officer works above the regularly scheduled 40 hour work schedule. All hours worked over 43 hours in a 7-day work period will be paid to the employee at a rate of one and one-half times the employee's normal, regular base pay rate in the payroll period in which it was earned.

03.065 On Call Pay

Employees of the City in the Public Works and Police Departments required to serve in an "on-call" status and be available for a call back to work for up to a week during otherwise unscheduled, off duty hours. On-call employees are expected to comply with the City's Fitness for Duty policy during this on-call period.

It is the policy of the City to pay employees designated as on-call employees a minimum of 11 hours of overtime for each week in which they serve in a paid on-call, or call-back status. If the employee serves less than one full work week in this status, the number of hours of applicable overtime will be pro-rated. When and if an employee in the Public Works Department performs actual work and service because of being called back to work, they will be paid any additional overtime for hours worked, with a minimum of one hour pay. When and if a police officer performs actual work and service because of being called back to work, they will be paid any additional overtime for hours worked, with a minimum of two hours pay. When and if a sworn police officer is designated as on-call employee, that officer shall receive a minimum of 5 hours of overtime for each week in which they serve in a paid on-call, or call-back status. If the officer performs actual work and service because of being called back to work, they will be paid any additional overtime for hours worked over 86 hours for the pay period, with a minimum of two hour's pay.

03.070 Other Compensation Considerations

Employees eligible for overtime compensation may be required to perform additional work and service outside their regular job duties that relate to the functions of their primary job duties and the needs of the department.

Additional work and service outside regular job duties may be approved and assigned through established authority and performed while at work and/or during scheduled work times. Such additional work or service shall be compensated as part of the employee's regular pay or compensation and is subject to overtime based on the employee's regular, base pay rate. While not all inclusive, examples of additional duties and services are: training or instruction (on a formal or informal basis); assisting another employee in completion of his/her own duties; or, temporary work performed outside the normal duties and functions within an employee's job description. A special consideration is given to police officers who train, handle and board a member of the City's Canine Corps on their own time and at their own residence. (See Police Policies for the Canine Corps Pay policy.)

03.075 Appointment

A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the City Manager may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.

B. The City Manager shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

03.080 Merit Increase

A. The City Manager, upon approval of the Governing Body, shall adopt salary administrative guidelines effective July 1 of each fiscal year subject to funding in the approved budget.

B. Full-time and part-time employees are eligible to receive a merit increase.

C. Employees at or above the pay range maximum and employees whose performance is rated less than successful, shall not be eligible to receive a merit increase.

D. A part-time employee is eligible to receive a merit increase for the same elapsed calendar time on the job as a full-time employee.

E. The department head must complete an employee's performance evaluation at minimum

annually preceding the effective date of a merit increase.

F. A merit increase shall not exceed the maximum market range assigned to a position level.

03.085 Flexible Scheduling/Time off Plans

It is the policy of the City to provide work-scheduling tools to supervisors and department directors to help adequately manage their work force and direct the scheduling of work in their respective departments. The City encourages using Flexible Scheduling and Time off Plans by supervisors and department directors to meet work load demands and fulfill work requirement given the limitations of funds, staff and other resources available to their respective departments.

As stated in the Compensatory Time policy in this handbook, Time off Plans are a tool available to supervisors and department directors to direct and control the flow of work and work scheduling to comply with budgetary restraints and still meet work demands.

As allowed under the Fair Labor Standards Act (FLSA), South Ogden City's policy allows the supervisor of a nonexempt employee to schedule the employee to work a differing number of hours during a work period. This means the employee works more hours during one portion of a work period, and less hours during another portion of the same work period. Times off Plans are designed to control or limit the accumulation, accrual or payment of earned compensatory time and/or overtime by employees. Employees benefit with reduced work periods while still earning their full-time compensation. (See Compensatory Time Policy Section 03.060)

Department directors can implement Time off Plans for one or more of their respective employees as a tool to better manage the time, staff, money, and other resources available to their department.

03.090 Flexible Scheduling

Flexible Scheduling allows supervisors and department directors to schedule one or more employees to come to, or leave, work earlier or later during the normal work week hours.
Examples of Flexible Scheduling are:

A. Example A: An employee has worked 40 hours in 3 days, and is normally scheduled to work another 2 days in the remaining portion of the work week. The employee is directed to leave work and not report for those days remaining in the workweek.

B. Example B: A single parent arranges with his/her supervisor to arrive at work at 8:30 a.m. and leave at 5:30 p.m. to facilitate the delivery and pick up of a child from day care.

03.095 Attendance

Employees shall be in attendance at their work stations during normal working hours, as defined by their Department Director, or designee.

03.100 Breaks and Lunch Periods

Each workday, most full-time nonexempt employees are provided with up to two break periods. Sometimes, workload or emergencies may preclude two rest periods. In such cases, employees may be allowed to have beverages and snacks at their desk(s) or place of work throughout the work period. Supervisors will advise employees of the regular break period length and schedule. To the extent possible, break 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 workstations beyond the allotted break period time.

All full-time regular employees are provided with one meal period of 30-60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Unless designated as part of scheduled work time, employees will be relieved of all active responsibilities and restrictions during meal periods. When employees are relieved of all active responsibilities, they will not be compensated for that time.

03.105 Trading Work Shifts

The City allows Sworn Fire Personnel to trade their scheduled hours or shifts of work under certain limited, qualifying conditions. These employees must request and obtain approval from their immediate supervisor and their department director in to trade a scheduled shift or work duty with another.

Since overtime must be paid by the City, trading shifts or schedule of work will not be permitted when any consequential overtime might occur. The department director is responsible to keep accurate and current records on all trading time.

At no time will the City approve of any trading of scheduled work or duty when either:

A. Proper approval has not been obtained.

B. The safety and protection of the public would direct otherwise, given the mission and duty of the department in which the trading of time would otherwise occur.

SECTION 4: BENEFITS

04.005 General Policy

South Ogden City offers a comprehensive benefit plan for all fulltime employees. The benefits summary is listed below. Please see the Director of Administrative Services for complete details.

04.010 Medical Health Insurance

Subject to the terms and conditions of the group health insurance plan offered by the City and as provided by an approved Plan Provider, the City offers coverage for medical health insurance benefits for employees in eligible employment classifications. Eligible employment classifications are:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees
- Introductory employees in the above classifications

Eligible employees may elect to participate in a group health insurance plan during annual open enrollment, or during the following life events:

1. Marriage, divorce or separation (marital status change)
2. Birth, death or adoption of a child (dependent status change)
3. Death of an employee or spouse
4. Spouse begins or terminates employment, affecting benefit coverage
5. Spouse loses health insurance coverage through his/her employer
6. Employment status change of an employee (i.e., moving into an eligible employment classification)

The City sponsors group medical health insurance plans, which are organized and administered through the terms and conditions of each Plan Provider. Employees granted coverage under any terms or agreement must also meet the conditions of eligibility as established by the Plan Provider. Information about each available plan (benefits, costs, etc.) is provided to eligible employees during open enrollment, upon hire, or through the Director of Administrative Services.

Group medical health insurance coverage begins on the first day of the month following the hire date which establishes an eligible employment classification, and enrollment is established through the proper and timely completion of certain written forms and records. If no selection is made by the employee upon entering an eligible classification or during "open enrollment" periods in the calendar year, the City will provide at least minimum core coverage through a

specific group Plan. Once notified, employees who fail to turn in their plan enrollment form when due will be eligible only for minimum core coverage until the next available qualifying enrollment period.

Under the terms and conditions of the group medical plan coverage and benefits, certain medical services and costs may not be covered or provided for in a Plan or through a Plan Provider, depending upon the type of plan the employee selects. The specific plan provisions, including premium costs, co-payment amounts, deductibles and other factors related to plan coverage, are subject to change depending upon any Plan Provider which the City approves and selects.

Employees hired before February 18, 1997, who meet the conditions for retirement as determined by the South Ogden City-sponsored retirement plan may elect to continue their health insurance coverage upon retirement. In such case, those retirees shall have their full premium paid for by the city for insurance group coverage for a period of five (5) years for themselves and their dependents or until the June 30th following the retiree's 65th birthday. If the employee becomes ineligible for health insurance the June 30th after their 65th birthday, but his/her spouse has not turned 65 and is therefore not eligible for Medicare, the City will continue to carry and pay for individual health insurance until either five years after the employee's retirement date or until the June 30th after the spouse has turned 65. The first 18 months will be handled under COBRA provisions and any remaining time under a conversion policy. Under no circumstances, however, will the City pay for health insurance either for the retiree or a spouse longer than five years from the date of the employee's retirement.

After five (5) years, qualifying retirees may elect to continue their health insurance coverage under the terms and conditions of the group health insurance plan sponsored by the City for retirees. The retirees shall be required to pay a monthly premium amount as determined and charged by the insurance Plan Provider of the City. Employees hired after February 18, 1997, are not eligible for this special retirement benefit, but are eligible for retirement through the appropriate State retirement program. (See also Retirement Benefits Continuation – COBRA policy.)

Any full-time employee who retires from South Ogden City employment may elect to continue with the City's health insurance program until he/she reaches an age eligible for Medicare benefits. Such employees will be required to pay 100% of the premium costs plus a 2% administration fee.

Where an employee of the City: 1) is eligible for participation in the City's health and dental care plan, and, 2) provides proof on at least an annual basis he/she is covered by another health care program, that employee may elect to: 1) avoid participation in the City's health and dental care program and, 2) may receive an annual contribution of $1000 for health opt out and $1000 for

dental opt out supplement to that employee's base salary, which supplement must then be used by the employee on the "cafeteria" benefit of their choosing including, but not limited to: Unreimbursed medical expenses, Child Care, and where not otherwise prohibited by law or regulation, 401(k) or related retirement programs.

When the employee elects to participate in the City's health and dental care program, and said employee is otherwise eligible to participate or, when the employee can no longer provide the annual proof of continuing coverage under an alternative source health care program, the employee shall no longer receive the annual supplement and shall otherwise be treated as and included with all other employees to receive benefits.

The City Manager, or his designee, may, without a further resolution of the Authority, execute any and all agreements and / or related documents or amendments which may, from time to time, be necessary or appropriate to enacted and effectuate the benefits created and continued, or to adopt or maintain the City's benefits in compliance with applicable federal, state and local law.

Employees may, whether opting out of the City's health and dental insurance plan or not, also designate a maximum of $2500 to be withdrawn, pre-tax, from their pay each payday and those funds must then be used by the employee on the "cafeteria" benefit of their choosing; either Unreimbursed medical expenses or Child Care (the Child Care maximum participation rate is $2500), where not otherwise prohibited by law or regulation and as may follow the IRS guidelines then applicable to the City's "cafeteria" benefit plan.

04.015 Dental Insurance

Subject to the terms and conditions of any approved insurance plan, the City sponsors dental insurance coverage and services through dental insurance plans. Employees in eligible classifications may select the dental insurance coverage they wish.

Eligible employees are:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees
- Introductory employees in the above classifications

Eligible employees may elect to participate in a dental insurance plan during annual open enrollment, or during the following life events:

1. Marriage, divorce or separation (marital status change)

2. Birth, death or adoption of a child (dependent status change)
3. Death of an employee or spouse
4. Spouse begins or terminates employment, effecting benefit coverage
5. Spouse loses health insurance coverage through his/her employment
6. Employment status change of an employee (e.g., moving into an eligible employment classification.)

The City sponsors one or more group dental insurance plans, which are organized and administered through the terms and conditions of each Plan. Information about each available plan (benefits, costs, etc.) is provided by the Director of Administrative Services.

Group dental insurance coverage begins on the first day of the month following the hire date which establishes an eligible employment classification, and enrollment is established through the proper and timely completion of certain written forms and records. Employees granted coverage under any terms or agreement must also meet the conditions of eligibility as established by the Plan Provider.

Under the terms and conditions of the group medical plan coverage and benefits, certain dental services and costs may not be covered or provided for in a plan or through a Plan Provider, depending upon the type of plan the employee selects. Certain costs related to dental services, prosthesis and products are borne directly by the employee. The employee is responsible for certain amounts or portions of fees charged such as deductible amounts and co-payment amounts. The specific plan provisions, including premium costs, co-payment amounts, deductibles and other factors related to plan coverage, are subject to change depending upon any Plan Provider which the City approves and selects.

Retirees hired before February 18, 1997, who meet the conditions for retirement as determined by the South Ogden City-sponsored retirement plan may elect to continue their dental insurance coverage upon retirement. In such case, those retirees shall have their full premium paid for by the city for insurance group coverage for a period of five (5) years for themselves but not for their dependents. Qualifying retired employees desiring continued dental coverage for their dependents may elect to continue dependent dental insurance coverage under the terms and conditions of the group dental insurance plan sponsored by the City for retirees. The retirees shall be required to pay a monthly premium amount as determined and charged by the insurance Plan Provider of the City plus a 2% administrative fee. **Employees hired after February 18, 1997, are not eligible for either the 10% of gross salary benefit or City payment of health and dental insurance premiums.**

04.020 Life Insurance

The City sponsors a life insurance policy for all sworn police officers. The life insurance coverage provides a $50,000 lump sum benefit if an employee's death occurs.

The City also provides a $25,000 Life and a $25,000 Accidental Death and Dismemberment Insurance policy on all qualifying employees. Employees may at their discretion cover their spouse and dependents as well, but the employee will be required to pay the price as established by the insurance company.

All city employees are eligible for a death benefit by their participation in the State retirement programs. Amount of the benefit varies among the retirement programs. Additional information can be obtained from the State Retirement Office at 1 (800) 688-8772.

04.025 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 sponsors long-term disability insurance coverage for employees in eligible classifications to provide income protection against the loss of an employee's ability to work and earn income for periods of time exceeding 90 days.

Eligible employment classifications are:

- Full-time employees
- Non-merit, Special employees
- Introductory employees in full-time positions in the above classifications

Other eligible employee classifications, which might be provided long-term disability insurance coverage, are those for whom contributions are made by the City into the Utah State Retirement System.

Under the long-term disability insurance plan, there is a waiting period of 90 days before benefits begin. The City pays for the premium cost(s) associated with the respective long term disability insurance plan and policy provisions for covered employees. More information about respective coverage or plan participation may be obtained through the Director of Administrative Services.

04.030 Unemployment Insurance

Under state law, the City provides an unemployment insurance program. Employees separated from employment with the City may be eligible for unemployment insurance benefits. The unemployment insurance program assists employees temporarily out of work through no fault of their own.

Established as part of a nationwide effort, the unemployment insurance system has as its main purpose the economic stabilization of businesses and communities in times of unexpected or high unemployment. Employees who voluntarily quit without good cause, or who are discharged for misconduct under certain "for cause" reasons, do not qualify for unemployment. The sole authority in determining a worker's eligibility for unemployment benefits rests with the state unemployment insurance agency. Claims may be filed and benefits determined and coordinated through the local Job Service Office at 480 27th Street.

04.035 Workers Compensation

A. All employees are covered by workers' compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers compensation payments. For exact compensation coverage, check the workers compensation contract on file with the City Manager, or designee.

B. Employees may use accrued vacation or sick leave to make up the difference between workers compensation benefits and their base pay.

C. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).

D. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the City Manager or designee immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of injury.

E. Reporting while off the Job. While on leave because of a bone fide, on-the-job injury or illness, an employee must contact their supervisor or the Mayor to report on their condition. Failure to provide the required medical status reports may cause revocation of the leave and/or immediate termination.

F. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee can resume

normal duties will be required before returning to work. Failure to return to work when directed may cause immediate termination. An employee able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.

G. At the time of final release or settlement of a worker's compensation claim, if no vacancy exists; and, if reasonable efforts, which have proven to be unsuccessful, have been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.

04.040 FMLA

Please refer to Chapter 11, Leaves of Absence for FMLA policies.

04.045 Retirement Plans & Social Security Coverage

All full time South Ogden City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. (This is in addition to their Social Security coverage).

The City offers three (3) types of retirement programs to employees in eligible employment classifications funded in part by the City, and in part by those eligible employees. Eligible employment classifications are specific to each type program, subject to the terms and conditions as described in this policy.

Social Security

- All employees are covered under the federal Social Security program. Social Security is designed to provide supplemental income to workers who retire. Social Security was not designated to provide retirement income, which will maintain a recipient at a lifestyle attained during working years.

Utah State Retirement

Subject to the terms, conditions and limitations as defined and regulated by the Utah State Retirement Board, the City provides coverage for employees in eligible employment classifications in the Utah State Retirement System. Eligible employment classifications are:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees

- Introductory employees in the above classifications

The rate and manner of contributions into the state retirement system vary depending upon the type of program under which the employee is covered.

The rate of compensation required for elected or appointed officials to qualify for retirement coverage is determined by the Utah State Retirement Board and will change annually based upon the Consumer Price Index, and as determined and administered by the Utah State Retirement Board.

Information about coverage, contributions, benefits and programs may be obtained through the Utah State Retirement Office in Salt Lake City, Utah.

South Ogden City Retirement Benefits
For employees of South Ogden hired **prior** to February 18, 1997:

Public Safety Employees

Twenty Years: Public safety employees who have been employed for not less than twenty (20) years as public safety employees of South Ogden City shall, at the time of their retirement from City employment and upon their participation in the State Public Safety Retirement Program, have the option of receiving their choice of EITHER **(i)** a retirement benefit payment equal to ten (10) percent of the employee's highest annual base salary for the last five (5) years of City employment to be paid to the employee annually for five (5) years after retirement from City employment; OR, **(ii)** payment by the City of health and dental insurance for the retiree as set out in the "Dental Insurance" section above, for five (5) years, as described in the Medical Health Insurance section of this policy.

Twenty Five Years: Public Safety Employees who have **(i)** been employed by the City for not less than twenty (20) years as public safety employees, and **(ii)** have at least twenty-five (25) years of service under the State Public Safety Retirement Program, shall be eligible to receive BOTH a retirement benefit payment equal to ten (10) percent of the employee's last annual base salary to be paid to the employee annually for five (5) years after their retirement from City employment.

Public Employees

Twenty Five Years: Public employees (all non-public safety employees of the City) who have been employed for not less than twenty five (25) years as employees of South Ogden City shall, at the time of their retirement from City employment and upon their participation in the State

Public Employee Retirement Program, (or its lawful successor, if any), **if** they exercise their rights under the State Public Employee Retirement Program to "buy" additional retirement credit to qualify for a thirty (30) year retirement under the State Program, be eligible to receive BOTH a retirement benefit payment equal to ten (10) percent of the employee's last annual base salary to be paid to the employee annually for five (5) years after their retirement from City employment; and payment by the City of health and dental insurance for the retiree as set out in the "Dental Insurance" section above, for five (5) years.

The City will also pay to all employees retiring under the Utah State Retirement System a lump sum payment or monthly payments for all accrued vacation and for accrued sick leave up to 480 hours.

04.050 Qualified Savings Plan

As a benefit to employees, and to help plan for employee's retirement and long-term financial security, the City offers qualified savings plans through the State Retirement System. Information on the options available can be secured from the Utah State Retirement System.

The City encourages all employees to save for their future, to meet personal goals and to plan for solid financial health. As will any financial investment, risks exist of which employees should be aware. The qualified savings plans sponsored by the City can be excellent tools for employees to maintain their own financial health and success. Employees are strongly encouraged to consider and participate in these qualified savings plans.

04.055 Insurance upon Retirement (Health and Dental)

As stated in the Benefits Continuation (COBRA) policy in this handbook, retirees of South Ogden City may elect to continue group health and dental insurance plan benefits and coverage for a period of up to eighteen (18) months under the same coverage, terms and conditions they had immediately prior to retiring. Under COBRA, retirees of the City are responsible for the monthly premium costs of applicable health and dental insurance plan coverage, including a 2% administrative fee, and are required to timely pay monthly premiums.

After 18 months under COBRA extended group health and dental insurance plan benefit coverage, South Ogden City retirees may elect, at their own expense, to extend the insurance benefits available through the City sponsored group plan and under the same conditions offered to other employees. The exact cost of the premium amount is determined annually through negotiated agreement by the City with the plan provider.

04.060 Clothing Allowance

It is the policy of the City to assist employees with applicable costs of uniforms and clothing accessories mandated by the City. This assistance is in the way of financial assistance or

allowance to ensure employees maintain clean, neat and proper uniform and appearance in their role(s) of representing the City and its reputation and interests, or in the provision of actual clothing items or safety gear.

The clothing and accessories allowance covers the acquisition, repair, cleaning, upkeep and replacement of required and appropriate uniforms, safety equipment and clothing accessories as directed and controlled through employee's respective departments and department directors.

The financial assistance provided through and under this clothing allowance policy shall be treated and considered a separate and distinct matter apart from any other compensation pay plan, compensation, wage adjustment, benefit overtime considerations or other forms of compensation and are processed for payment monthly.

If financial assistance is provided to the employee for uniform, it may be considered income under the state and federal law and is subject to social security taxes and may not be deductible on the employee's personal taxes. It is the employee's responsibility to check with their own accountant or other sources to obtain information on income and tax law that might affect their personal circumstances.

Notwithstanding the foregoing, Departments for and on behalf of its employees, and at the discretion of the Department Head, and subject to the City Manager approval, may choose and establish an alternative form of uniform compensation to include, but not limited to the establishment of a full uniform replacement and cleaning program as approved and budgeted each year. This means then that since the current practice in some departments is based on the alternative form of uniform compensation the option for returning to the prior uniform allowance program, or modification of such, is still available to the Department without further action by the City Council.

Public Works

Each Parks and Public Works Employee, who is determined by their department director to be involved in work that requires or warrants protective clothing, will be provided by the City clean coveralls on a biweekly basis. The following safety gear will be provided by the City annually if needed:

1. Safety Glasses (OSHA-ANSI Standards)
2. Safety Goggles (OSHA-ANSI Standards)
3. Hard Hat (OSHA-ANSI Standards)
4. Safety Vest (OSHA-ANSI Standards)
5. Back Brace (OSHA-ANSI Standards)

All the above required safety equipment will be the responsibility of the employee to keep in good condition. Employees will be subject to safety gear inspection periodically. Employees not having the required safety gear will be given a written warning and one (1) working day to acquire the lacking safety gear. If the employee does not show visual proof to his or her supervisor the equipment has been obtained, the employee will be suspended without pay until the employee has in his or her possession the required safety gear.

04.065 Tool Allowance

It is the policy of the City that employees hired as mechanics are expected to provide their own hand tools and will be compensated annually at a rate of $20.00 per month for the use, repair and /or replacement of those tools they use on the job.

The financial assistance provided through and under this tool allowance policy will be treated and considered a separate and distinct matter apart from any other compensation pay plan, compensation, wage adjustment, benefit or overtime considerations or other forms of compensation otherwise due a covered employee.

04.070 Educational Assistance

The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The City's educational assistance program encourages personal development through formal education

The City may provide educational assistance up to fifty percent (50%) of the cost of tuition and fees to all eligible employees. The total assistance granted any employee shall not exceed $1,500.00 per fiscal year. Eligible employees are:

- Full-time employees
- Non-merit, Special employees

To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

The City has the sole discretion to determine approval for any education assistance requested. The employee must receive approval before enrolling in the program or class. Approval must occur first through the department director and next through the City Manager prior to enrollment in the course, training or class offering. The City's Finance Director must verify availability of education assistance funds prior to requesting approval by the City Manager.

While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The City retains the right, at the City Manager's discretion, to refuse educational assistance if, based upon the availability of funds as appropriated by the City Council, there are insufficient financial resources to adequately provide for a request for educational assistance. Requests for approved educational financial assistance under this policy shall be handled on a "first–come, first–served" basis, however, those individuals that may be in the middle of a program may have precedence over a first-time requestor, and funds shall not be reserved for anticipated, future courses.

Receipt of funding support under this policy shall be on a "Secondary Payor" basis only. That is, if an employee has obtained funding, whether from grants, loans, or other sources that pay the cost of approved tuition, City funds will not be authorized when such payment would create a "double dipping" or "unjust enrichment" reimbursement to the employee in an amount greater than the cost of the approved tuition or to repay amounts paid from other sources.

The City, under this policy, will reimburse not more than 50% upon successful completion of approved class or course work. Where a grade is given, the employee is required to successfully complete course work with a grade of "C", its equivalent (e.g., a grade point of 2.0 within a 4.0 scale), or better. If the course is taken on a "pass/fail" basis, the employee must pass the course to qualify for reimbursement. If the employee does not successfully complete the course, there will be no reimbursement made. NO payments from or under this program will be made to employees who do not receive authorization to participate under this policy BEFORE committing to any financial obligation.

Within thirty (30) days of the successful completion of any approved course, the City requires the employee to submit a completed request for reimbursement, with documentation of successful completion of the course to the City Manager on proper form(s) available from the Finance Director.

If an employee voluntarily separates from the City's employment within one year after completion of any course, the educational financial assistance for that course(s) will be only a loan. The City-paid portion of the educational costs will be deducted from the employee's last paycheck. Exceptions to this repayment requirement may be made at the discretion of the City Manager, and will be limited to compelling circumstance(s) beyond the immediate control of the employee and for which a reasonable accommodation is requested.

If a course is changed, modified or deleted as a curriculum offering after the employee has obtained approval for reimbursement, the employee must notify the Director of Administrative Services and his/her department director of the change immediately upon first knowledge of the change, modification or deletion. New, changed, or modified course(s) must receive written approval to receive reimbursement.

The City may, at its discretion, pay 100% of the education costs for certain when their occupation area is such that ongoing education is necessary to maintain a certification or continuing education required by the State or City (e.g., continuing legal education).

Employees should contact the Finance Director for more information or questions about educational assistance.

04.075 Catastrophic Sick Leave Bank

The catastrophic sick leave bank provides employees additional support in times of severe illness concerning themselves or an immediate family member. See the Administrative Services Director for additional information.

04.080 Severance Pay

The following at will employees will be eligible for severance pay from South Ogden City equal to one month's salary for each full-time year of service up to a maximum of six month's severance pay if they lose their position because of an election.

- City Attorney
- Police Chief
- Police Lieutenants
- Fire Chief
- Deputy Fire Chief
- Director of Public Works
- Assistance Public Works Director
- Director of Administrative Services
- Director of Parks and Recreation
- Director of Finance
- City Treasurer
- City Recorder

Employees in these positions who lose their jobs because of an election are not eligible, if they request, and are granted reinstatement to a previous merit position (See Reinstatement Section 02-085).

04.085 South Ogden City Service Awards

The City intends to recognize those employees whose loyalty and dedication to public service are reflected in their length of service to the City. The City expresses this recognition and attempts to show a measure of its appreciation through an Employee Service Awards Program.

As part of the Employee Service Awards Program, the City presents eligible employees with awards based upon the number on continuous, uninterrupted years of service. Eligible employees are:

- Full-time employees
- Qualified, part-time employees

Years of Service	Award
5 years	Coin, $20 logo item, $30 gift certificate
10 Years	Coin, $25 logo item, $50 gift certificate
15 Years	Coin, $30 logo item, $70 gift certificate
20 Years	Coin, $35 logo item, $90 gift certificate
25 Years	Coin, $75 logo item, $100 gift certificate
30 Years	Coin, $100 logo item, $150 gift certificate
35 Years	Coin, $100 logo item, $250 gift certificate

All service awards will bear the South Ogden City logo.

04.090 Holiday Pay

Employees working shift work, other than sworn fire personnel, receive additional compensation as holiday pay. (Designating holidays and the definition of eligibility are in the Holiday Policy of the Leave Section).

For this policy, “employees working shift work” are employees assigned to work holidays, as part of their regular work assignment to provide required City services. “Employees working shift work” include, but are not limited to, classified service full-time sworn police personnel, and Public Works employees responding to emergencies.

Additional compensation for holidays is provided to all eligible employees immediately upon assignment to an eligible employment classification. Additional compensation is calculated based on the employee’s base pay rate at the time of the holiday and includes no special forms of compensation, such as incentives, commissions, or bonuses.

Although paid time off may be provided on an observed rather than an actual holiday, holiday

pay will be based on the actual holiday for "employees working shift work," as defined herein.

Except for "employees working shift work", if an eligible employee must work on an observed holiday, hours worked are paid at a straight time rate and he/she will receive eight (8) hours of holiday pay. If such an employee must work on an actual holiday that falls on the employee's regularly scheduled day off, hours worked are paid at a rate of one and one-half (1.5) times their straight time, base pay rate plus eight (8) hours of holiday pay.

Sworn Police officers working shifts (except duty lieutenants) are compensated for holidays falling within their regular work period by receiving their straight-time base pay rate and are provided an equal number of hours off selected by the officer and approved by his/her supervisor. If an employee works on a holiday for which the employee was not regularly scheduled to work, those hours worked are paid their straight-time base pay rate, plus eight (8) hours of holiday pay. Only those hours worked on a holiday will be considered hours worked to calculate overtime.

If a shift work employee works a shift that spans a two-day period, one of which is a holiday, any holiday pay shall be limited to the hours falling within the 24 hours constituting the holiday.

Sworn fire personnel working 24- hour shifts are compensated for working holidays at their regular rate of pay, as if the day were not a holiday. These employees receive additional paid time off for holidays as provided in the holiday policy found in the leave policy.

Exempt employees are paid on the basis of set compensation and are compensated for all holidays based on that compensation. If an exempt employee works on a holiday, they are not compensated additionally for such work.

For implementation and clarification of the above policies, a department policy may be established, if it is not in conflict with this policy and is approved in writing by the City Manager.

SECTION 5: EMPLOYEE CONDUCT

05.005 General Policy

South Ogden City was incorporated in 1936. Its history and traditions serve as the foundation of strength, integrity and professionalism for all our employees. It is from this background and setting the City strives to provide continued excellence in public service to our patrons and the community.

The City has a strong desire to recognize people as individuals who have individual needs and desires. This recognition is best observed when employees treat each other and the public with respect and interact with one another in a spirit of good faith and cooperation.

The City believes that employees function in a more efficient and effective manner when they have defined guidelines within which to work, and appropriate objectives and standards to achieve to perform their duties.

Employees represent the City both on and off duty through their behaviors and interactions with the public. As stated elsewhere in these policies, there are certain standards regarding off-duty conduct which employees are expected to uphold.

The City intends to encourage employees' involvement in community and civic affairs and encourages you to be an active, successful part of our community. The City expects all employees to meet its standards of professional work and service in a manner, which reflects integrity, honesty, and openness.

Employees are not to perform volunteer work for the City in such a manner that would deprive them of otherwise legitimate compensation. The City desires to reward and compensate all employees based on the City's pay plan and under federal and State laws governing the proper and timely payment of compensation and overtime earned within their employment.

The City encourages employees to make inquiry, raise concerns and voice their needs and opinions in an open, direct and respectful manner with appropriate supervisors. In this manner, we can work together for the common good of the City to meet the high standards of professional excellence and competence, which will have real impact on our progress now and in the future.

05.010 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. Violations of the City's rules of conduct may cause in disciplinary action,

up to and including termination of employment.

Many of these rules of conduct are outlined in other sections of policy. The following are examples of violation of rules of conduct:

(1) Any behavior, event or condition, which violates the conditions of employment with the City, as described in any policy.

(2) Any behavior or event which is a conflict of interest, or divulges confidential information for which a policy exists prohibiting such releases or publication. See the City's Conflict of Interest and Non-Disclosure Policy Section 05.065.

(3) Unauthorized or unacceptable use of City equipment or property as described in the City's Personal Use of Vehicles, Use of Equipment and Vehicles and Use of Electronic Communications and Mail System policies.

(4) Violating the City's safety standards as discussed in the Safety policy.

(5) Violating the City's Overtime policy rules and standards.

(6) Violating the Work Schedules policy when a change in a work schedule or work activity is unauthorized and unapproved, irrespective of whether the employee benefits from such violation.

(7) Violating the City's Sexual Harassment or Other Unlawful Discrimination or Harassment Policies or any State or federal law prohibiting discrimination against individuals in protected groups or classes.

(8) Working under the influence of alcohol or illegal drugs or while abusing legal drugs.

(9) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned vehicles and equipment.

(10) Unexcused or excessive absenteeism or any absence without notice, or excessive or unexcused tardiness.

(11) Violations of the City's Fitness for Duty policy.

Besides these policies, the following behavior or conduct may cause disciplinary action, up to and including termination of employment:

(1) Actions which violate City ordinances or other local, state or federal laws including statements or comments which serve as proof or an admission of proof that the employee violated such laws, whether or not a conviction occurred regarding such violation.

(2) Actions which violate Administrative Orders.

(3) Violations of applicable departmental rules and procedures.

(4) Violations of personnel policies.

(5) Theft or inappropriate removal or possession of property.

(6) Falsification of any City records, including personnel records, time-keeping records, employee expense reimbursement requests, etc.

(7) Behavior or activity which reflects intent to be dishonest or untruthful.

(8) Insubordination or disrespectful conduct or language toward members of the public, managers, or other employees.

(9) Actions which discredit the name, reputation, or public mission, or interest of the City.

(10) Negligence or improper conduct leading to bodily injury or damage of City-owned property or the property of third parties.

(11) Boisterous or disruptive activity in the workplace; behavior or activity which creates disharmony or a disorderly environment.

(12) Fighting or threatening violence in the workplace.

(13) Smoking in prohibited areas.

(14) Possession of dangerous weapons or materials, such as firearms or explosives, except as required or authorized within the employee's scope of employment.

(15) Violation of safety or health rules establish by the City or its departments or divisions, or safety or health rules regulations as governed by applicable code or competent authority.

(16) Unauthorized use of City-owned telephones, electronic communications or mail systems, computers and software, or other City-owned equipment or property.

(17) Unsatisfactory performance or conduct.

(18) Unauthorized absence from workstation during the workday.

It is the policy of the City to seek reasonable and consistent treatment of all employees and to encourage positive and cooperative relationships among all employees and between employees and supervisors. The City recognizes that from time to time disputes may arise over actions or discipline as the result of enforcement or interpretation of the policies and procedures of the City. Severe or serious disciplinary action may cause suspension, demotion or termination of employees within the scope of the City's policies and procedures.

05.015 Professionalism

South Ogden City is a professional association whose purpose, among others, provides professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees must carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials.

05.020 Alcohol and Drug Free Workplace

It is the City's intent to provide a drug-free, healthful, and safe workplace. To promote this goal, employees must report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the City premises and while conducting City related activities off City premises, all employees must be fit for duty and no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs or non-prescription drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and/or does not endanger other individuals in the workplace.

It is the policy of the City to enforce a drug-free, safe work place through specific procedures detailed and contained within its Fitness for Duty Program and related drug and alcohol policies. Violations of this program or these policies may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have other legal consequences.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Unpaid leave may be granted, if such leave does not cause the City any undue hardship, if the employee agrees to abstain from the problem substance and abides by all the City policies, rules, and prohibitions relating to conduct in the workplace from that point forward.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the City of a criminal conviction for drug-related activity in the workplace. The report must be made within five (5) days of the conviction.

Employees required to drive in performing their jobs and are involved in any alcohol or drug related traffic violation or criminal charge stemming from that work-related driving must report such information to their department director prior to returning to duty.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Administrative Services Director and no reprisal will be allowed in questioning or discussing the issues with such employees if no violation of the notification requirements outlined above occurs.

Employees are solely responsible and expected to inform their supervisor of any prescription drugs they are taking which may alter their ability to perform their jobs. Supervisors have the responsibility to deny an employee access to city provided vehicles and equipment if the effects of prescription drugs will render the employee unsafe in the operation of the vehicle or equipment.

Employees taking prescription medication or that have a medical condition effecting ability to perform tasks required in the job description, or that may require first aid, should notify their immediate supervisor. Examples of medical conditions that may require first aid could include but not limited to:

- Asthma
- Allergies (severe bee/wasp, food, etc.)
- Diabetes
- Taking blood thinners

If a medical condition is treated by prescription aids, such as epinephrine for bee stings, a supervisor should be notified of where this medication is kept in case assistance is needed.

"CDL" Special Issues and Considerations

Consistent with City's desire to provide a drug-free, healthful, and safe workplace, and recognizing the special responsibilities placed on those who operate City equipment requiring a Commercial Driver License (CDL), the following additional standards and requirements apply to all City personnel required to have a CDL as a condition of their employment with the City.

Requirements to Drive a Commercial Motor Vehicle

A person may not drive a commercial motor vehicle for the City, unless the person has been issued and is in immediate possession of a valid CDL for the commercial motor vehicle being driven, or a valid CDL Instructional permit and is accompanied by the a person holding a valid CDL for the commercial motor vehicle being driven.

A person may not drive a commercial motor vehicle for the City if his privilege to drive a commercial motor vehicle is suspended, revoked, or canceled, or is subject to disqualification or an out-of-service order.

CDL Disqualification or Suspension – Grounds and Duration – Procedure

A person who holds or must hold a CDL is disqualified from driving a commercial motor vehicle for the City for the terms and under the conditions set out by UCA 53-3-414, which standards are adopted as if fully set forth in this policy. Any inconsistencies between or within this policy and UCA 53-3-414, or any successor or amended section(s), shall be resolved in favor of said Utah Code section, except where there may be a conflict with the Drug-Free Workplace Act, in which case said inconsistencies shall be reserved in favor of said Act.

DRUG TESTING

General Policy

Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, all post-offer applicants, as a condition of employment, and continuing employees, under suspension or sanctions under this policy as set out below, may be asked to provide body substance samples (such as urine and/or blood) to determine the abuse of, illicit or illegal use of drugs and/or alcohol. Refusal to submit to drug testing may cause disciplinary action, up to including termination of employment.

The City will endeavor to provide assistance to its employees in obtaining confidential counseling and referral services through available community resources with such problems as drug and/or alcohol abuse or addition. It is the employee's responsibility to seek assistance from available community resources prior to reaching a point where his or her judgment, performance, or behavior threatens or endangers the maintenance of a safe, efficient, and productive work environment for all employees or leads to imminent disciplinary action. The City reserves the

right to take and continue any and all disciplinary action before the employee admitted the existence of a problem.

When Tests are required

In keeping with the City's commitment to provide a safe and productive work environment for all employees and to protect the public, drug and alcohol testing may be conducted within the guidelines established by this policy. The City will attempt to protect the confidentiality of all drug test results to the degree practicable. Drug tests may be conducted under the following situations or conditions:

A. POST-OFFER – As a pre-qualification to assuming any position, prospective employees must provide a body substance sample for drug and alcohol testing.

B. POST-ACCIDENT – Any employee involved in an work related accident or accident while on duty, whether on or off the City's premises, involving damages to any City property, where the damages have a reasonably apparent value over $100 or results in any personal injury, shall be asked to provide a body substance sample to test for drugs and/or alcohol.

C. FITNESS FOR DUTY – This test may be required if significant and observable changes in employee performance, appearance, behavior, speech, etc. provide reasonable suspicion of the influence of drugs and/or alcohol. A fitness for duty evaluation may include testing one or more body substance sample(s). See Fitness For Duty – Procedures and Testing Policy below.

D. RANDOM TESTING – Under federal law, and as enforced by the U.S. Department of Transportation or other federal or state requirement, any employee in a position requiring a valid Commercial Driver License (CDL) as a requisite or qualification for his/her job shall be subject to random testing for drugs and/or alcohol. Random Testing requires that one-half of the employees in CDL-required positions, as determined by a random selection, be tested at least once a year. The actual selection of the individual employees to be tested is made in a random manner and method as prescribed by the U.S. Department of Transportation. See Fitness For Duty – Procedures and Testing below.

Contract Employees and Volunteers

Contract employees and volunteers providing goods or services for and on behalf of the City shall also be subject to the terms and conditions of all policies and procedures involving drug and alcohol testing, including the cancellation or refusal of continues services or work of said volunteer(s) or contract employee(s), found to violate these policies. Contract employees and volunteers shall be given notification of City policies and procedures involving drug and alcohol

testing. This notification shall be given before work or services are provided to, for, or on behalf of the City. A properly signed acknowledgement of said notification shall be made part of the contract or file of contract workers or volunteers.

The City has provided guidelines for supervisors to use in determining when and under what circumstances employees may be called into question about their adequate performance or fitness for duty or when accident or injury occurs. Employees must notify supervisors whenever they witness or have information about accidents, injuries, or an employee's inability to adequately and safely perform his/her job duties.

DRUG TESTING PROCEDURES & FITNESS FOR DUTY

General Policy

Consistent with the City's policies on Drug & Alcohol Use, the City intends to enforce its policies and provide a framework of procedures and testing guidelines for all employees, contract employees, and volunteers.

The City requires its employees and volunteers to be "fit for duty" when performing work or service, or otherwise acting in a representative capacity for the City and/or its operations. Subject to the terms and conditions of this policy, other related City policies, and relevant state and federal law, the City will not allow or permit any employee or volunteer to perform work or service when there is a reasonable suspicion that the employee cannot do so safely and effectively.

Testing Procedures

Post-offer Applicants

It is a requirement of the City that a chemical test and a body substance test be performed to detect the presence in the body of controlled substances and/or alcohol upon or after an offer of employment is made to an applicant. Any applicant who tests positive will be denied employment, unless otherwise allowed elsewhere in these and related policies.

If a test result is positive for an applicant, the applicant may, upon written request to the department director, within fourteen (14) days after receiving notice of a test result, have the test verified using a proven, reliable test method designated by the City. The applicant shall pay the costs of the verification test. If the verification test is negative, the City shall reimburse the applicant for the costs of the verification test.

If the applicant has made a timely request for verification of test results, and if the sample has become lost, stolen, contaminated, or has otherwise become unusable, unavailable, or unreliable, the applicant shall be allowed to provide another sample for testing at a time and place

designated by the City.

Employees
If reasonable suspicion exists to believe an employee is using, consuming illegal drugs or is under the influence of alcohol or drugs (whether such are legal or illegal) while engaged in a work activity or a work-related purpose or event, the employee shall be required to immediately undergo a test for alcohol or drugs in the system at a medical or testing center authorized and designated by the City. The employee shall be taken to the collection site at the medical or testing center by the supervisor or a designee of the supervisor.

Missed Duty- Negative Test
An individual who misses duty solely because of drug testing will be paid for time away from scheduled work if the drug test results are negative.

Reasonable Suspicion
As defined under terms and definitions in this policy, reasonable suspicion includes an articulable belief and reasonable inference that an employee is under the influence of, or is impaired by, or is using, drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to, the observation or knowledge of:

A. A pattern of abnormal or erratic behavior. Unclear thinking, as communicated by the employee when asked questions about what they are doing, could be part of a pattern of abnormal or erratic behavior. This may include the inability to list or follow consecutive events or directions in a predictable and/or logical manner

B. A work-related incident or accident. This may include the observation and/or knowledge of behavior which violated known or expected safe work standards. An example might be an employee using a welding torch or a saw to threaten or tease another individual, even if such action does not result directly in immediate harm.

C. Direct observation of drug or alcohol use. If any employee observes the presence, sale, distribution, use or possession of alcoholic beverages, illegal drugs or drug paraphernalia by any other employee on the City's time or premises, the observing employee must notify his supervisor immediately.

D. The presence of physical symptoms of drug or alcohol use. An example of physical symptoms present might be the burnt, sweet, acrid odor of marijuana "joint"; the clear odor of alcohol on a person's breath; slurred speech, unsteady walk, uncontrolled shaking or small tremors in the hands, arms, legs, etc.; poor coordination and/or reflexes; and

glossy or bloodshot eyes.

Notwithstanding any other terms or examples in this policy, an employee shall be required to undergo medical examination and/or chemical testing for alcohol or drugs, if the employee has been principally or directly involved in any behavior and/or action which served as the cause of contributed to the reason for any accident resulting in either property damage, which reasonably appears to be over $100.00, or a physical injury. Except where determined by existing evidence or competent authority, the City requires two (2) confirming opinions by supervisors and/or department directors to determine the value of any property damage.

Test Refusal
A refusal to submit to or undergo an examination or test referred to in this and related policy directives shall be interpreted as violating these policies and, besides to being treated as a positive test result, may include interpreting insubordination depending upon the involved employee's actions and behaviors in the circumstances. In either case, the employee shall be subject to disciplinary action up to and including termination.

No employee will be forced to submit to a fitness for duty examination or chemical test. However, the City is intent on enforcing its own policies regarding a safe and drug-free work environment, and employees who refuse to comply with or cooperate in examination or testing procedures shall be subject to disciplinary review as noted above and throughout this policy.

Dilute specimen
A dilute specimen, by definition, is a urine specimen that has a creatinine of less than 20 g/dl and a specific gravity of 1.003 or less. If the urine sample is determined to be negative and diluted, the donor will be required, at the employer's request, to not drink excessive amounts of fluids and provide, with minimum possible advance notice, another specimen to be tested. If the second test is also negative – dilute, the employer must accept that result and cannot continue re-collections. The second test is the test of Record. An applicant/employee's refusal to submit to a re-collection for a negative-dilute result will be considered a test refusal.

Positive Test Results & Verification Procedures
A test result is determined to be positive to enforce this and related policies if the result is at, or over, the level specified by the City (in the Appendix at the back of this policy). A positive test of .04 grams or greater concentration of alcohol in the blood or breath shall be deemed to cause impairment and would be a positive test. If a test result is positive, those results shall be verified (confirmed) using a proven, reliable test method designated by the City.

An employee who tests positive (i.e. a positive test occurred from testing their body samples),

and whose test results are confirmed shall be subject to disciplinary action which can include termination. The employee may be referred to counseling, care or rehabilitation besides any disciplinary action. In no case will any treatment, counseling, care or rehabilitation , which is allowed or permitted by the City, abrogate or set aside the City's right to take to take disciplinary action it deems appropriate in its sole discretion.

Verification
Verification tests shall be performed on the same sample from which the initial test was completed. All verification tests results shall be interpreted by a qualified medical professional of physician selected by the City.

Control of Samples
The sample will remain with, and be under the custodianship of, the medical or testing center designated by the City for at least sixty (60) days following the initial testing.

Positive Test – Program Referral – Follow up Testing
An employee who tests positive for drugs or alcohol and who successfully competes rehabilitation will be subject to unscheduled testing for up to a twelve – month period following return to work. Besides unscheduled testing, an employee who has tested positive for drugs or alcohol and has been allowed to return to work shall have a written Return To Work Plan (the "Plan") completed by his/her department director, in concert with the employee, upon the employee's return to work. The Plan shall set forth specific conditions of performance and work conduct of the employee that shall be satisfied during the twelve – month duration of the Plan. The Plan shall be tailored to the circumstances involved in enforcing this policy or any other related City policy on work performance, employee conduct and drug and alcohol testing and shall be subject to acceptance and approval by the department director and the City Manager.

Medical Release
Whenever a positive test result has occurred, a supervisor shall require that the affected employee obtain a medical release from the medical facility or testing center authorized by the City indicating the employee's fitness for duty as a condition of both returning to work and continued employment. Such medical release shall permit, but not require, the employee to be restored to duty with the City.

Identification of Unfit Conditions

In order to properly provide for safe and adequate working conditions for employees and the public, both employees and supervisors must fulfill certain responsibilities under this policy dealing with proper identification of employees who may be unfit for duty.

Duty of Employees

Employees must report to their supervisor any behavior or situation which appears to have the potential to negatively impact the health or safety of the public or other employees or the public's perception of the City. This latter condition may occur regarding behavior or situations which could occur in a social setting connected to the work roles or representations of an employee of the City. Employees must keep confidential their information and reports of information about any other employee and to tell only appropriate supervisors.

Employees who act in good faith to appropriately identify behavior to their supervisor which may indicate another employee may not be fit for duty will be defended, indemnified and held harmless by the City for any and all damages claimed or sustained if litigation occurs.

Employees must advise their immediate supervisors and department directors, prior to working, whenever they are using prescription or non-prescription drugs which might otherwise impact or impair their ability to perform job tasks assigned them, including – and especially – the operation of equipment or vehicle. The City may require the employee to provide medical information about such prescribed drug and/or the employee's condition or ability to perform the required functions of his/her job assignment to ensure a safe and adequate work environment for the employee and others including members of the public.

Question concerning this policy or its administration should be directed to the Director of Administrative Services through the employee's department director.

Duty of Supervisors

Certain procedures shall be followed by supervisors whenever an employee's behavior(s), interactions or communication(s) discloses a reasonable suspicion to question the employee's ability to perform tasks required of the job or to question the employee's ability to perform adequately within the scope of the job. Supervisors must follow through and act properly and in a timely manner upon first knowledge or report of a possible impaired worker or unfit condition. Supervisors shall investigate all claims, issues and situations related to enforcement of this policy. Such investigation shall include the confidential identification of all witnesses to the conduct, performance, or behaviors of any impaired worker. Such investigation shall include the confidential identification of all witnesses to the conduct, performance, or behaviors of the impaired worker. Such investigation shall also include providing notification to the Director of Administrative Services of any impaired employee, with the results of the Supervisor's investigation.

Supervisors shall hold confidential all information about a reported concern or issue related to enforcement of this and related policies and share such confidential information only with the appropriate "chain of command" superiors who require such information to enforce this and related policies.

Supervisors must consult with the Director of Administrative Services, contact the police department, and arrange for confiscation of illegal materials, for drug or alcohol testing, transportation to testing sites and other activities necessary to enforce the City's policy against drugs and alcohol in the workplace.

Police Notification
The City's procedures require that supervisors notify the police or other appropriate law enforcement official(s) whenever they believe or suspect an employee is in possession of, selling or transferring illegal or controlled substances.

Investigation Procedures – Employee Status

Pending determining an employee's fitness for duty, the employee may be suspended, with pay, from any work activity or duty. This suspension is an important safety valve and should be used whenever possible and practicable. Employees on suspension may not return to the job until and unless the suspension has been lifted. Employees must be notified by the supervisor on duty of the initial suspension. Determinations whether or not a suspension will be lifted shall be made after the conclusion of other procedures described in this and related policies and will be communicated through the department director or supervisor to the suspended employee.

Suspended employees reasonably perceived to be potentially unfit for duty shall not be allowed to leave the place of work unless accompanied by a supervisor or his/her designee. Management has the responsibility to ensure safe transportation for the employee from the job site. If the employee refuses to let the supervisor or his/her designee transports him/her, the supervisor must notify the appropriate law enforcement authorities.

During a suspension under this policy, a fair and thorough investigation shall occur ensuring adequate and thorough compilation of all facts, records and evidence (including test results) pertaining to the reason(s) and cause(s) for the suspension of the employee.
Applicable city policies and any Civil Service Rules and Regulations related to procedures and steps regarding suspensions, their time frames and/or limitations, and the employee's return to work shall apply.

Documentation

It is an essential element of this policy and its enforcement that the supervisor and any other management member involved in evaluating the employee make a detailed record of all actions, observations, statements and other pertinent facts related to their basis of reasonable suspicion and their perception that a worker was impaired or unfit for duty.

The documentation shall include specific facts related to the date, time, location and observations

made or other information known to exist when a reasonable suspicion was first formed, or believed to exist, that the employee was potentially unfit for duty.

A form for this purpose shall be available from the Office of the City Manager for supervisors to use as a guideline on which to base proper documentation. Any witnesses who also were involved should be identified, and their statements taken when possible.

Administrative Hearing Procedures

An employee who tested positive on a chemical test or examination, or who refused to take the test when requested to do so under this policy shall have a right to request an administrative hearing before the City Manager. The request for an administrative hearing shall be in writing and shall be filed with the City Manager within fourteen (14) calendar days from either the date of receipt by the employee of the verification (or confirmation) of test results or from the date of disciplinary action (suspension) resulting from the employee's refusal to be tested.

Time of Hearing
A hearing shall be held within thirty (30) calendar days from receipt by the City Manager of the written request for such hearing. A record shall be made of the hearing, and both parties – the City and the employee- shall be interested parties to the hearing.

Scope of Hearing
The hearing will be informally structured. Interested parties will present evidence, information, witness(es), records and reason(s) or rationale why a test was requested, accepted or refused. The process and procedure of the test, its administration, results and interpretation shall be subject to review and discussion at the hearing. At such hearing, all information, records and reports pertinent to any issue(s) related to the legal or illegal control or use(s) of any substance, behaviors and interactions regarding the effect and impact on work, task, and/or service for the City and proper compliance with law, and/or intended controls through prescriptions, regarding the possession, distribution, sale or use of any substance, as related to this or any other involved policies of the City, shall be subject to review and discussion.

Representation
Since any hearing under this part is informal and administrative and structure, there is no requirement for either party to be represented by someone outside the employment of the City. Either party may be represented by a non-employee or an attorney. The costs of representation shall be borne by the party having such representation.

Time and Scope of Hearing Decision
The City Manager shall, within thirty (30) calendar days following the conclusion of a hearing, issue written findings of fact, conclusions based on those facts, and a decision or order

supporting those conclusions. The City Manager shall have full authority, subject to the terms and conditions of this policy and procedure and under any other existing rules, regulations and/or policies of the city, to affirm any disciplinary action taken or proposed, invoke other disciplinary action apart or in combination with that already taken or proposed, and/or set aside any disciplinary action taken or proposed. Subject to the terms and conditions of this policy and procedure, the Manager shall have authority to reinstate an employee with or without compensation retroactive to any prior suspension or other lost time directly attributable to action(s) taken regarding this and related City policies.

It is the intent of the City this administrative hearing procedure and process provide an avenue of timely, effective and inexpensive, review and enforcement of any disciplinary action or testing requested or performed under the terms and conditions of the City's drug-free workplace policy and the standards and procedures of enforcement in this and other related policies. Other appeals or grievances regarding and related to the enforcement of this policy shall be governed by applicable grievance and appeal rights and procedures as found under other policies of the City.

Private and Confidential Records

In all cases involving testing for substances as detailed and provided for in this and other applicable policies, test results and records related to specific testing methods, steps and procedures shall be released to the City. Such results, records and other material related to the testing and results are and shall remain the property of the City. Testing information and results shall be shared by the City only with interested parties and only on a need-to-know basis. Such need-to-know basis shall exist regarding sharing confidential records with department directors or immediate supervisors who shall be entrusted with disciplinary action, evaluation procedures and other direct responsibility over the employee. This release of such information occurs only when it is reasonably necessary to insure the employee is performing the assigned job and otherwise comporting their behavior to any ongoing requirements of the City.

Specific test results and specific records related to the test method(s), procedure(s), and related medical process shall be kept in separate and confidential records apart from the employee's file. Reference to the existence of such results and records shall be made in the employee's file regarding any record of disciplinary action taken or terms and conditions of continuing employment stemming from, or arising out of, a testing procedure, request, or outcome. The only exception to such reference shall occur regarding the restoration of an employee to duty whenever a hearing decision and order provides for such restoration and directs the expunging of such record or reference.

Responsibility for Expenses

The expense of any fitness for duty evaluations, examination or testing requested or required by the City under this and related policies shall be paid by the City. The expenses for any treatment

or rehabilitation, volunteered or mandatory, shall be the responsibility of the employee.

Right to Change or Terminate Policy

This policy describes the City's testing procedures, protocols for review, and applicable steps involved with upholding, supporting and enforcing its policies on Fitness for Duty, Drugs & Alcohol in the workplace and Drug & Alcohol Testing. The City intends to also uphold and enforce other applicable policies which deal with the conditions and terms of employment with the City, including, but not limited to, the City's policies and practices related to disciplinary action for violations of its employment conditions, terms and standards.

As stated elsewhere in this and other policies of the City, nothing in this or any other policy shall constitute a contract of employment. Nothing in this or any other policy constitutes a term of contract of employment. Nothing in this or any other policy constitutes a term of contract nor is there any express term or condition of employment to be inferred from this or any other policy.

The City reserves the right to amend, replace, and/or terminate this policy and without the consultation with, or approval of, any employee(s).

Federal Law

Nothing in this policy should violate or supersede the intent or provisions of the federal Drug-Free Workplace Act, which, among other provisions, compels self-publication of conviction(s) based on the illegal activity or use associated with illegal drugs or alcohol. Any inconsistencies between or within this policy or the Drug-Free Workplace Act shall be resolved in favor of said Act.

Test Standards and Results

It is the policy of the City to test for alcohol and drugs. Except regarding Random Testing as determined and controlled through the Department of Transportation or other applicable authority of law, the City may test for alcohol and the standardized nine (9) other chemical substances. These nine generalized substances are listed below. The levels, or results, obtained in each test for each substance shall be under standardized accepted cut off levels, established by current medical and State standards.

1. Amphetamines
2. Marijuana
3. Cocaine
4. Opiates (heroin, morphine, codeine)
5. Phencyclidine (PCP, "angel dust")
6. Barbiturates

7. Benzodiazepines
8. Methadone
9. Propoxyphene
10. Tests performed may be analyzed for alcohol and the following generalized chemical substances their salts, isomers, esters, ethers and metabolites as described in UCA, Utah Controlled Substances Act; 58-37-4, schedule; 1-5.

Positive test results as described in this policy shall be the basis of taking appropriate action under other applicable City standards and policies relating to job performance, safety, equipment and vehicle use, employee conduct and behavior, drug and alcohol testing and procedures, and fitness for duty requirements.

Terms and Definitions

A. Abuse of alcohol and/or drugs
   1. Reporting to work or working/performing service(s) while under the influence of, or while impaired by, alcohol or any other drug(s); or,

   2. Chemical dependence on alcohol or other drugs where job performance or people's safety is adversely affected; or,

   3. Using illegal drugs.

B. Alcohol
   Ethyl alcohol or ethanol

C. Chief Administrative Officer
   City Manager

D. Employee(s)
   Any individual engaged to perform work or services for the City. This includes all employment categories and volunteers to enforce this policy.

E. Fit For Duty
   The condition of any employee, when he/she is able to perform work or service in a safe and effective manner; can safely and adequately perform the essential functions of assigned tasks, with or without reasonable accommodation, and is otherwise unimpaired by any substance.

F. Illegal Drugs
   Includes, but is not limited to, marijuana, cocaine, heroin and similar drugs where

possession, use and consumption are prohibited, or controlled under state or federal law; UCA, UCSA, 58-37-4 and includes prescription drugs unless validly prescribed by a licensed medical practitioner and properly used by the employee.

G. Impaired
Any negative effect on the employee's ability to safely and adequately perform assigned tasks, which occur from the use/ingestion in the body of any quantity of alcohol and/or drugs or other substances.

H. Misuse of legal drugs
Improper use of a validly prescribed medication or using a non-prescription drug or other substance (e.g. glue) not intended for human consumption or ingestion.

I. Facilities (or Premises)
All buildings, property, parking lots with their traffic areas and servicing corridors and access ways, including above and below ground areas such as ventilation, sewer or water ducts or access ways; also includes equipment and vehicles used in the conduct of work and service for the City, whether owned privately or by the City.

J. Positive Test
The results of any medical examination or medical testing procedure which measures or determines a discernible level of alcohol, illegal drugs, or improper level of legal drugs or other substances in an individual's body.

K. CDL – Random Testing
The random selection of an employee, from the pool of all employees holding positions requiring a Commercial Driver License, to perform chemical tests for drugs or alcohol under the Federal Department of Transportation, state, or other applicable government authority.

L. Reasonable Suspicion
An articulate belief, based on specific facts and reasonable inference drawn from those facts, that an employee is under the influence of, is impaired by, or is abusing alcohol, drugs or other substance.

M. Sample
Body substance or fluid drawn and/or used to conduct medical examination or medical testing procedures (s). Includes, but not limited to, urine, blood, breath, saliva and/or hair.

N. Under the influence

This term means the same as "Impaired" or unable to safely or appropriately perform the essential duties of their job.

O. Use/Consumption of alcohol
The use and ingestion of alcohol, beer and liquor.

05.025 Privileged Information

South Ogden City employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any South Ogden City plan or activity, this situation must be reported to the City Manager immediately. Each employee is charged with the responsibility of ensuring only information that should be provided to the general public is released as defined in the Government Records Access and management Act

05.030 Confidentiality

Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others not authorized to receive it, either inside or outside the office.

05.035 Acceptance of Gifts

The Utah Municipal Officers and Employees Ethics Act (10-3-1301) prohibits the acceptance of most gifts by employees. Under these provisions, no employee shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself/herself or for another person, if the gift or loan influences the employee in the discharge of his or her official duties.

There are exceptions under these laws, including:

A. An occasional nonpecuniary gift having a value of less than fifty dollars ($50.00);

B. An award publicly presented;

C. Any bona fide loan made in the ordinary course of business; or

D. Political campaign contributions used in a political campaign.

Violation of these laws and/or ordinances may subject an employee to termination and/or criminal charges. Employees desiring more information about these provisions may contact the City Manager or the City Attorney's Office.

05.040 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. On those occasions when employees cannot avoid being late to work or cannot work as scheduled, employees should notify their supervisor when possible.

Employees must report all absences. Department directors and their designees have the right to inquire of an employee as to any reason(s) for repeated, excessive or unexcused absenteeism or tardiness. Poor attendance and repeated tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

In the case of incarceration and an inability to report for work when scheduled, employees must notify their immediate supervisor or their department director immediately.

05.045 Personal Appearance and Dress Code

South Ogden City reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

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 in proper attire. Under such circumstances, employees will not be compensated for the time away from work, and will not be eligible to use or apply other paid time off.

Consult the supervisor or department director if there are questions what constitutes appropriate attire.

05.050 Personal Use of South Ogden City Equipment

A. Computer Equipment.

(1) Personal use of South Ogden City owned computer systems is permitted only when all of the following criteria are met:

a. The use offers an opportunity for the employee to increase the employee's job-

related knowledge and skills.

b. The employee is not compensated for the work performed, unless the employee has received prior written approval by the City Manager, or designee.

c. The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).

d. The employee uses the computer system after hours, or on the employee's personal time.

e. The employee does not use the computer system for permanent storage of data.

f. Use does not conflict with the employee's South Ogden City responsibilities or normal South Ogden City business.

g. The use has been approved by the City Manager, or designee.

h. All data stored on, and software developed on, South Ogden City owned computer equipment is the property of South Ogden City and may be viewed/reviewed by the City Manager, or designee. .

i. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on South Ogden City owned computer equipment.

B. Painting of any City building, inside or out, must have prior approval from the City Manager.

C. Postage Meters. No employee shall be allowed to use South Ogden City owned postage metering machines for posting and mailing of any personal material.

D. FAX and Copying Machines. Any employee desiring to use South Ogden City owned FAX or copying machines for personal items may do so after paying for such use at the employee rate in effect at the time of use.

E. Telephone calls.

(1) Employees are expressly prohibited from making personal long distance telephone calls on South Ogden City owned telephones.

(2) All employees will use South Ogden City owned telephones for local personal calls judicially. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.

F. City Vehicles. Subject to the terms and conditions of various City vehicle policies, employees may only operate City vehicles: on City business when authorized or directed to do so; between home and work when authorized; for minor, infrequent personal use during working hours, if permitted by department policy; or for other circumstances as permitted by specific department policy. The City provides use of city vehicles for personal use, such as between home and work, at its sole discretion and solely as a privilege to its employees.

The City will accept no claims of liability should its equipment or vehicle(s) be used in a manner contrary to its intended purpose, or outside the scope and controls of this policy. The only individuals allowed in and around city operating equipment or city vehicles are those who, because of necessity, must be present to perform the functions of the employee's normal duties. The City prohibits any other individuals from being transported or provided transportation in city vehicles, including for personal use of city equipment or vehicles, unless approved by the Department Director and City Manager.

It is the responsibility of each employee who uses his/her personal vehicle in conjunction with City duties, to exercise proper caution, care and safety, regarding the use of the vehicle. Employees have a duty and obligation to act in a manner consistent with good citizenship, respect and courtesy while using their personal vehicles for a business use or business-related activity of the City.

The City will reimburse employees for use of their personal vehicles for City business at the rate allowed under Internal Revenue Service regulations.

The City will routinely monitor the driving records of all employees. Employees showing serious driving infractions on their records (e.g., DUI, reckless driving, or multiple speeding tickets) will be subjected to disciplinary action ranging from referral to counseling, suspension, and/or termination, depending on the severity and/or repetition of infractions. Disciplinary action may be taken regardless of whether infractions occur during duty or off duty hours.

05.055 Purchasing

When procurement involves the expenditure of federal assistance funds, South Ogden City shall comply with all federal laws and regulations, state laws, and city ordinances and resolutions.

For further information please see the purchasing policy adopted by the City Council.

05.060 Credit Cards

South Ogden City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

05.065 Conflicts of Interest

South Ogden City employees shall not use South Ogden City owned property to support outside interests and activities when such use would compromise the integrity of South Ogden City or interfere with the employee's duties. An employee involved in an outside activity such as a civic organization, church organization, committee unrelated to South Ogden City business, public office, or service club, shall:

A. Pursue the outside activity on the employee's own time.

B. Pursue the outside activity away from South Ogden City offices.

C. Discourage any phone, mail or visitor contact related to the outside interest at South Ogden City offices.

D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.

E. Except as outlined above, not use data processing equipment, postage metering machines, copiers, other South Ogden City owned equipment or supplies for the outside interest.

The officers and employees of the City (and persons serving on City boards, committees, commissions, or agencies) are subject to the Utah Municipal Officers' and Employees' Ethics Act (10-3-1301).

The law has prohibitions regarding the employee's position for personal benefit by prohibiting:

A. The improper use of private, controlled, or protected information;

B. The securing of special privileges or exemptions;

C. The use or attempted use of the employee's official position to secure special privileges for the employee or others;

D. The acceptance or solicitation of gifts or loans if the gift or loan influences the employee in the discharge of his or her duties. (Exemptions for certain gifts are referred to in the Acceptance of Gifts policy.)

Beyond these prohibitions the law imposes certain disclosure and filing requirements for relationships of the employee which involve:

A. The receipt of compensation for assisting in a transaction involving the City;

B. Having an interest in a business entity regulated by the City;

C. Having an interest in a business entity doing business with the City;

D. Having a personal interest or investment, which creates a conflict between the employee's personal interests and his or her public duties.

(Note: The above interests can include interests held by spouses or minor children, or may arise through ownership or the holding of certain positions in the entity.)

Employees should also know a prohibition against conflict of interest activities exists under the City's contracting and purchasing ordinances. No purchase order or contract of the City may be approved in which a City employee is financially interested, including interests of spouses and children.

Conduct found in violation of these provisions may subject the employee to termination and/or criminal charges. Employees desiring more information about state law or the City ordinances, or who have questions about conflicts of interest, may request further information from the City Manager or the City Attorney's Office.

All elected officials, board members, and employees will be required to fill out a financial disclosure statement annually.

05.070 Political Activity

Except as otherwise provided by law or by rules and regulations promulgated under the authority of the South Ogden City Council, for federally aided programs, South Ogden City employees may voluntarily participate in political activity subject to the following provisions:

A. No person shall be denied the opportunity to become an applicant for a position under the merit system in any covered department by political opinion or affiliation.

B. No person employed by South Ogden City under its employee policies may be dismissed from service because of political opinion or affiliation.

C. A person employed by South Ogden City under its employee policies as an employee may not contribute funds to support political groups or candidates for elective offices in South Ogden City or actively campaign for any candidate for any South Ogden City elective office. Neither may employees become candidates for elective public office in South Ogden City while still employed by South Ogden City.

D. No South Ogden City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any officer or employee covered under the city's employment system to pay, lend, or contribute part of his or her salary compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No South Ogden City officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

E. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from South Ogden City employees during hours of employment. Nothing in this section shall preclude voluntary contribution by a South Ogden City employee to the party or candidate of the employee's choice outside of South Ogden City.

F. Nothing in this policy shall be construed to permit partisan political activity of any South Ogden City employee prevented or restricted from engaging in such political activity by the federal Hatch Act.

05.075 Secondary Employment

A. South Ogden City employment is primary.

(1) Fulltime Employment with South Ogden City shall be the employee's primary employment. South Ogden City employees may engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably establish criticism or suspicion of conflicting interests or duties.

(2) Employees must provide written notification to the City Manager, or designee, using the Employee's Notice of Secondary Employment before starting any secondary or

outside employment. This notification should include the following information:

a. The employer's name, business name, and business address.

b. A general overview of the type of business engaged in by the secondary employer.

c. The specific duties engaged in by the employee at their secondary employment.

B. South Ogden City's approval process.

(1) The City Manager, or designee, shall review the information in the Employee's Notice of Secondary Employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to:

a. That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with South Ogden City. That the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.

b. That the secondary employment could invoke a conflict of interest with their employment with South Ogden City.

c. That the secondary employment is immoral or unethical.

C. This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:

(1) Shall abide by that decision.

(2) May appeal the decision to the City Council, whose decision shall be final.

(3) May voluntarily resign their employment with South Ogden City.

05.080 Position Certification and Licensing Requirements

It is the policy of the City that employees may work only in positions for which they are qualified and otherwise meet the minimum qualifications and requisites for which they are employed.

An employee is required to immediately report to their department director losing certification or license necessary or required to perform their job or fulfill the functions of their position. Losing any certification or license that is a necessary requisite to perform a job or fulfill the function of a position in the City may cause discharge from service with the City. Losing certification to perform a job may include, but not be limited to:

A. Suspension or revocation of a required professional license or certification

B. A limitation or revocation of a required driver's license

C. Suspension of a required license or certification to work

Employees required to drive as part of their assigned duties or job tasks must report to their supervisor or department director when their license has been suspended, revoked or modified. Employees may not drive vehicles for which they do not have the appropriate license or have not been properly trained. These responsibilities are a condition of continued employment for any employee required to drive for the City as part of their job.

05.085 Use of Electronic Communication and Mail Systems

The City owns and uses a variety of electronic communications equipment. Besides the telephone system, the City has a network of facsimile machines, computers and support equipment (including printers, scanners, software, and cell phones). Employees are advised that electronic messages sent to one another on the City systems can be monitored, and depending upon the circumstances, may even be recorded. The telecommunications equipment the City owns is provided for business and should be used for that purpose. Occasional use of City equipment may be permitted, depending on department policy.

Employees abusing the privilege of the City's phone and electronic communications equipment and the City's time shall have the privilege withheld and will be subject to disciplinary action up to and including termination.

General E-Mail Standards. Email should be treated like any other form of written communication and, as such what is normally regarded as unacceptable in a letter or memorandum is equally unacceptable in an email communication. Using email for either personal or City purposes to send or forward messages or attachments in any way defamatory, obscene, or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure. In serious cases this could be gross misconduct and could lead to dismissal.

Unacceptable Email Use. Users must not engage in the following actions:

A. **Junk email.** Mail's that has been send unsolicited and is not wanted by the recipient. It includes adverts, political, and religious tracts.
B. **Chain email.** Email that exhorts you to pass it to other people. They often contain warnings of dire consequences if you don't pass on the message.
C. **Spamming.** Sending junk email to many recipients, usually mailing lists of addresses found on the internet.
D. **Pornography and inappropriate language.** Any email that contains explicit content, and/or language that will offend an individual. Refer to the acceptable use policy for more information.
E. **Forging**. Pretending to be another person by altering email headers or by using other users logged in account.
F. **Harassment.** Email messages that are derogatory, or contain threats against another person or groups of persons. These acts may also be criminal and will be prosecuted.

Email monitoring. When South Ogden City has reasonable grounds to suspect misuse of email in either scale of use, content, or nature or messages, it reserves the right to monitor the destination, source, and content of email to and from a particular address. When reasonable grounds suspect an instance of misuse, the employee's direct supervisor, and the City Manager may grant permission for the Information Technology Director to monitor the use of email. The monitoring process will include department staff, under the direction of the Director of Information Technology. These staff are observe the strictest confidentiality and will record or monitor only to the extent necessary to establish the facts of the case. Reports will be made directly to the City Manager and the Department Head, who will determine the necessary actions.

Emergency Access. South Ogden City reserves the right to access an employee's email account if an unexpected or prolonged absence (occurs i.e. due to sickness) to allow continuity of City Services, with the permission of the City Manager. In normal circumstances the employee concerned will be informed prior to this access.

05.090 Conditions of South Ogden City IT Access

South Ogden City places a high value on privacy and recognizes its critical importance. Sometimes, following carefully prescribed processes, South Ogden City may determine that certain broad concerns outweigh the value of a User's expectation of privacy and warrant City access to IT Systems without the consent of the Users. Those circumstances are discussed below, with the procedural safeguards established to ensure access is gained only when appropriate.

A. **Conditions.** Under state and federal law, South Ogden City may access all aspects of IT Systems, without the consent of the User, in the following circumstances:

(1) When necessary to identify or diagnose systems or security vulnerabilities and problems, or otherwise to preserve the integrity of the IT Systems; or

(2) When required by federal, state, or local law or administrative rules; or

(3) When reasonable grounds exist to believe that a violation of law or a significant breach of City policy may have taken place an access and inspection or monitoring may produce evidence related to the misconduct; or

(4) When such access to IT Systems is required to carry out essential business functions of the City; or

(5) When required to preserve public health and safety.

B. **Process**. Consistent with the privacy interests of Users, City access without the consent of the User will occur only with the approval of the I.T. Director, The Director of Administrative Services, and the appropriate direct supervisor, except when an emergency entry is necessary to preserve the integrity of facilities or to preserve public health and safety. South Ogden City, through the Systems Administrators, will log all instances of access without consent. Systems Administrators will also log any emergency entry within their control for subsequent review by the Mayor, City Manager, I.T. Director, and The Director of Administrative Services. A User will be notified of City access to IT Systems without consent depending on the circumstances, such notification will occur, before, during, or after the access, at the City's discretion.

C. **User access deactivations.** Besides accessing the IT Systems, South Ogden City, through the appropriate Systems Administrator, may deactivate a User's IT privileges, whether or not the User is suspected of any violation of this Policy, when necessary to preserve the integrity of facilities, user services, or data. The Systems Administrator will attempt to notify the User of any such action.

D. **Use of security scanning systems.** By attaching privately owned personal computers or other IT resources to South Ogden City's network, Users consent to City use of scanning programs for security on these resources while attached to the network.

E. **Logs.** Most IT systems routinely log user actions to facilitate recovery from systems malfunctions and for other management purposes.

F. **Encrypted Material.** Encrypted files, documents, and messages may be accessed by the City under the above guidelines.

05.095 Enforcement Procedures

A. **Complaints of Alleged Violations.** An individual who believes he or she has been harmed by an alleged violation of this Policy my file a complaint under established South Ogden City Grievance Procedures. The individual is also encouraged to report the alleged violation to the System Administrator overseeing the City Network. The South Ogden City Information Technology Department will investigate the allegation and (if appropriate) refer the matter to City disciplinary and/or law enforcement authorities.

B. **Reporting Observer Violations.** If an individual has observed or otherwise knows of a violation of this Policy, but has not been harmed by the alleged violation, he or she may report any evidence to the System Administrator. The Information Technology Department, under the direction of the City Manager or Department Head will investigate the allegation and (if appropriate) refer the matter to City disciplinary and/or law enforcement authorities.

C. **Disciplinary Procedures.** Alleged violations of this Policy will be pursued under the appropriate disciplinary procedures for South Ogden City staff. System Administrators may participate in the disciplinary proceedings as deemed appropriate by the relevant disciplinary authority. At the direction of the appropriate disciplinary authority, System Administrators may investigate alleged violations.

D. **Penalties.** Individuals found to have violated this Policy may be subject to penalties provided for in other South Ogden City policies dealing with the underlying conduct. Violators may also face IT-specific penalties, including temporary or permanent reduction or elimination of some or all IT privileges. The appropriate penalties shall be determined by the applicable disciplinary authority in consultation with the System Administrators.

E. **Legal Liability for Unlawful Use.** Besides South Ogden City discipline, Users may be subject to criminal prosecution, civil liability, or both for unlawful use of any IT System.

F. **Appeals.** Users found in violation of the Policy may appeal or request reconsideration of any imposed disciplinary action under the appeals provisions of the relevant disciplinary procedures.

05.100 Password Standards

General Password Standards. All supervisor-level passwords (i.e. root, enable, Windows administration, and privileged accounts) should be changed regularly or, at minimum every 45 days, or, when someone with administrative privileges or a possible knowledge of those passwords leaves the organization, or is no longer performing duties that require supervisor-level permissions.

A. When possible, all user level passwords should be changed at least every 90 days.

B. Employees no longer employed or on contract must be removed from all systems and their user ID and password changed, revoked, or eliminated, when possible.

C. Screen savers with passwords should be used on all computers (servers, laptops, workstations) and activated after no more than 15 minutes of activity.

D. Employees should password lock their screens when leaving workstations unattended.

E. All user accounts that have system-level privileges granted through group memberships should use passwords unique from all other accounts held by that user.

F. All passwords must be strong and possess at least 8 alphanumeric characters.

G. Passwords should never be stored in unsecured places, such a written down on a post-it, or saved unprotected on-line.

H. User ID's and passwords should never be shared with anyone, including administrative assistants, coworkers, family members, or supervisors.

I. All passwords should be treated as sensitive, confidential South Ogden City information.

05.105 Access Card

This policy applies to all South Ogden City employees with an Information Technology Department issued access key card.

A. South Ogden City secure access cards should be used only by the individual that the card is issued to. Do not loan the access card to an individual that should not be granted access.

B. All access cards/automatic gate openers are property of South Ogden City, and will be surrendered upon termination of employment.

C. Access cards are issued in the strict trust that proper measures will be taken to ensure their safekeeping. Loss of access cards can cause an unnecessary risk to South Ogden City employees, property, and City records. If an individual loses an access card or it is stolen, the individual must immediately report this to the I.T. support tech.

D. Intervention will be taken if an employee has a constant request for a replacement card due to misuse. The employee's supervisor will be notified of the problem.

05.110 Residency & Commuting Requirements

While the City provides equal opportunity to all individuals applying for employment, it also requires as a condition of employment that employees in certain identified jobs or positions reside within a required commuting time from their place of employment. The City's job descriptions identify those employees subject to commuting time requirements.

Positions requiring the employee's place of residence to be within a designated commuting time or distance from their place of employment will be those positions for which it has been determined that job functions, duties or tasks create urgent or emergency demands for service.

For this policy, department directors may establish the time or distance requirements, which will provide adequate work response times. Some department directors may also establish reasonable time limits for new employees in appropriately identified positions in those departments to comply with this policy. Employees who do not meet these requirements are subject to termination.

05.115 Responding to Citizen Complaints

It is the policy of the City to hear and respond in reasonable, courteous and open manner to all complaints from its citizens about service and functions of the City, and treatment received from City employees. When an employee of the City receives a complaint from a citizen, the employee is expected to assist in a positive and appropriate resolution of the complaint and/or correction of the problem to the degree the complaint or problem falls within the scope and functions of the employee's job with the City. If a complaint cannot be resolved to the

satisfaction of the affected citizen, the citizen should be advised of the steps taken to resolve it, and be referred to the employee's supervisor.

Regardless of their resolution, all complaints reported to employees must be communicated to that employee's supervisor. Serious complaints should be communicated on the same day they are first received if at all possible, and not later than the next working day. Each department and division has responsibility for maintaining a record of citizen complaints or grievances. Complaints that remain unresolved by the supervisor will be forwarded to the department director, division manager, or to the City Manager, as may be appropriate. To the extent practicable, the department director, or the City Manager should inform all involved individuals of the final resolution of a complaint.

05.120 Solicitation

To assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace unrelated to City services.

The City recognizes that employees may have interests in events and organizations outside the workplace and in order to assist our employees, on a "not-to-interfere basis", they may, on a strictly non-compulsory basis, periodically solicit or distribute literature concerning these activities or interests. However, employees may not solicit or distribute literature concerning these activities during work time. (Work time does not include lunch periods, work breaks, or any other periods during which employees are not on duty.)

Examples of impermissible forms of solicitation include:

A. The collection of money, goods, or gifts for religious groups

B. The collection of money, goods, or gifts for political groups

C. The sale of goods, services, or subscriptions outside the scope of official business by non-employees.

D. The circulation of petitions

E. Distributing literature not approved by the City

F. The solicitation of memberships, fees, of dues

G. Posting written solicitations on City bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

(1) Internal Memoranda

(2) Job openings

(3) Organization announcements

(4) Workers compensation information

(5) State unemployment insurance information

(6) Safety information/programs/meetings

(7) Educational and training information

(8) Employee announcements

If employees have a message of interest to the workplace, they may submit it to the City Manager or their department director for approval.

05.125 Media Policy

South Ogden City seeks to keep residents, businesses, and visitors informed by engaging in a pro-active communications program. South Ogden City recognizes that one of the most effective ways to communicate policies and activities to citizens is by working in partnership with the news media. The City Manager or designee is the designated spokesperson for all City related business.

SECTION 6: SEXUAL HARASSMENT

06.005 General Policy

It is the policy of South Ogden City that:

A. The giving or withholding of tangible job benefits based on granting sexual favors (Quid Pro Quo) and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile abusive or unwelcome work environment constitutes sexual harassment.

B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.

C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.

D. False or bad faith claims regarding sexual or gender harassment shall cause disciplinary action, up to and including termination, against the accuser.

E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.

F. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.

G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.

06.010 Prohibited Conduct

A. Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited.

B. Two major categories of sexual/gender harassment are:

(1) Quid Pro Quo, or the granting or conditioning of tangible job benefits or granting

sexual favors.

(2) Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

a. Level One: Sex role stereotyping.

1. Assignments made or denied solely on the traditional historic perceptions regarding the jobs that specific gender may/should perform.

2. Comments or written material reinforcing traditional historic perceptions regarding gender.

b. Level Two: Gender harassment/discrimination.

1. Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

2. Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.

c. Level Three: Targeted or individual harassment.

1. Intentional behavior predicated on gender or expressing sexuality directed at a specific group or individual.

2. Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.

d. Level Four: Criminal touching.

1. The intentional unwanted touching of the breasts, buttocks, or genitals of another.

2. Forcible sexual abuse.

06.015 Types of Corrective Action

Any employee being sexually harassed or who has personal knowledge of offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

(1) Employees experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above may, if they so desire, address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will cause a formal complaint. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.

(2) This notification may be:

a. Verbally, in person.

b. In writing, signed or unsigned.

c. Through a supervisor, verbally or in writing. The victim may:

1. Ask the supervisor for assistance in determining what to say and how to approach the offending employee.

2. Request the supervisor to accompany the victim when the victim gives the offending employee notice.

3. Ask the supervisor to give notice to the offending employee, accompanied by the victim.

4. Ask the supervisor alone to provide notice to the offending employee.

B. Formal Action.

(1) Employees experiencing an unwelcome or hostile work environment clearly offensive or at Level Four, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.

(2) Formal complaints should be in writing and specify:

a. The identity of the victim.

b. The identity of the offending employee.

c. The offensive behavior that the employee engaged in.

d. The frequency of the offensive behavior.

e. Damage the victim suffered because of the offensive behavior.

f. How the victim would like the matter settled, or what the victim would like to see happen.

(3) The victim will be allowed reasonable time during work to prepare a formal complaint.

(4) The victim should submit formal written complaints to their immediate supervisor. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next highest supervisor, the department head, the City Manager, or designee.

(5) If the employee cannot follow the chain of command in reporting, they may file their formal complaint with the City Recorder.

06.020 Disciplinary Action

Employees found guilty of sexual harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, and the offending employee's work history.

06.025 Maintaining Complaint Files

A. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.

B. Information in the sexual harassment complaint files shall be released only with the written authorization of the victim and the City Manager, or designee.

C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

06.030 Victim Protection

A. Individual complaints, either verbal or written, are confidential.

B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.

C. The accused shall not contact the victim regarding the alleged harassment.

D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.

(1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.

(2) Retaliation is an additional and separate disciplinary offense.

(3) Retaliation may comprise, but is not limited to:

a. Open hostility.

b. Exclusion or ostracism.

c. Special or more closely monitored attention to work performance.

d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

06.035 Other Unlawful Discrimination or Harassment

The City will provide a work environment free of discrimination and any unlawful harassment. Employment actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, handicap, disability, or any other legally protected characteristic will not be tolerated.

It is the policy of the City to prohibit any unlawful discrimination and harassment. It is against both federal and State law, and City policy, for any employment decisions to be based on race, creed, religion, color, national origin, or gender. Any illegal discrimination or harassment shall also be treated as a serious violation of the City's policy and work standards.

Illegal discrimination or harassment can take many forms. Refusal to promote an employee based on his/her race, making fun of a coworker based on his/her mental physical limitations, or denying an impaired employee access to work areas/services which others enjoy, are examples of

possible illegal discrimination or harassment.

06.040 Investigation of Alleged Illegal Discrimination or Harassment

Any employee, who believes he/she has been the victim of any illegal discrimination or harassment or wants to report an incident of illegal discrimination, should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the City Attorney, City Manager, or department director. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who learns of possible illegal discrimination or any type of harassment should promptly advise the City Manager or any member of management who will report the concern to the Equal Employment Opportunity (EEO) Officer of the City. The City Manager is the EEO Officer for the City. The City Manager will conduct a timely and confidential investigation of all claims or reports of sexual harassment. The City Manager may delegate a representative or agent to conduct fact finding on his/her behalf. As part of the investigation, the City Manager or his/her designee will meet with the employee bringing the complaint to determine the nature of the harassment, make inquiry about what remedy the employee is seeking, and otherwise determine the focus of the investigation. The employee may report their concern to the City Recorder, if they are not comfortable with the established chain of command.

Should the investigation disclose that evidence exists on which to determine that illegal discrimination or sexual harassment has occurred, the individual(s) found engaging in such prohibited activity will be subject to disciplinary action, up to and including termination of employment. Consideration will be given to the nature, the severity and the circumstances of the illegal discrimination or harassment. During an investigation the department director, with the approval of the City Manager, will have the authority to temporarily restructure work assignments, change work conditions, and separate involved and interested parties in the interests of maintaining a work environment free from any potential threat, hostility or intimidation. While all materials, records and notes about the investigation shall remain confidential, any disciplinary action taken as the result of such investigation shall be made a matter of record in the involved employee's personnel file.

Investigations will include interviews with individuals involved in, or who have knowledge of the events, circumstances or conditions surrounding any complaint of discrimination or sexual harassment. Investigations shall be conducted and concluded within reasonable time frames, not to exceed 30 days. Investigations will report and record findings of fact, conclusions based upon those facts, including reasonable beliefs supported by evidence and record, and will outline actions to be taken.

The City Manager will, upon completing an investigation, act within thirty (30) days on the investigation's findings of fact, conclusions and recommendations to determine what, if any, disciplinary action should be taken. The City Manager will review the investigation with the City Attorney and review what action is contemplated. Besides disciplinary action, the City Manager has the right to direct an appropriate and reasonable remedy to work conditions, or to direct a change in procedures, and otherwise act to correct, modify or change work environments to enforce this policy.

The City Manager will communicate the conclusion(s) of the investigation and action to the employee bringing the complaint, and the employee accused of the discrimination or harassment.

SECTION 7: PERFORMANCE EVALUATIONS

07.005 General Policy

Performance evaluations will consist of a review between the supervisor and the employee using South Ogden City's Performance Evaluation Form, or department form approved by the City Manager. It is the policy of South Ogden City that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.

Goal setting is critical to develop performance plans and standards. Goals define in broad terms the underlying purpose of an activity or set of activities. Objectives specify what should be achieved during an employee's employment with South Ogden City.

Certain fundamental principles govern the establishment of goals, objectives, and performance standards.

A. Participatory Goal Setting. In setting goals and objectives of employees, the supervisors should seek to involve employees.

B. Outline Results to be achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when must be completed, and what resources will be required.

C. Relate to Organizational Objectives and Goals. In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.

D. Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be provided, periodic reviews and other related control activities.

E. Give Support. Employees should understand they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

07.010 Performance Plans

A. Performance planning is a continuing and collaborative process in which employees and their supervisors:

(1) Jointly identify objectives for the next performance evaluation period.

(2) Define priorities and performance standards for the next performance period.

(3) Compare progress against expectations and revise the plan, when necessary.

B. The performance plan shall include goals and objectives, mutually acceptable performance standards, and a prioritization of goals and objectives.

C. Both employees and their supervisor shall sign the performance plan. The employee shall receive a copy from their supervisor who shall retain a copy.

07.015 Performance Standards

A. Performance standards and expectations shall be established for each employee. Employees shall participate in the establishment of performance standards and expectations relevant to their jobs.

B. Employees shall be advised of how they are performing in relation to established standards.

C. Performance evaluations are an ongoing process which requires that supervisor and subordinates meet periodically to discuss achievements, review performance and mutually agree on strategies to eliminate performance deficiencies.

D. Employees shall be made aware of the time frames and actions to be taken to improve performance and to increase the value of service.

E. Employees shall know what role their supervisors shall play in providing them with assistance toward improved performance.

F. Under no circumstances should employees be allowed to prepare their own performance evaluation. It is the responsibility of the employee's supervisor to prepare performance evaluations.

G. Employees shall have the right to prepare relevant comments to accompany their evaluations.

07.020 Performance Ratings

Employee evaluations shall provide an overall performance rating which can be equated to:

- **Consistently Exceeds Expectations** - ***Reserved*** for those that consistently meets and exceeds all relevant performance standards. Provides leadership, fosters teamwork, is highly productive, innovative, and responsive, and generates outstanding top quality work. Must be supported by written approval of the City Manager.

- **Meets or Exceeds Expectations** - Consistently meets and sometimes exceeds all relevant performance standards. Shows initiative and versatility, works collaboratively, has strong technical and interpersonal skills, or has achieved significant improvement in these areas.

- **Fails to Meet Expectations** - Sometimes meets the performance standards. Seldom exceeds and often falls short of desired results. Performance has declined significantly, or employee has not sustained adequate improvement as required since the last performance review.

- **Significantly Deficient** - Consistently falls short of performance standards.

07.025 Performance Periods

A. Introductory employees

(1) Employees shall have performance evaluations following the end of their introductory period.

(2) The performance evaluations may provide information to both the employee and management regarding the employee's performance.

(3) Introductory employees should understand their performance evaluations and the results of such evaluations shall not obligate South Ogden City to a particular course of action relative to introductory employees, nor shall it create any property/due process rights for introductory employees relative to their jobs/positions.

B. Full-time and Part –time Employees

(1) Performance evaluations will be completed, at least, annually.

(2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.

07.030 Performance Evaluations

The formal evaluation form is available from the Administrative Office. The evaluation form shall be signed by the employee, his/her immediate supervisor, and the department director. The completed, signed evaluation form must accompany a completed Personnel Action form, when returned to the Administrative Office to put into effect any recommended increase in compensation.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial introductory period in any new position. This introductory period allows the supervisor and the employee to discuss job responsibilities, standards, and performance requirements of the position.

Department directors may, upon their own initiative, conduct other formal, written, or informal performance evaluations with their employees outside the requirements of an initial or annual evaluation process. It is the policy of the City to encourage department directors to communicate with their employees on an ongoing to recognize achievement and accomplishment and to acknowledge excellent performance in writing where warranted and appropriate. Additional formal performance evaluations may be conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive purposeful approaches for meeting goals.

As discussed elsewhere in these policies, performance evaluations are linked to wage reviews and adjustments. Employees, whose work performance is unsatisfactory, or whose behaviors and interactions regarding job performance standards are unacceptable, are not entitled to a wage adjustment. In such cases, the employee will be denied a wage adjustment.

Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.

Performance evaluations may be used in decisions concerning advancement, future training needs; performance related salary adjustments and contested disciplinary actions.

07.035 Promotions

Promotions will be made by the department director (s). Promoted employees will begin a new introductory period for the new position related to work performance only. The promotion will not affect the employee's benefit status. If a promoted employee is unsuccessful in the new position within the introductory period, he/she may be placed back in the position held

immediately prior to the promotion, or to another position, subject to availability and the employee's qualifications.

Promoted employees receive any commensurate pay increase established for the position commencing with the effective date of the promotion, and within the range and placement within the range based upon longevity and other considerations.

It is the policy of the City to prohibit from consideration or application for any promotion any employee who is the subject of any current disciplinary action. Department directors will consider the severity of any prior disciplinary actions and of any ongoing disciplinary review in determining whether to consider promoting any City employee.

It is the policy of South Ogden City to promote from within the ranks by filling vacancies with qualified city employees, unless it is determined by the department director to be in the best interests of the City to hire from outside the organization. Specific procedures exist within City policy to fill vacancies in the classified and merit service.

If a promotion decision and placement is set aside during the introductory period, the involved employee may return to his/her former job with no prejudice to the employee, at the same compensation and benefit level associated with the former job, or to another position, subject to availability and the employee's qualifications. In cases of error by the City, the City shall make all reasonable effort and accommodation to place the employee back in their previous job or similar position, so long as an undue hardship to the City is not created.

If the employee in the full-time merit or full-time classified service cannot be returned to his/her former or similar position, they shall be placed on the Reinstatement list and shall be subject to all reinstatement rights and privileges. See Reinstatement Rights Section 02.085.

An employee wishing to file a complaint or request a review of a decision involving the promotion of another employee must file a complaint or request for review directly with his/her department director and provide a copy to the Director of Administrative Services within five (5) days of the effective date of the promotion, or he/she shall forfeit any and all rights of grievance, appeal or review under this or any other policy provision of the City.

07.040 Employee Recognition and Performance Incentive Program

Annually based on budget availability and approval of the city council, the city may allocate a sum of money to fund an employee recognition and performance incentive program to reward staff behavior on a more frequent or instant basis. These funds are based on availability of the budget, and should only be used to incentivize behavior that goes above and beyond an employee's regular and routine call of duty. The Department Director will submit documentation

to the City Manager for approval of this incentive. This incentive can be given any time of year, and is not linked to the annual performance evaluation. At the discretion of the City Manager, a recognition or incentive can be given as a one-time monetary bonus or as percentage increase in salary. Rewards may include in-kind gift cards, tickets to an event, sky miles, etc.

SECTION 8: RECORD KEEPING

08.005 General Policy

Federal law requires employers to keep detailed data about their employees.

08.010 Non-Disclosure of Confidential Information

Employee records are maintained in compliance with the law.

A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.

B. South Ogden City's policy is only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.

C. Employees have the opportunity to review their own files in the presence of the City Manager, or designee, on South Ogden City premises during regular business hours.

08.015 Personnel Files Requirements

A. General.

(1) Personnel files are maintained on each employee and kept by the City Manager, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.

(2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the City Manager, or designee.

(3) Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at South Ogden City. When a Supervisor requires access to the personnel file of an employee under their supervision for handling personnel matters, the supervisor must obtain authorization from the City Manager, or designee.

B. Contents.

(1) An employment record; including the employee's job application, resume, interview

forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.

(2) A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee occupies.

(3) Election form to disclose or keep confidential, the employee's home address and home telephone number.

(4) All personnel action forms, including:

a. Performance evaluations.

b. Promotions or transfers.

c. Salary rate changes.

d. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the City Manager, or designee, will so state.

(5) Any information the employee wants included in response to the above actions.

(6) Records of citations for excellence or awards for good performance.

(7) Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the City Manager, or designee. Leave balances are on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the Director of Administrative Services or designee, to obtain information regarding their current leave usage.

(8) Record of any other pertinent information affecting the employee's status.

C. Employee Information/Change of Employee Status. Employees ensure that personal employee information in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the City Manager , or designee, to file in their personnel file.

D. Giving References. South Ogden City limits information in a reference to the following:

a. Verification that the employee worked, full-time or part-time, for South Ogden City during a stated period.

b. A description of the position held.

c. Verification that the employee achieved a given salary range.

d. Eligibility for re-hire.

Personnel files are the property of the City, and access to the information is restricted. Only supervisors and management personnel of the City who have a legitimate reason to review information in a file may do so. As with other City records and controls, access to personnel files and information is affected by guidelines established by the Government Records Access and Management Act under Chapter 2, Title 63, or other applicable provision of law.

To the extent permitted by law, copies of an employee's personnel file may be provided to the employee upon approval by the City Manager and advance notice. Employees requesting such copies will be required to initial those documents to be copied, and otherwise sign any appropriate records acknowledging receipt of such copies.

Medical information and ongoing investigative files and information are not kept as part of any personnel file. A personnel file will reflect the existence of a medical or investigative file or record.

Required confidential records shall be under the direction and supervision of the department director and the City Manager.

08.020 Other Files Requirements

Records related to the items listed below should be kept for a period of at least one (1) year, or as otherwise required by records retention laws or regulations. Records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

A. Job applications.

B. Test papers completed by job applicants or candidates for any position.

C. Results of any pre-employment physical exam and mobility exams should be kept for a period of least four (4) years.

D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.

E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.

08.025 Wage/Salary Requirements

The Federal Labor Standards Act (FLSA) requires South Ogden City to keep all of the following data on all employees for a period of at least three (3) years.

A. Employee's sex.

B. Time and day work week begins.

C. Hours worked each day and total hours worked each week.

D. Total daily or weekly straight-time earnings.

E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions

F. Date of payment and pay period covered.

G. Total overtime above regular compensation for work week.

08.030 Other Requirements

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

A. Occupational Safety and Health Act (OSHA) record of injuries.

B. Employee Retirement Income Security Act (ERISA) record of pensions.

C. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

SECTION 9: PAYROLL ADMINISTRATION

09.005 General Policy

It is the policy of the City to act within accordance of all Federal and State laws regarding all payroll administrative tasks.

09.010 Pay Periods

The Fair Labor Standards Act requires wages be calculated on a periodic basis comprising twenty eight (28) days for employees working in public safety activities, such as Law Enforcement and Firefighters, and o weekly for employees not working in public safety activities, unless an exception is granted by the Department of Labor.

09.015 Pay Days

South Ogden City′ s pay days are bi-weekly.

09.020 Minimum Wage/Salary

The Fair Labor Standards Act requires that South Ogden City pay an employee at least the minimum wage, as a gross wage/salary, minus the legally required pay deductions.

09.025 Pay Deductions and Garnishments

The law requires that the City make certain deductions from every employee's compensation. Among these are federal and state income taxes. The City also must deduct Social Security taxes on employee's earnings up to a specified limit called the Social Security "wage base". The City matches the Social Security taxes paid by the employee.

Voluntary pay deductions, such as health insurance, life insurance and other benefits, are made at the written direction of the employee. Voluntary deductions can have restrictions placed on the effective date and/or amount of the deduction. Such restrictions are determined and controlled by the terms and conditions of the applicable plans, benefits/policies for which the deductions are made.

Garnishments are court-ordered pay deductions taken by the City and forwarded to another party authorized to receive them.

If you have questions concerning why deductions were made from your paycheck or how deductions were calculated, contact your supervisor or the City Finance Director.

09.030 Timesheets

All employees of South Ogden City must maintain an accurate and legible record of all their

hours worked for South Ogden City on time cards. Time cards will be signed and dated by the employee, and forwarded to the City Finance Director, as directed for review and payment.

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the City to keep an accurate record of time worked to calculate employee pay and benefits. Time worked is all the time spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, and the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or one employee recording his/her time on another employee's time record may cause disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work in sufficient time to be at work and work-ready when scheduled. Nonexempt employees may not stay after their scheduled stop time without expressed prior authorization from their supervisor.

It is the employee's responsibility to record his or her time to verify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

09.035 Pay Advances

The City does not provide pay advances on unearned wages to employees.

09.040 Administrative Pay Corrections

The City tries to ensure that employees receive the correct pay each paycheck and employees are paid promptly on the scheduled payday.

In the unlikely event there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of the Finance Director so corrections can be made as quickly. . To the extent the law allows, the City reserves the right, upon discovery, to correct errors in pay and benefits by offsets in payroll or through civil action(s).

09.045 Compensation upon Separation

It is City policy to comply with all laws regarding issuance of final paychecks. If an employee voluntarily resigns, the final paycheck will be issued on the regular payday. If an employee is terminated, or involuntarily resigns, then the final paycheck is due within 24 hours.

SECTION 10: TRAVEL AND TRAINING

010.005 General Policy

The City recognizes job specific training is useful in gaining knowledge, skills and abilities. To City recognizes training when it is beneficial to the City to pay for such training.

010.010 Training and Conferences

If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, besides paying any tuition or fees, at the rate of one and one-half (1/2) times their regular work day pay if hours worked exceed forty (40) hours in that week.

010.015 Travel Policy

A. Mode of travel selected will be that which is least costly to the City. If an employee elects to take a more expensive mode of travel, the employee will be reimbursed only for the least expensive mode. The employee will be expected to pay the difference.

B. Mileage reimbursement will be provided for privately owned vehicles for City purposes. The reimbursement rate will be what is allowed under IRS regulations.

C. If the employee lives within 10 miles of South Ogden City, the following round trip mileage will be reimbursed to these specific cities.

City	Mileage
St. George	676
Moab	546
Cedar City	570
Salt Lake	70
Park City	132
Provo	160
Logan	92
Spanish Fork	184

(1) If the travel destination is not listed on the chart above, employees will use Google Maps or MapQuest to determine that travel distance. The start point will be South Ogden City Hall.

(2) Employees will be allowed 20 miles additional reimbursed miles per day (or prorated portion for a part day) if they are not staying at the site of the conference.

(3) If a City-owned vehicle is taken to a conference, the employee will be reimbursed for actual gasoline expense, and will not receive mileage.

(4) City owned vehicles will not be driven over 50 miles from the conference site.

(5) City owned vehicles will not be driven across State lines except under the following circumstances:

a. The conference site is in a different state; and
b. Driving a City-owned vehicle is the least expensive mode of transportation; and,
c. Driving a City-owned vehicle is approved by the department director and the City Manager.

(6) When airline travel is required, employees will ensure reservations are made at least 21 days in advance of the anticipated departure date to ensure the least expensive airfare.

(7) Employees will not be required to stay in the destination City an extra weekend day to obtain a cheaper air fare. Employees may stay over an extra weekend day if it is more cost effective to pay the employee for eight hours of work than the higher airfare. Cost effectiveness will be determined by the City Manager.

(8) Per Diem will be determined under then current GSA National Per Diem Rates.

(9) No per diem will be issued for one day training. Please refer to the chart below for overnight or extended training.

010.020 Reimbursable Expenses

With prior approval, legitimate expenses will be reimbursed by South Ogden City to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the reimbursement each employee has received.

010.025 Overnight and Extended Training

Description	Effect on Per Diem
Employee leaves for training after 2:00 PM	Per Diem Reduced by 1/2
Employee leaves for training before 2:00 PM	Full Per Diem will be issued
Employee returns from training before 2:00 PM	Per Diem Reduced by 1/2
Employee returns from training after 2:00 PM	Full Per Diem will be issued

NOTE: While an employee is at the training site, they will receive a full day's per diem at the discretion of the department head.

A. Per Diem will be provided only for the days of the conference and the travel time. Employees electing to arrive earlier or later at the destination than is required for City purposes will not receive per Diem for the extra time.

B. The City will pay single occupancy hotel rates. Additional charges incurred because of the accompaniment of a spouse will be paid by the employee.

C. Employees arriving at a conference earlier or leaving later than is required for City purposes will pay any additional hotel costs incurred.

D. The City will pay for one additional hotel night if an employee cannot depart from the conference at its conclusion and arrive home by 8:00 PM.

E. Employees will pay all additional costs associated with the accompaniment of a spouse on a City business trip.

F. When several employees attend a conference, they are encouraged to car pool.

G. Department directors must provide authorization for all travel and training within their department.

H. All elected officials may attend any conference sponsored by the National League of Cities and Towns and the Utah League of Cities and Towns.

I. If any elected official agrees to attend a conference for which costs are incurred in advance, and then does not attend the conference, the elected official will reimburse the

City for all costs incurred. Exceptions are: (a) serious illness of the individual; or, (b) serious illness or death in immediate family; or, (c) costs are refunded; or,(d) another elected official attends the conference in his/her place. If none of these criteria are met, the City Manager is instructed to place the issue on a City Council agenda for discussion and a decision.

J. Elected officials will not be reimbursed for any travel expenses resulting from travel after an election in which the official either was defeated or did not run for reelection.

K. Elected officials will provide a verbal briefing in Council meeting of any conferences attended.

L. Lodging will not be provided for training or conferences located within 30 miles of South Ogden.

M. FLSA covered employees will be compensated for travel under the then applicable FLSA travel standards. This means the employee will be compensated for travel only if it is within their normal working hours and scheduled work day. Overnight training will be compensated on normal work hours on both regular non-scheduled and scheduled work days. Employees meeting these conditions will be compensated as outlined unless exception is given by the Department Head. These provisions are subject to change if and as amended by duly adopted FLSA rule changes.

N. Any additional costs (registration, meals, transportation, etc.) incurred because of accompaniment of a spouse will be borne by the employee.

SECTION 11: LEAVES OF ABSENCE

011.005 General Policy

There are many types of leaves of absence from the workplace. The City encourages all employees to wisely use their leave accruals.

011.010 Vacation

The length of eligible service to determine the vacation rate of accrual is calculated on the basis of a 12-month period that begins on the date of hire for the eligible classification. Any unpaid leave of absence will not count toward the 12-month period except for a Military Leave of absence. Military Leave does not affect this calculation.

To take vacation, employees must request approval at least two weeks in advance from the supervisor authorized to receive and review requests. Exceptions to this advance notice requirement can only be granted by the department director or his/her designee. Requests will be reviewed and either denied or approved based on several factors, including business needs and staffing requirements.

Employees exempt from the Fair Labor Standards Act are expected to work their assigned schedule each regular work day. Exempt employees who take time off work ~~for less than one-half (1/2) of a full work day,~~ on a day in which some work was performed, will not have their vacation leave reduced. Otherwise, they have the same conditions and limitations applicable to the qualified and proper use of vacation leave.

Vacation time off is paid at the employee's base pay rate at the time of vacation. Base rate of pay does not include overtime or any special forms of compensation such as incentives, commissions, and bonuses. Paid vacation time shall be accounted for in minimum increments of 30 minutes.

As a condition of utilizing Family & Medical Leave Act leave, Employees must use available sick and vacation leave for the care and support of themselves or another under conditions described in the Family & Medical Leave policy. Employees, supervisors and department directors must notify the City Manager whenever paid vacation leave is used for a serious health condition, or a condition covered under the Family & Medical Leave policy.

011.015 Vacation Leave Benefits

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification (s) are eligible to earn and use vacation time as described in the Vacation Leave Policy:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees
- Introductory employees in the above classifications

Except for certain Special Non-merit employees, the paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule.

Vacation Accrual – Full-Time Employees
(Excluding sworn fire fighters and department directors)

Years of Eligible Service	Vacation Hours Earned Biweekly	Annual Vacation Days
Upon hire	3.08	10
After 5 years	4.62	15
After 10 years	6.16	20
After 15 years	6.92	22.5
After 20 years	7.69	25

Vacation Accrual – Full-Time Sworn Fire Fighters

Years of Eligible Service	Vacation Hours Earned Biweekly	Annual Vacation Days
Upon hire	4.62	5 shifts (120.12)
After 3 years	5.54	6 shifts (144.04)
After 9 years	6.47	7shifts (168.22)
After 14 years	8.31	9 shifts (216.06)

* **NOTE:** A vacation day for most employees is based upon a normally scheduled eight (8) hours shift of work. Sworn Fire Personnel earn vacation "shifts" based on a twenty-four (24) hour shift basis, since they work on a 24-hour shift basis.

Once employees enter an eligible employment classification, they earn paid vacation time according to the schedule. Vacation accrual rates for qualified, part-time employees are prorated based on the full-time schedule.

Besides the vacation accrual rates described above, employees may also accrue additional vacation pay in lieu of regular holiday time off (see Holiday Policy), or because of converting

certain accrued sick leave to vacation leave.

Employees who would otherwise qualify for holiday pay also accrue one day of vacation time off annually as a preference day. Employees may schedule using this time under normal vacation procedures, once accrual of the additional time/day has occurred. Sworn Fire Personnel, and other employees designated as working shift work for the Holiday policy receive this time as described in the holiday pay policy.

Full-time department directors are credited 160 hours of vacation pay annually on January 1 of each year. If the eligible employee is hired after January 1, the number of hours of vacation pay credited on the date of hire will be prorated based on the months remaining in the year. Full-time department directors will be credited with 180 hours of vacation annually upon completion of 15 years of full-time employment and will be credited with 200 hours of vacation time annually upon completion of 20 years of full-time employment.

If available vacation is not used by the end of the calendar year, employees may carry unused vacation time forward to the next calendar year. However, if the unused, accrued or credited vacation time at the end of the first complete pay period in January has exceeded a "cap" of 240 hours for Full-time and Non-merit, Special employees, or 336 hours for Sworn Fire Personnel, the excess balance will be forfeited or donated by the employee to the Employee Sick Leave Bank. If an employee is not allowed to use previously scheduled and approved vacation leave because of unforeseen needs of the City, the City Manager may in writing grant an extension up to 60 calendar days from the forfeiture date in which the employee may use his/ her vacation time.

011.020 Sick Leave

The City provides paid sick leave benefits to eligible employees to provide time off away from work to care for the medical needs of the employee and/or their dependents. The method and rate of sick leave accrual are described in the Benefits handbook. Employees are encouraged to accrue sick leave in amounts sufficient to provide them financial security and regular income during periods of extended sickness or injury, such as may be the case during surgery and post-surgical recovery periods.

Paid sick leave shall be accounted for in minimum increments of one-half (1/2) hour. Exempt employees, who take time off on a day in which some work was performed ~~are off work for less than one-half (1/2) of a full workday,~~ shall not have their sick leave deducted for sick time taken. Otherwise, exempt employees have the same conditions and limitations applicable to the qualified and proper use of sick leave for illness, injury or bereavement.

Subject to procedures established by department directors, employees unable to report to work

due to illness or injury should notify the immediate supervisor or other designated individual. The direct supervisor should also be contacted on each additional day of absence.

Except in case of emergency or unexpected illness, employees should request time off at least two weeks in advance of the beginning date of an extended period of sick leave. Verification may be requested for sick leave absences and may be required as a condition to receiving sick leave benefits. If an employee is absent for over 40 consecutive hours (or two consecutive shifts for Sworn Fire Personnel) due to illness or injury, a physician's statement will be required verifying the disability and its beginning and expected ending date. An employee may also be required to provide a physician's statement identifying whether he/she can return to work, and what, work restrictions or limitations exist. (See Family & Medical Leave and Fitness for Duty policies Section 11.085)

Employees returning from sick leave of less than 40 consecutive hours (less than two consecutive shifts for Sworn Fire Personnel) may be required to provide a physician's statement upon their return to work.

Where an unusual pattern of sick leave use is present, or a question arises as to the legitimate use of accrued sick leave, department directors have the right to investigate use of sick leave, make inquiry of the employee as to his/her ability to perform essential functions of the job, and otherwise request medical information be provided to the supervisor.

Employees, supervisors and department directors must notify the City Manager whenever paid sick leave is used for a medical disability or serious health condition of the employee. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves an absence of five (5) days or longer under the care of a health care provider, inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

The City has developed a reporting form to be completed by the employee and submitted to both the employee's department director and the City Manager. This form is used to determine the effective date of any medical disability or serious health condition of the employee and the period of available leave (paid and unpaid) benefit for the employee.

If the proper form is not completed, the City Manager or his designee will determine the effective date of any serious health condition and the period of available leave (paid and unpaid), based on the first date the employee was granted any leave related to, and/or in connection with, the employee's medical disability or serious health condition.

011.025 Sick Leave Benefits

The City provides sick leave to eligible employees. Sick leave is accrued by pay period at a rate of 3.70 hours per period, for 12 days annually. Eligible employees include:

- Special, Non-merit
- Full-time
- Qualified Part-time
- Introductory Employees in Full-time Positions in the Above Classifications

Qualified part-time employees accrue sick leave on a prorated basis.

011.030 Sick Leave Payment upon Death

It is the policy of the City that, upon the death of a full-time employee, regardless of the cause of death, the City will pay a lump sum benefit to the surviving heir(s) based on the employee's accrued, unused sick leave. Upon the employee's death, the 50% of the employee's accrued unused sick leave, with a maximum of 960 hours, will be paid to the lawful heir(s) of the deceased. If an employee is killed while performing duty for the City, the City will pay the lawful heirs an amount equal to 75% of unused accrued sick leave with a maximum payment of 1440 hours.

011.035 Sick Leave Conversions and Payment

The City allows employees to benefit from a certain amount of unused sick leave each year. After an employee accrues over 240 hours of sick leave (336 hours for Sworn Fire Personnel), that employee may elect to convert unused sick leave benefits, above that 240 hour threshold amount, to vacation leave each calendar year at the end of the second complete pay period in January. For example:

- An employee with 246 hours of sick leave may convert up to 6 hours to vacation leave.
- An employee with 264 hours or more of sick leave may convert up to 24 hours to vacation leave.
- A maximum annual conversion of not more than 24 hours will be allowed.

For employees retiring with State retirement benefits or other city approved retirement program benefits during a calendar year, conversion to vacation benefits will occur upon the effective date of retirement.

Accrued sick leave benefits are intended solely to provide income protection if death occurs, illness or injury or conversion to vacation as allowed in this policy. Unused sick leave benefits

will not be paid as direct compensation to employees while they are employed or upon termination of employment except as otherwise stated in this policy.

The City intends to provide some additional compensation for employees retiring from public service, by paying the employee for a portion of their accrued, unused sick leave. Subject to the terms, requirements and controls of any City-approved retirement system program, an employee retiring under an approved system may be paid the value of one-half his/her unused, accumulated sick leave (1,344 hours for Sworn Fire Personnel, and 960 hours for other eligible employees). Therefore, the maximum payment made to an employee retiring with retirement benefits would be 672 hours for Sworn Fire Personnel and 480 hours for other eligible employees. Such payment will be based on the hourly or equivalent base rate of pay in effect at the time of the employee's retirement.

011.040 Holiday

The City provides paid time off or additional compensation, as provided in the Holiday Pay Policy, to all eligible employees for holidays designated by the City, Employees in the following employment classification(s) are eligible for this benefit:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees
- Introductory employees in the above classifications

The holidays designated by the City for this benefit are:

Holiday	Date of Leave
New Year's Day	January 1
Martin Luther King Jr., Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November
	Friday Following Thanksgiving
Christmas	December 25

For paid time off, a holiday that falls on a Saturday is observed on the preceding Friday and a holiday that falls on a Sunday is observed on the following Monday. (Notwithstanding the above, holiday pay will be based on the actual holiday for "employees working shift work."

Paid time off or additional compensation for holidays is provided to all eligible employees immediately upon assignment to an eligible employment classification. For all eligible employees, except sworn fire personnel and qualified part-time employees, a holiday is equivalent to eight (8) hours of regularly scheduled work. For sworn fire personnel working a 24-hour shift, a holiday is equivalent to twelve (12) hours of regularly scheduled work. Holidays for qualified, part-time employees are prorated based on their regular work schedule.

Paid time off is calculated based on the employee's base pay rate at the time of the holiday and includes no special forms of compensation, such as incentives, commissions, or bonuses. Whether holiday time is considered hours worked to calculate overtime will vary from department to department.

Sworn fire personnel working 24-hour shifts are compensated for working holidays at their regular rate of pay, as if the day were not a holiday. These employees will receive additional paid time off for holidays included within any regular work period assigned as an employee working a 24-hour shift, whether worked or not. If the employee is assigned to shift work during the entire calendar year, the paid time off amounts to an additional six (6) 24–hour shifts for holiday time, or 144 hours of holiday paid time off (which includes benefit for personal preference day). Such additional paid time off for holidays will be prorated to adjust for any changes during the year from, or to, shift work assignments.

If a designated holiday falls during an eligible employee's paid absence (i.e., vacation or sick leave), holiday paid time off will still be granted for the holiday, rather than vacation or sick leave.

See Holiday pay for employees working shift work and other employees required to work on a holiday.

011.045 Personal Leave

The City may provide leaves of absence without pay, at is sole and complete discretion, to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

- Full-time employees
- Qualified, part-time employees

- Special, non-merit employees

When eligible employees learn of the need for a personal leave of absence, they should request a leave from their supervisor on the City's Request for Time Off form.

Personal leave may be granted for a period of up to 30 consecutive calendar days every one year. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 60 consecutive calendar days. An employee must take any applicable and available paid leave before the commencement of any personal leave. Requests for personal leave will be evaluated based on several factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the first thirty (30) days of the approved personal leave. Benefits accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. Seniority will not continue to accrue during any unpaid leave including personal leave.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

011.050 Administrative Leave

A. While performing authorized duties. A qualified or introductory employee may be granted administrative leave with pay to perform authorized duties for South Ogden City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of South Ogden City.

B. Pending possible disciplinary action. A qualified or introductory employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

C. Administration or pending review of employee performance or fit for duty as it relates to policy.

011.055 Military Leave

A military leave of absence will be granted to all employees, except those occupying temporary positions, to attend scheduled military training assignments, or if called to active duty with the U.S. Armed Services.

Employees will continue to receive full pay while on leave for scheduled military training assignments up to ten (10) working days (80 hours). The portion of any military leaves of absence over these ten (10) working days will be unpaid. However, employees may use any available paid time off such as compensatory time or vacation time for the absence.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the City up to the first ten (10) calendar days of the military leave of absence.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence of up to ten (10) calendar days. Thereafter, benefit accruals shall be suspended during longer military leaves of absence.

Employees on scheduled, annual, active duty training assignments must return to work for the first regularly scheduled shift after the end of the training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement under applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed to determine benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

011.060 Jury Duty

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

- Full-time employees
- Qualified part-time employees
- Introductory employees in full-time positions
- Non-merit, special employees

Except for exempt employees, any fees paid by the court or other jurisdictional authority to an employee on a paid jury duty leave must be returned to the Finance Director within one (1) week

of their receipt. Under the provisions and guidelines of the Fair Labor Standards Act, (FLSA) exempt employees shall not be required to return any such fees, if the length of the paid jury duty leave was less than one full work day in any single event.

Employees must show the jury duty summons to their supervisor when possible so the supervisor may accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

The City will continue to pay its portion of the premium costs for health insurance benefits during jury duty absence. Vacation, sick leave, and holiday benefits, will continue to accrue.

011.065 Witness Duty

The City encourages employees to appear in court for witness duty when subpoenaed to do so, or when their jobs require them to do so. If on duty employees have been subpoenaed or otherwise required to testify as witnesses, they will receive their regular pay for the entire period of witness duty, but will be required to remit any witness fees received to the City. If an off duty is called, then they are entitled to keep the witness fee.

The subpoena should be shown to the employee's supervisor immediately after it is received so operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

011.070 Bereavement Leave

Employees who experience a death in their immediate family may, at the discretion of the department director and with approval of the City Manager, may request up to five days of bereavement leave.

Employees may apply for bereavement leave in the following manner:

A. Up to five (5) days may be granted for bereavement leave for the death of an employee's spouse or child.

B. Up to three (3) days may be granted for bereavement leave for the death of an employee's parent, spouse's parent, grandchildren, or sibling.

C. One (1) day may be used for bereavement leave for the death of the employee's grandparents, brother-in-law, or sister-in-law.

011.075 Time Off to Vote

The City encourages employees to fulfill their civic responsibilities by participating in elections. Employees can find time to vote either before or after their regular work schedule. If employees cannot vote in an election during their non-working hours, their department director may grant a reasonable paid time off, up to two hours, for employees to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice and prior approval is required so the necessary time off can be scheduled to minimize disruption of work schedules and operations.

011.080 Workers Compensation - Leave of Absence

Under Utah State law, the City provides workers compensation insurance. Subject to applicable legal requirements, this program covers injury or illness sustained on the job. The purpose and a brief description of workers compensation and its benefits are found in the Workers Compensation policy.

Unless the employee is terminated or separated from the City, it is the policy of the City to provide an unpaid leave of absence to any employee unable to work as a consequence of a work-related injury, accident or illness. The length of time of this leave is determined by both the medical condition of the employee and the employee's ability to return to work in a capacity for which a medical practitioner has approved and provided a release to such duty. The length of this leave is discussed in the Medical Termination policy under the heading "Employment".

As with any other time off from scheduled work, employees must complete a Request for Time Off form and return it in to their supervisor. Employees requesting leave because of a work related illness or injury will be required to submit written documentation from a physician that the employee cannot perform their duties because of the work related illness of injury for the time for which leave is requested. Employees have an obligation to request the time off work, keep their supervisors informed of their whereabouts, and otherwise keep the City apprised of their intentions and availability to return to work.

During the leave period, worker's compensation payments are paid under applicable law, and paid as a specific amount based on the employee's earnings and eligibility. Employees may qualify for Family & Medical Leave as part of workers compensation leave, or as a separate leave altogether. See also Family & Medical Leave policy Section 11.085.

If an employee is on an approved workers compensation leave and is receiving a worker's compensation disability benefit, they may use any available vacation or sick leave to supplement the workers compensation amount up to 100% of the average net pay the employee was receiving during the last 13 weeks of service for the City immediately preceding the workers

compensation injury.

The City has specific policies and procedures for handling workers compensation claims. Safety programs have been established to properly address safe working conditions and environments. Employees are responsible for obtaining information about, and adhering to direction on, the City's safety programs.

If an employee fails to report to work promptly at the end of an approved leave related to workers compensation, the City will assume the employee has resigned. Employees may be terminated for work-related reasons even though they receive workers compensation.

011.082 Return to Work Program

Policy: South Ogden City is committed to providing a safe work environment to our employees. But if an employee becomes injured on the job, we will do everything we can to help the employee heal and return to work as quickly as possible. When employees are able to work and be a contributing team member, the injured employee heals faster, we are more productive, and the morale of our entire organization is lifted.

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Workers Compensation Coordinator: The Human Resource Specialist is our Workers Compensation Coordinator (WCC). The Workers Compensation Coordinator will help injured employees and their supervisors achieve the goal of helping injured employees get healthy and back to being a contributing team member.

Medical Providers: If a life-threatening injury occurs, 911 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor or designee to:

- IHC Workmed, 1355 W. Hinckley Drive, Ogden, Utah 84401, (801) 387-6150.
- If the Network Provider is not available (after hours, etc.), call the Workers Compensation Coordinator to arrange medical care.
- Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.

Injury Reporting: All injuries, no matter how minor, must be reported immediately to the employee's supervisor. Supervisors report these injuries to the Workers Compensation Coordinator, who begins a workers compensation claim and helps to arrange medical care. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.

Post Injury Procedures: After receiving medical treatment, these steps must be taken:

- Employee and his/her supervisor deliver all paper work from the medical provider to the Workers Compensation Coordinator.
- WCC and the injured employee's supervisor review any restrictions given by medical provider with the injured employee's job description and determine if the employee's normal job meets the restrictions. If not, a Restricted/Light/Transitional Duty job will be assigned to accommodate the restrictions.
- Injured employees must comply with the restrictions they are given. Failure to do so could slow their recovery or cause further injury.

Restricted/Light/Transitional Duty: South Ogden City will accommodate restricted duty jobs for workers injured on the job. The WCC will work with the supervisor to design a work strategy that meets the injured employee's restrictions and accomplishes South Ogden City's goals.

Follow Up: Injured employee's supervisor and the Workers Compensation Coordinator will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions, and that any restricted duty assignments are helping the employee move closer to their regular job duties.

Interaction with Adjusters: One of the best ways to help an employee get healthy and return to work quickly is to communicate with adjusters who manage the workers compensation injury claim. Adjusters have access to resources and have a vast knowledge in how to help injured employees get better. Utah Local Governments Trust has partnered with Constitution State Services (CSS) to adjust claims. They can be reached at 800-243-2490.

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011.085 Family and Medical Leave

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the January 28, 2008, Military Family Leave Provisions, South Ogden City's Family and Medical Leave Policy allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to 26 weeks for qualifying events connected to the Military Caregiver provisions of the law.

An "eligible employee" is defined as an employee employed by South Ogden City for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

Family and Medical Leave will be granted to eligible employees for the following reasons:

A. Family Leave of up to 12 weeks for the birth of the employee's child;

B. Family Leave of up to 12 weeks to place a child with the employee for adoption or foster care;

C. Medical Leave of up to 12 weeks to care for a spouse, child, or parent with a serious health condition; or

D. Medical Leave of up to 12 weeks due to the employee's own serious health condition that makes it impossible for the employee to perform the functions of his or her own job;

E. Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act;

F. Military Caregiver Leave of up to 26 weeks to care for a covered military family member injured in the line of duty.

If an employee's spouse, son, daughter or parent of a military service member is on active duty, or on notice of an impending call to active duty, the Company will grant up to 12-weeks of unpaid leave in a 12 month period based on "any qualifying exigency".

If an employee's spouse, son, daughter, parent or "next of kin" of a military service member is injured in the line of duty, the City will grant up to 26-weeks of unpaid leave in a rolling 12 month period to care for the injured family member.

To qualify for leave under the new amendments, an employee still must comply with other provisions of the FMLA Note, also, that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the leave previously taken.

Amount and Timing of Leave

An eligible employee is entitled to 12/26 weeks of unpaid FMLA leave within a 12- month period for one or more of the six reasons listed above. However, if a husband and wife are both employed by South Ogden City, they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, placing a child for adoption or foster care, or to care for a parent). South Ogden City calculates FMLA entitlement on a "rolling 12-month" basis. The 12-month period begins on the first day of a FMLA leave.

Notice and Procedures for Requesting a Leave

Employees should make requests for medical leave by submitting a completed **Form WH-381** to their supervisor at least 30 days in advance of foreseeable events and when possible for unforeseen events. Additional unprotected leave extending beyond the 12/26-weeks will only be granted upon further review and approval from management.

Certification for Medical Leaves

An employee requesting FMLA leave to care for a spouse, child or parent or due to his or her own serious health condition must provide South Ogden City with a medical certification completed by a health care provider verifying the need for medical leave and the probable duration of the leave. The medical certification form may be obtained from Human Resources. South Ogden City will not determine if a leave falls under the FMLA guidelines until the medical certification form is received. South Ogden City may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.

Use of Paid Leave

Employees may substitute accrued paid vacation, personal time or sick time-off for any type of family or medical leave. The time during which paid leave is substituted for unpaid leave **will be counted against the 12/26-week FMLA entitlement.** After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Workers' Compensation, Short-Term Disability, and Long-Term Disability time off will be counted against the employee's 12-week FMLA entitlement.

Health Care Coverage

An employee may elect to continue coverage under South Ogden City's group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage must continue to pay his/her portion of the monthly premium. Payment arrangements can be made with Human Resources to maintain health and dental insurance benefits while the employee is on leave. Failure to make premium payments when due may cause a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave.

Reinstatement

Upon returning from FMLA leave, an employee will be restored to his or her original position or be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present South Ogden City with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked for

another Company while on FMLA leave, South Ogden City maintains the right to terminate employment with the employee.

Employees are encouraged to talk with their supervisors or department, or to contact the City Manager and make inquiry, raise concerns and seek information about the Family & Medical Leave Act, or their working conditions related to taking such leave, without fear of retaliation.

011.090 Leave without Pay

Other than under conditions specified within these policies, taking leave without pay is discouraged. For the City to obtain its goals and provide service to the public, employees must routinely come to work. Excessive leave use results in employees going into a leave without pay status, which is often symptomatic of leave abuse. All leave without pay must be approved by a department director. Employees requesting leave without pay for illness may, at the department director's discretion, be required to exhaust all vacation leave before going on a leave without pay status. Employees unable to justify continued leave without pay will be subject to disciplinary action.

A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the City Manager or designee.

B. Any employee absent for three (3) or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found by the City Manager, or designee, a subsequent grant of leave with or without pay as the circumstances dictate.

C. Leave without pay shall be granted:

(1) For education purposes when the employee's course of study will be of direct benefit to South Ogden City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.

(2) To attend funerals not covered by the funeral leave policy.

(3) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave.

(4) Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so the City Manager, or designee, may decide where the leave without pay is warranted.

011.095 Emergency Closings

Emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt government operations. In extreme cases, these circumstances may require closing a work facility. In the event that such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When the decision to close a work facility is made, employees will receive official notification from a supervisor. When an emergency occurs, under the authority of City Manager, department directors and supervisors will determine how time missed away from work will be handled. Under these circumstances, missed time away from work may be completed at another time during the work period, or administrative leave may be granted, at the discretion of the City Manager.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay, and if other employees have been granted administrative leave, will receive compensatory time off. Where applicable, overtime pay or compensatory time will apply.

011.100 Leave Documentation

Some absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the City Manager, or their designated representative, when possible. Where official paperwork is not available, the City Manager, or their designated representative, may request that the employee supply additional information in writing to support the absence.

SECTION 12: GENERAL SAFETY

012.005 General Policy

The City recognizes that each department within the City, and all employees, have certain responsibilities to uphold the integrity and value of the safety program for the City. These responsibilities are designed to enable everyone to better understand and enforce the procedures of the safety program. The City provides information to employees about workplace safety and health issues regular through internal communication channels such supervisor-employee meetings, bulletin board postings, memos, or other written communications.

012.010 Safety Committee

The City has established a safety committee to support and grow a safety-oriented culture throughout the City and to review the effectiveness of the safety program. The safety committee reviews all work-related accidents, reviews and makes recommendations for safety-related policies and procedures, oversees and /or performs safety audits, and discusses the overall safety

needs of the City's departments. Areas of the building and work procedures are reviewed to determine potential liabilities to the city. Committee members take safety related information and findings back to the department head.

012.015 Safety

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. This training may comprise on-the-job training, equipment and hazards training, first aid and CPR training, and may also include formal classroom training, either on or off the job.

Supervisors shall assume the responsibility of thoroughly instructing their personnel safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements, set the example of good safety practices and act positively to eliminate any potential hazards within the activities under their jurisdiction. Safety records will be measured with other phases of supervisor performance. In discharging their responsibilities for safety, supervisors shall:

A. Enforce all safety regulations in effect and make employees aware that violations of safety rules may be cause for disciplinary action.

B. Ensure all injuries and/or accidents are reported promptly.

C. After consultation with the City Manager and City Attorney, conduct thorough investigations of all accidents and prevent reoccurrence by implementing proper employee safety education, changes in operating procedures, and/or appropriate modification of equipment.

D. Before work begins, provide employees with adequate and appropriate safety instructions regarding their duties, obligations and functions.

E. Before placing new or relocated equipment into operational service, conduct careful examination and safety checks of the equipment and the area of service.

F. Ensure equipment is properly stored when not in use, and properly maintained and serviceable when in use.

G. On a regular and frequent basis inspect for unsafe practices and/or conditions of work in progress and the work environment, and take appropriate corrective action to ensure safe work practices and safe work environments.

H. Maintain high standards of cleanliness and orderliness within the work force and the work environment in all areas of operations under his/her supervision.

I. Ensure proper and safe equipment and protective devices for each job or work duty are available and in use.

J. Conduct safety briefings at organizational meetings and encourage employee implementation of safety suggestions.

K. Provide full and active support to all safety procedures, activities and programs within his/her area of supervision and influence.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor or to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment. Examples of employees' responsibilities to uphold safe work standards include, but are not limited to:

A. Proper use of safety equipment provided for work activity and completing work assignments.

B. Where necessary or required, wear uniforms and safety gear properly.

C. Use or operate tools, equipment and machinery only when adequately trained and proper orientation has been received for their safe use.

D. Report defective or hazardous equipment or maintenance problems immediately to a supervisor. Assist where appropriate and directed to properly tag or secure such items until proper repair or replacement procedures have been completed.

E. Refrain from the use or operation of unsafe tools, equipment or vehicles until they have been properly replaced or repaired and placed back into service by the employee's division manager or department director through established procedures.

F. Warn coworkers and others of unsafe conditions or practices in which they may be engaged.

G. Report dangerous, hazardous or unsafe work environment or physical conditions that exist throughout the work place or the City. Such conditions may include, but not be limited to defective sidewalks, obstructed traffic signs, broken curbs, hanging limbs in

public access areas, open manholes, and missing or damaged pedestrian, school, or traffic signs.

H. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their appropriate supervisor. Such reports are necessary to comply with various laws, City policies, and initiate workers compensation claims.

I. Protect the public and coworkers from unsafe or hazardous conditions resulting from City work or work in progress.

J. Use all tools (either hand or power-driven) in a safe for the purpose for which the tool was made.

012.020 Modified Duty Work Assignments

It is the policy of the City that employees may work only in positions for which they are qualified and in which they can perform the job duties, tasks and essential functions in a safe and proper manner.

When employees have been off work due to an injury, illness or disease, it is the City's policy to provide and encourage a speedy return to work to the extent appropriate and practicable. It is the experience of the City that employees able to return to work quickly, even on a limited basis, regain their full health, physical functioning and abilities quicker and more completely than if they remain inactive and off work for longer periods of time.

For medical reasons, a physician may indicate an employee cannot immediately return to full duty work assignments, and may release the employee to work with limited or modified duty restrictions until the employee can completely and safely fulfill all essential work duties and functions. Notwithstanding a medical report allowing modified duty work, the City reserves the right to allow or deny modified duty work assignments in its discretion, consistent with applicable Americans with Disabilities Act (ADA) provisions.

Any modified work assignments longer than one week in duration must be documented by a letter from a physician indicating the beginning date of modified duty work assignments, and another letter indicating an ending date of modified duty work assignment. Under no circumstances are modified duty assignments to be permanent or to extend beyond a reasonable period of time, unless such modification is subject to the protections and conditions of the ADA. (See Chapter 15.015 Medical Termination)

Examples of modified duty work assignments include temporary assignments within the

employee's department, temporary assignments in other City departments, and community service work with outside agencies. The employee's appointing department will remain financially accountable for wages for modified work assignments.

012.025 Disabled Workers

The City will consider a reasonable accommodation where appropriate and necessary for an employee who has presented medical records, which set forth a specific and documented disability for which, an accommodation is requested. Such reasonable accommodation may include changes in the physical or functional work methods, or the work conditions or environment, so long as the employee can perform the essential functions of the job.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers, supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Any employee inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

012.030 Use of Equipment and Vehicles - Reporting Problems/Accidents

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

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, and excessive or preventable accidents or violations, can cause disciplinary action, up to and including termination of employment.

Accidents, mishaps (including "near misses"), injuries and traffic violations occurring while on duty in City vehicles are to be reported immediately to the appropriate supervisor and the City Manager or ~~the City Attorney~~his designee. Department directors and supervisors, and involved employees, are responsible for the timely and accurate reporting of accidents, mishaps, injuries, and traffic violations.

~~Employees directly involved in an accident or injury regarding work related activity speak only with law enforcement and appropriate supervisory authority.~~ Employees who witness or discover an accident or injury regarding work activity related to the City, may be asked to assist in completing an accident or investigation report by law enforcement authorities or other appropriate management staff. Employees will provide a clear and detailed factual report. Employees should not admit, or give opinions about, fault, blame or liability. The investigation

must be based on factual information, not opinion or speculation.

The City intends to provide for prompt and appropriate investigation, review and other proper action(s) regarding determining the cause of any accident or other event, which may involve an issue of safety for employees, or the public. The City takes seriously any accident or event involving actual or potential harm, or threat of harm, to any person(s) or their property.

Employees can be held personally liable for any loss or damage to person(s) or property resulting from willful, wanton, and/or reckless negligence. This liability can extend to the employee irrespective of any insurance coverage or liability of the City.

The City will take reasonable precautions to avoid accidents or injury, and will act in a manner consistent with safe work practice to help ensure prompt and appropriate attention to correct work conditions or related problems so unsafe conditions are dealt with properly.

012.035 Accident Review

It is City policy to investigate, review and analyze all accidents involving South Ogden City motor vehicles. All motorized equipment capable of self-propulsion involved in an accident are within the scope of this policy, while used for a work-related City activity. This includes both City-owned and personal vehicles. A motor vehicle accident is any event that results in personal injury or property damage that can be attributed to the motion of a vehicle or its load. Any employee involved in a motor vehicle accident must report the accident to his/her supervisor or department director when possible after the accident, and always within 24 hours of occurrence. Involvement includes a physical observation of an accident, a direct influence in an accident, or participatory action in which an individual was directly affected in an accident, whether or not injury occurred. Reportable property damage under $1000 may not be subject to the review board if approved by the City Manager.

012.040 Investigations and Reporting

Unless exigent circumstances warrant otherwise, a~~A~~ny employee involved in a motor vehicle accident must remain on the scene of the accident until proper legal authorities have arrived, have obtained the employee's statement, and have either released the employee or detained the employee under custody. Any employee involved in a motor vehicle accident is to provide his/her name, driver's license, and employment data to the driver of any other vehicle involved. Any other information is provided only to proper investigating authorities.

The employee's department director shall have the employee's supervisor or other designated management member investigate the accident and review available information and records to obtain factual evidence related to the reason(s), conditions and preventability of the accident. Within two (2) working days of the accident the department investigator shall complete the

Supervisor's Investigation Report form and forward the report to the City Manager or his designee.

Whenever serious physical injury occurs in, or stems from, a motor vehicle accident, the supervisor or department director shall report this information immediately to the City Manager or ~~the City Attorney's Office~~his designee.

When any motor vehicle accident results in damage to a South Ogden City vehicle, a Vehicle Damage Report form must be completed by the employee and supervisor within two (2) days and forwarded to the City Manager or his designee.

012.045 Review and Action

All motor vehicle accidents and attending reports shall be reviewed by the City. The City Manager or his designee will review all available records, documents and other evidence pertaining to any motor vehicle accident to determine the preventability of the accident. Preventable accidents are subject to disciplinary action, up to and including discharge, as deemed appropriate by the employee's department director.

Records, evidence and testimony regarding accidents are confidential. Discussions about and pertaining to any on-going investigation are confidential, and information will be provided to other management members of the City who legitimately need to know.

012.047 Driver Qualification Program

All employees or volunteers operating South Ogden City owned vehicles, or who may operate any vehicle while conducting business for or on behalf of South Ogden City must be authorized drivers. The authorization process requires an analysis by the Fleet Manager of the employee's driving record to ensure compliance with the driver qualification standard as identified in this policy. The Human Resource Specialist is the Fleet Manager.

As part of the driver qualification process, all driver's or potential driver's Motor Vehicle Record (MVR) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers will be qualified as "Acceptable," "Unacceptable," or "Borderline." Drivers qualified as "Borderline" may be authorized to drive on a probationary basis as determined by the Fleet Manager. Drivers whose record does not meet the driver qualification standard will not be allowed to operate any vehicle while engaged in our business.

All drivers must possess a valid Driver's License. Required endorsements must also be maintained. The driver qualification evaluation will be based on the driver's MVR and may also

take into account work related motor vehicle incidents, whether or not the incident has been recorded on the driver's MVR. All violations recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

"Acceptable" or "Borderline" qualification will be determined using the following criteria. Any number of violations or accident in excess of the "Borderline" criteria constitutes a failure to meet the driver qualification standard resulting in revocation of driver authorization. (Note – DUI and DWI are not evaluated as a standard violation.)

Acceptable

- Up to two violations recorded on the MVR, or
- Up to one at-fault, work-related accident in the prior three years, or
- A combination of one violation on the MVR and one at-fault, work-related accident in the last three years

Borderline

- Three violations recorded on the MVR or,
- Two at-fault, work-related accidents in the last three years, or
- DUI or DWI with in the last five years, or
- Any violation for Careless, Reckless, or Distracted driving

Unacceptable

- No valid driver license,
- Recent DUI conviction, (within the last twelve months)
- Four violations recorded on the MVR

A single major violation recorded on the MVR, or resulting from a work-related incident, *may* result in revocation of the drivers' qualification and driver authorization. Major violations include, but are not limited to:

- DUI or DWI in the previous 24 months
- Failure to stop/report an accident
- Making a false accident report
- Attempting to elude a law enforcement
- Others as determined by the Fleet Manager

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012.050 Life-Threatening Illnesses in the Workplace

Employees with life-threatening illnesses such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The

City supports these endeavors as long as employees can meet acceptable performance standards. As in other disabilities, upon request the City will make reasonable accommodations under all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Employees with questions about life-threatening illnesses are encouraged to contact the City Manager for information and referral to appropriate services and resources.

012.055 No Smoking Policy (Utah Indoor Clean Air Act)

In keeping with the Utah Indoor Clean Air Act and to promote a safe and healthy work environment, it is City policy that smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. No smoking signs shall be conspicuously posted on all entrances or in a position visible on entry into any public area or building. As City vehicles are considered places of employment, it is City policy that smoking is also prohibited in all City vehicles.

Outdoor smoking is permitted only in designated smoking areas at least 25 feet from any public access entry or exit; and at least 25 feet from any open window where others are working.

This policy applies equally to all employees and members of the public. Any employee who observes someone violating this policy must bring the matter to the attention of his/her immediate supervisor or department director. Supervisors and department directors have the responsibility for enforcing the smoking policy of the City.

012.060 Security Inspections

The City wishes to maintain a work environment free of illegal drug, alcohol, firearms, explosives, or other improper materials. The City also believes that the health and safety interests of the public mandate policies and procedures be in place to protect those interests. The City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy. The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the City, visitors, and customers.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the City.

GENERAL POLICY. The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.

B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.

C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.

D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.

E. Defective equipment will be reported immediately to the supervisor or Department Head.

F. Employees will not operate equipment or use tools for which licensing and training has not been received.

G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

H. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:

(1) Road repair.

(2) Construction areas.

(3) Vehicle maintenance areas.

(4) Splash pad

(5) Animal control.

(6) Power plants.

(7) Sewers.

012.065 Proper Use of South Ogden City Equipment and Tools

Using of South Ogden City equipment or tools for private purposes is strictly prohibited. However, reasonable use of South Ogden City tools and equipment to protect property and preserve life is authorized.

A. Employees shall be required to attend training provided by South Ogden City; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by South Ogden City.

B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. This license is required under the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver's license at four (4) year intervals.

C. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

D. Employees shall keep the agency vehicles used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

012.070 Cell Phone While Driving

Employees are required to be familiar with and comply with local laws before using a wireless device while operating a motor vehicle for city purposes. Safe operation of any vehicle in the performance of city business is the responsibility of the driver and must be given appropriate attention at all times. In every situation, do not use a wireless device while the vehicle is in motion if doing so distracts attention from driving. Additionally, all employees are prohibited from using data services on their wireless devices, such as texting or accessing the mobile web or other distracting activities, while driving a city vehicle.

SECTION 13: DISCIPLINARY ACTION

013.005 General Policy

A. It is the policy of the South Ogden City that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.

B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of South Ogden City government. Administrative procedures have been established for handling disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.

C. Disciplinary action, up to and including termination, may be imposed for misconduct.

D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

013.010 Types of Disciplinary Action

A. Verbal Warning.

(1) Whenever grounds for disciplinary action exist, and the Department Head or designee, determines more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.

(2) Whenever possible, sufficient time for improvement should precede additional disciplinary action.

B. Letter of Caution

(1) A non-punitive letter of caution is a mild letter of reprimand. The recipient is not being punished for the actions they engaged in, but they are being notified what they did was wrong and that they will be closely watched in the future. A non-punitive letter of caution is a step down in severity from a written reprimand.

C. Written Reprimand.

(1) The Department Head or designee may reprimand an employee. The Department Head, or designee, shall furnish the employee with an written reprimand notification setting forth the reason(s).

(2) A copy of the written reprimand notification, signed by the Department Director and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the City Manager, or designee, will so state.

D. Suspension.

(1) The Department Director, with approval of the City Manager, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.

(2) When suspending an employee, the City Manager, or designee, shall follow the due process proceedings set forth in this section.

(3) By the effective date of the suspension, the City Manager, or designee, shall furnish the employee with a written suspension notification setting forth the reason(s) for suspension.

(4) A copy of the suspension notification, signed by the City Manager, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager, or designee, will so state.

(5) An employee on suspension shall make full employee contributions to their employee medical insurance benefits.

E. Demotion.

(1) The Department Director, with approval of the City Manager, or designee, may demote, or reduce pay and employee for cause or provide for reasonable accommodation in appropriate circumstances.

(2) When demoting an employee, the Department Director or designee, shall follow the due process proceedings hereinafter set forth in this section.

(3) On or before the effective date of the demotion, the Department Director or designee shall furnish the employee with a written demotion notification setting forth the reason(s) for demotion.

(4) A copy of the demotion notification, signed by the City Manager, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the

employee refuses to sign the form the City Manager, or designee, will so state.

F. Transfer.

(1) The Department Director, with approval of the City Manager, or designee, may transfer an employee (except for an introductory employee) by furnishing the employee with a written transfer notification.

(2) Notification of the transfer, signed by the Department Director and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Department Director or designee, will so state.

G. Termination.

(1) The Department Director with approval of the City Manager, or designee, may terminate an employee for cause.

(2) When terminating an employee for cause, the Department Director, or designee, shall follow the due process proceedings set forth in this section.

(3) By the effective date of the termination for cause, the Department Director, or designee, shall furnish the employee with a written termination notification setting forth the reason(s) for termination.

(4) A copy of the termination notification, signed by the Department Director or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the Department Director, or designee, will so state.

013.015 Causes for Disciplinary Action

Causes for disciplinary action, up to and including termination, may include, but are not limited to:

A. Violation of the laws of Utah or the United States, other than minor traffic offenses.

B. Violation of the code of personal conduct.

C. Unjustified interference with work of other South Ogden City employees.

D. Misconduct.

E. Malfeasance.

F. Misfeasance.

G. Nonfeasance.

H. Incompetence.

I. Negligence.

J. Insubordination.

K. Failure to maintain skills.

L. Inadequate performance of duties.

M. Unauthorized absence or tardiness.

N. Falsification or unauthorized alteration of records.

O. Violation of South Ogden City policies.

P. Falsification of employment application.

Q. Discrimination in hiring, assignment, or promotion.

R. Sexual harassment.

S. Violation of the Personnel Policies and Procedures.

T. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.

U. Falsifying South Ogden City Records.

V. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.

W. Unauthorized possession of firearms, weapons, or explosives on South Ogden City owned property, with the obvious exception of police officers.

X. Carelessness which affects the safety of personnel.

Y. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public.

Z. Theft or removal of any South Ogden City property or the property of any employee from the work area premises without proper authorization.

AA. Gambling or engaging in a lottery at any South Ogden City work area.

BB. Misusing, destroying, or damaging any South Ogden City property or the property of any employee.

CC. Deliberately restricting work output of themselves or others.

DD. Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.

EE. Sleeping during working hours, with the obvious exception of firefighter employees.

FF. Fighting (verbal or physical) on South Ogden City premises, or while on city business, or in a city uniform.

GG. Any act which might endanger the safety or lives of others.

013.020 Conducting an Investigation

A. The Department Director, or designee, may conduct an investigation into the allegations which form the grounds for disciplinary action.

B. All investigations will be conducted in a fair and consistent manner.

C. During an investigation to determine the facts upon which disciplinary action may be imposed, the Department Director, or designee, may place an employee on administrative leave.

D. The investigation shall include an opportunity for the employee to respond to the allegations.

E. Each employee shall be afforded prior access to South Ogden City's rules, policies, and procedures.

F. In determining the type and severity of the disciplinary action, the Department Director or designee, may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed;

the severity of the misconduct; the employee's work record; the effect on South Ogden City operations; and/or the potential of the misconduct to harm person(s) or property.

G. For disciplinary action on a written reprimand, the Department Director, or designee, shall notify the employee, in writing, of the findings of the investigation. The written statement shall include:

(1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.

(2) Any prior disciplinary action imposed.

(3) The disciplinary action to be imposed.

(4) The effective date and duration of the disciplinary action.

(5) The corrective action necessary for the employee to avoid further disciplinary action.

(6) Suspension, demotion, transfer, or termination of an employee shall require the approval of the City Manager.

(7) The Department Director, or designee, may note the disciplinary action on their personal notes when the disciplinary action is imposed and/or on the employee's performance evaluation form.

013.025 Predetermination Hearing

Subject to the terms and conditions of this and other applicable policies, the City intends to provide employees in eligible employment classifications with a Predetermination Hearing to review with the employee certain actions, which may be taken against the employee. Eligible employment classifications are all employees, except Non-merit Service employees.

Eligible employees shall be informed of the purpose of any Predetermination Hearing and shall be provided written information about the hearing procedures. The City provides a Predetermination Hearing be held by the department director or the department director's designee for employees in eligible employment classifications for the following actions;

A. Serious disciplinary action which could cause a suspension from work without pay for over ~~three~~ two (~~3~~2) work days.

B. Demotion in job classification or pay range.

C. Discharge proceedings , including termination for cause, lay-off, reduction in force, or for any other reason

Prior to a Predetermination Hearing, the department director, at his/her sole discretion, may take action to reassign, restructure or otherwise change the conditions and function of the employee job or duties, subject to City policies governing such changes.

A Predetermination Hearing shall be conducted after advance notice to the employee of the reason for, and date and time of the hearing. The hearing officer will be the department director, or his/her designee, unless the person for whom the hearing is being held reports directly to the department director. When the person for whom the hearing is being held reports directly to the department director, the City Manager will be the hearing officer.

The hearing officer shall allow each party to state his/her point of view, and shall provide the affected employee with the reason(s) for the contemplated action and a review of the records which support the action. Likewise, the employee shall present his/her point of view, and any records or witness(es) which support his/her point of view. The employee may provide rebuttal to any allegations or charges and be granted an open and direct opportunity to understand and respond to all allegations and reasons for the contemplated. A record shall be made and kept of the procedures, process, and factual content of the Predetermination Hearing.

The hearing officer has the authority to initiate, withhold, set aside, or modify the contemplated action, based on information available, including but not limited to, the discussion and exchange of information in the Predetermination Hearing. A decision about any contemplated action may be made at the Predetermination Hearing, or within fifteen (15) calendar days after the Predetermination Hearing. The decision will include written notification to the employee of his/her rights to file a grievance or appeal request.

Suspensions resulting from a Predetermination Hearing may be with or without pay, at the discretion of the hearing officer, depending upon the seriousness of the problem(s) or issue(s). Any suspension without pay, which is later over turned, modified, or set aside, shall be subject to retroactive pay for the time, or an applicable portion of time, during which the employee was without pay. Suspension without pay pending an investigation and decision will occur only under serious and compelling circumstances.

Certain eligible employees, who disagree with the action of their supervisor, or the decision of the department director, have further rights of review and appeal as described under other review and appeals policies. The department director will inform the employee of his/her appeal rights in writing.

013.030 Appeal Procedures

Subject to the terms and conditions described in this policy, and consistent with the terms of UCA 10-3-1106, the City intends to provide a review to employees in eligible employment classifications, who are the subject of serious disciplinary actions involving suspensions, demotions and discharge. Eligible employees may request a review to grieve appointments and/or promotions, which directly affect them.

Eligible employees must file a written request for the appeal with the City Recorder within specific time limits from final action by their Department Director. For Police and Fire Department employees this time limit is within five (5) calendar days. For all other covered employees, this time limit is within Fourteen (14) calendar days.

A. Introductory employees have no appeal rights.

B. Department Heads have no appeal rights.

C. Employees have no verbal warning appeal rights.

D. Employees have no letter of caution appeal rights.

E. Employees have no written reprimand appeal rights.

F. Appealing to an Appeals board. Upon written receipt of an Employee Demotion, Transfer, or Termination Notice, some employees have the right to first appeal the disciplinary process and action imposed by the Department Director, or designee, to an Appeals Board (exceptions include Introductory Employees, Department Heads, Police Department Employees, and Fire Department Employees):

013.035 ~~Employee Appeals Board~~Hearing Officer

The ~~Employee Appeals Board~~Hearing Officer shall have jurisdiction, under UCA Section 10-3-105 and Section 10-3-1106 UCA over employees in eligible employment classifications involving any action regarding an eligible employee's job regarding a demotion, a transfer to a position with less remuneration, or discharge from service.

The Hearing Officer ~~composition of members of the Employees' Appeals Board~~ and its jurisdiction shall follow Section 10-3-1106 UCA as amended. The City intends to comply with all legally mandated provisions and limitations regarding the make-up and jurisdiction of the ~~Employee Appeals Board~~Hearing Officer.

An employee must file an appeal with the City Recorder within 10 days of the termination,

transfer, or demotion. The City Recorder will refer a copy to the ~~appeal board~~Hearing Officer. The appeal board will begin an investigation, take evidence and fully hear the matter and decide within 15 days of transmittal of the appeal to the ~~Appeals Board~~Hearing Officer. The employee may attend the Appeal Board meetings, be represented by Counsel, and attempt to refute or rebut any information provided to the ~~Appeals Board~~Hearing Officer. ~~The decision of the Appeals Board will be made by secret ballot.~~

If the ~~Appeals Board~~Hearing Officer upholds the transfer, discharge, or demotion, the employee has 14 days to appeal the decision to the ~~City Council~~Court of Appeals. The deliberations of the ~~City Council~~Court of Appeals ~~will be held in executive session, and~~ will be based on the record from the ~~Appeals Board~~Hearing Officer. If the ~~Appeals Board~~Court of Appeals does not uphold the transfer, discharge or demotion, the matter will be closed and no further proceedings will take place.

A. An employee must submit their written notice of appeal to South Ogden City's Recorder within ten (10) days or an employee will be deemed to have waived all appeal rights.

B. Decisions of the Court of Appeals~~The Appeals Board shall include five (5) members.~~

~~C. Members of the City Governing Body, but excluding the Mayor shall serve as members of the Employees Appeals Board on a rotating basis in alphabetical order as determined by the last name of each Governing Body Member.~~

~~D. Two (2) members of the Governing Body shall serve on each Appeals Board that is convened. If one or more members of the Governing Body, who, by the rotation appointment methodology established cannot serve on the Board, the next member of the Governing Body shall serve based on the alphabetical rotation methodology.~~

~~E. The member of the Governing Body whose name first qualifies for appointment to the Board shall serve as Chairperson of the Employee Appeals Board during its term of service.~~

~~F. The City Manager, or in the absence of the City Manager, the Acting City Manager, shall appoint three (3) of the City's appointed officials (Department Heads) to serve as members of the Employee Appeals Board.~~

~~G. In no case shall the appointed official who is in the direct supervisory chain of command of the employee requesting the hearing before the Employee Appeals Board be appointed to serve on that Board.~~

~~H. In the event that the appointed official selected to serve on the Board is unable to do so, that official's appointed deputy, if any, shall serve in the stead of the appointed official.~~

~~I. Then Employee Appeals Board shall be convened on an ad hoc basis following the receipt of a request for a hearing from an employee who has been the subject of a disciplinary act sufficient to trigger a hearing before the Board as set out in the City's Employee Policy Manual.~~

~~J. The Board shall meet at such a time and place as they may designate consistent with the requirements of the City's Employee Policy Manual and state statutory requirements, as applicable, and shall serve only for such a time as my be required to hear and dispose of the case or matter which caused the Board to be convened in the first place.~~

~~K. Members, both appointed and elected officials, appointed to serve on the Employee Appeals Board, shall continue to serve in that capacity only so long as the Board is in session to consider the matter which precipitated the need for the Board. Once the matter is decided, that particular sitting of the Board shall be adjourned and the appointments vacated.~~

~~L. Decisions of the Employee Appeals Board shall be by majority vote of the members of the Board.~~

~~M. Decisions of the Employee Appeals Board shall be by secret ballot of the members of the Board.~~

(1) If the Appeals Board overturns the Employee Disciplinary Action:

~~(2)~~ a. The ~~Appeals Board~~Court of Appeals may also reinstate up to fifteen (15) days loss of pay associated with the Employee Disciplinary Action.

~~(3)~~(2) b. The City Manager or designee shall remove the record of the disciplinary action from the employee's personnel file.

~~(4)~~(3) (2)If the ~~Appeals Board~~Court of Appeals upholds the Employee Disciplinary Action, ~~the employee may then appeal to the City Council by filing a written Notice of Appeal and submitting it to the Recorder within fourteen (14) days after the Appeals Board's decision. T~~the decision ~~of the City Council~~ shall be final and the employee has no appeal rights.

~~(5) Appealing to South Ogden City's City Council. Upon written receipt of an Employee~~

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~~Suspension, Demotion, Transfer, or Termination Notice, some employees have the right to appeal the disciplinary process and action imposed by the City Manager or designee, to South Ogden City's City Council (exceptions include Introductory Employees, Department Heads, and eligible employees who must first appeal to an Appeals Board above):~~

~~a. An employee must submit a written notice of appeal to South Ogden City's Recorder within ten (10) days or an employee will be deemed to have waived all appeal rights.~~

~~b. If South Ogden City's City Council overturns the Employee Disciplinary Action:~~

~~c. South Ogden City's City Council may also reinstate any loss of pay associated with the Employee Disciplinary Action.~~

~~d. The City Manager, or designee, shall remove the record of the disciplinary action from the employee's personnel file.~~

~~e. If South Ogden City's City Council upholds the Employee Disciplinary Action, an employee has no additional appeal rights.~~

013.040 Conflict Resolution

The City intends to develop and encourage consistent and clear policies that reflect the standards of work and expected conduct applicable to each employee's position and job requirements. Issues and conflicts can arise in applying and enforcing City policies and procedures. It is the policy of the City that, where issues and conflicts within the work setting and environment be resolved at the lowest possible level in an informal manner that appropriately reflects respect and good faith between individuals.

When employees are concerned about issues or events pertaining to their work conditions, work environment or their own jobs, they are expected and encouraged to openly and frankly discuss their concerns directly with their immediate supervisor.

If any employee believes it would not be appropriate to discuss a concern with his/her immediate supervisor, the employee is encouraged to discuss the concern with the next level of supervision in his/her department. If the employee does not believe it would be appropriate to discuss the concern with any supervisor, then the department director should be contacted and a meeting requested.

In cases involving the Drug and Alcohol policy Section 05.020, or the Sexual Harassment Section 6 or Discrimination policy Section 01.020, or that concern the City's Equal Employment Opportunity policy Section 1, the employee can report his/her concerns directly to the City Manager, if he/she believes it would be inappropriate to discuss a concern with their department director.

Work review and evaluation of an employee's job performance are among many important factors in determining an employee's success in any job. Supervisors and department directors are expected to communicate work performance standards and provide feedback to employees on an ongoing basis. Likewise, employees are expected to communicate directly and openly with supervisors and department directors on an ongoing and regular basis to seek feedback and to assess whether they are meeting work goals, job requirements, and achieving the results expected of them by their supervisor and department director.

It is the experience of the city that when communications are open and direct, the work environment and atmosphere can be pleasant and productive. Eligible employees have certain appeal rights available to them to ensure reasonable and consistent standards are applied. These other measures are covered by applicable City policy. See also Predetermination Hearing Section 13.025 and Appeals Procedures policies Section 13.030.

SECTION 14: GREIVANCE PROCEDURES

014.005 General Policy

A. Employees who perceive they have a grievance against South Ogden City should exhaust the administrative procedure in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:

(1) Employee-supervisor relationships.

(2) Duty assignments not affecting job classification.

(3) Shift and job location assignments.

(4) Working conditions.

(5) Practices affecting granting of leave.

B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:

(1) Name of the employee.

(2) Date the occurrence or action underlying the grievance occurred.

(3) Nature of the grievance.

(4) Historical information related to the grievance.

(5) Requested resolution.

(6) Signature of the employee filing the grievance and date filed.

C. Employees will be allowed reasonable time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event

establishing the grievance, or within ten (10) days of when the employee acquires knowledge of the occurrence or event establishing the grievance.

D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.

E. If an administrator cannot answer the grievance within the specified time period due to extenuating circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is unacceptable, the employee may appeal the decision to the next level of appeal.

F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.

G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:

(1) Immediate Supervisor

(2) Department Head

(3) City Manager

(4) ~~City Council~~Hearing Officer

(5) ~~or City Recorder~~Court of Appeals

H. The decision of the ~~City Council~~Court of Appeals constitutes the final level of appeal and ~~is final and~~ cannot be appealed.

014.010 Confidentiality

Written Grievance's shall be private data under the government Records Access Management Act of the State of Utah. The City Manager or City Council may declare the grievance documents to be confidential and/or order the entire record, or any part, sealed.

014.015 Filing

No document relating to a grievance shall be placed in the employee's personnel file. If any disciplinary action against an employee is rescinded because of the grievance process, the City Manager, or designee, shall remove the record of the disciplinary action from the employee's personnel file.

If any disciplinary action against an employee is modified because of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be placed in the employee's personnel file

SECTION 15: TERMINATION OF EMPLOYMENT

015.005 General Policy

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two weeks written notice of resignation from employees and one month's notice from employees in non-merit, special positions.

Prior to the effective date of termination of employment, supervisors shall inform the department director of the impending resignation, so an exit interview can be conducted and information can be provided to the employee regarding any applicable benefits.

Failure to provide adequate advance notice may cause in an unfavorable recommendation for rehire.

015.010 Types of Termination

Any involuntary termination or termination of any employee allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process property rights are not violated.

A. Retirement. Voluntary termination at the end of an employee's career.

B. Voluntary Resignation. When an employee wishes to leave South Ogden City, they will submit a letter voluntarily resigning with last day worked and present it to the City Manager or designee.

C. Resignation, in Lieu of an Involuntary Termination, Agreement. The City Manager or designee, may conclude that an employee should be involuntarily terminated for no reason (for introductory employees and Department Heads) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests they would like to voluntarily resign, the City Manager may agree to a Resignation In Lieu Of an Involuntary Termination Agreement.

D. Involuntary Termination. The City Manager or designee, may conclude that an employee should be involuntarily terminated for no reason (for introductory employees and Department Heads) or for cause.

E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in South Ogden City because of lack of work or lack of funds, South Ogden City may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.

F. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. An employee

should not be terminated for medical reasons without prior consultation with legal counsel.

G. Death. If an employee of South Ogden City dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.

Employees in the merit or classified service also have specific rights to a Predetermination Hearing Section 13.025 to hear and answer charges and reasons brought against them by management regarding to covered actions that result in discharge.

All other employees can be terminated at will, with or without notice, consistent with applicable law. Likewise, employees have the right to terminate employment with the City, with or without notice.

Employee benefits are affected by employment termination in the following manner. All accrued, vested benefits that are due at termination will be paid under applicable policies and City ordinance, State or federal law. Some benefits may be continued at the employee's expense, if the employee chooses. The employee, spouse and any dependents will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. See also Benefits Continuation policy (COBRA). This policy and its provisions are not intended to interfere with, nor shall they be construed or interpreted to any extent to interfere with, the proper adherence to the procedures and protocols established in appeals and grievance policies. It is the employee's responsibility to notify the City of a qualifying event that will affect benefit coverage, such as when the employee divorces, or upon the birth or death of a family member, or when a covered dependent marries or attains an age and educational status that precludes continued insurance coverage.

015.015 Medical Termination

A question may arise about the medical ability of a merit or classified service employee to continue to fulfill and carry out the duties and essential functions of their job. Such a question can arise whenever evidence, information, or observation exists which forms a reasonable suspicion about whether the employee can perform his/her job duties.

Whenever a question arises about a merit or classified service employee's medical ability to meet the expected performance standards and/or qualifications required in his/her job, the City reserves the right to request a medical health examination be conducted by a licensed medical practitioner of the City's choosing and at the City's expense.

The employee shall be notified in writing of any question about the employee's medical health and the need for a medical examination. Medical examinations shall be scheduled within a reasonable period of time. The City-selected medical practitioner shall certify the results of the examination in writing and will file a written copy of those results with City Manager, who will distribute copies to the employee and the employee's department director.

If the results of the examination affirm and support a conclusion that the medical health of the employee is not adequate to meet the requirements and qualifications of the job, the employee may be placed on a leave of absence. The terms and conditions of any leave will be subject to the Family and Medical Leave Policy of the City.

If an employee cannot perform the essential functions of the job due to a health condition or disability, the City will send a written notice to the employee. The notice shall inform the employee that, should the employee not be able to return to duty in the job with acceptable medical verification within 90 calendar days from the notice, medical termination from employment in the position will occur. The 90-day notice may be given at any time that the City believes the employee is not medically fit.

If the employee cannot return to full job duty, the employee may apply for any available job for which they are qualified and medically able (by written medical evidence), subject to the established hiring procedures and applicable policies of the City.

If the employee is dissatisfied with the medical determination obtained from the above procedures, the employee may file an appeal of the medical determination and his/her termination of employment through the applicable established appeals procedures of the City. The cost of any medical evaluations obtained by the employee shall be paid by the employee. See Appeals Procedures policy.

015.020 Termination Procedures

A. A Notice of Voluntary Resignation, signed by the employee and the Department Director or designee, may be utilized in Voluntary Resignations.

B. Involuntary Terminations/Separations for Cause require South Ogden City to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for introductory employees and department heads) do not require South Ogden City to provide their terminating employees with written notification of due process.

C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the City Manager, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require South Ogden City to provide their terminating employees with written notification of due process.

D. The following steps should be taken for Voluntary Retirements:

(1) Employees who desire retirement should notify South Ogden City three (3) months in advance.

(2) South Ogden City should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, South Ogden City should notify the

administrator of the retirement program and the appropriate state and federal regulatory agencies.

(3) South Ogden City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).

(4) South Ogden City should give the employee ample time to review the retirement plan.

(5) South Ogden City should have the employee sign a release, or at least a declaration statement, to the effect they are electing retirement of their own free will.

E. The following steps should be taken for Reductions in Force/Layoffs:

(1) Determine whether South Ogden City must follow statutory guidelines related to the reduction in force/layoff. If South Ogden City must follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.

(2) If South Ogden City is facing a possible reduction in labor force, South Ogden City should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for South Ogden City.

(3) In the selection of employees for South Ogden City's reduction in force/layoff, the following guidelines should be considered:

a. Selection should be based upon the employee's ability to perform the work assignments within the affected department.

b. Seniority should govern the selection when ability is equal.

c. Emergency, temporary, and introductory employees should be laid off first.

d. Full time employees should be the last to be laid off, when possible, in inverse order of their length of service.

e. Before any reduction in force/layoff, South Ogden City should determine whether it is subject to the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.

f. South Ogden City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).

g. If South Ogden City cannot give advanced notice of a reduction in force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

F. Written reductions in force/layoffs notices should contain the following information:

a. Statement that separation from employment is based on reduction in force/layoff.

b. Anticipated date of layoff.

c. Any options regarding employee placement in another position.

A. Outstanding Pay.

(1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).

(2) Under Utah State law, the required timing of the final payment at termination is:

a. A Voluntary Resignation. On the normally scheduled pay day occurring in that pay period.

b. An Involuntary Termination/Separation for Cause. Within one (1) work day of last day worked.

c. The terminating employee will return any supplies or equipment, which are the property of South Ogden City, to South Ogden City at termination.

B. All terminating employees should complete an Exit Interview Form with the Administrative Services Director, or designee.

015.025 Lay-Off and Reduction-In-Force Procedures

In this policy the City has established specific procedures by which layoffs, or reductions-in-force, will occur. The City intends these procedures serve as guidelines that will be followed whenever a department, division or City-wide reduction in the employment work force may occur.

The City retains the right to modify these guidelines and procedures, and to establish others, in order to direct and control the work force to provide the best possible service to the public.

Only full-time merit and full-time classified employees are eligible for protection under this lay-off policy. Employees under disciplinary suspension or probation are not protected under this policy.

To interpret and enforce this policy, time in service shall be determined as beginning with the employee's appointment to a full-time position, and includes only such actual service time in the

employee's present job family (e.g., clerical, maintenance worker). Service time includes all service time, including periods of approved leave.

A job family is defined as a group of jobs in different departments requiring similar skills. The most common example of a job family is the clerical job family. A person having the requisite skills to perform a clerical job in one department would be expected to learn and perform a clerical job in another department.

015.030 Cobra

Any employee, who is eligible for benefits, that is separated from South Ogden City is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA plan as stated in the South Ogden City's COBRA Notification.

A. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of twenty (20) or more full time employees offer a continuation of group insurance coverage to individuals who fall under one (1) of the following qualifying events:

   (1) Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.

   (2) Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.

   (3) Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty six (36) months.

   (4) Divorce or legal separation from employee, for a maximum continuation period of thirty six (36) months.

   (5) Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty six (36) months.

   (6) Dependent child who ceases to be a dependent under the applicable requirements of the group plan, for a maximum continuation period of thirty six (36) months.

B. Under the Act, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals entitled to continued benefits under COBRA guidelines must pay the entire premium required under the policy during the entire period of the continued coverage. The premium a qualifying individual will be required to pay may not exceed one hundred and two percent (102%) of the premium, for any period of continued coverage. Failure to pay the monthly premium will cause a cancellation of the insurance.

C. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:

(1) A qualifying individual fails to pay the premium when it is required.

(2) A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.

(3) At the expiration of a qualifying individual's maximum continuation period.

D. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any state law.

E. A qualifying individual has sixty (60) days from the termination date of their current coverage to decide whether to continue their insurance coverage under this plan. If they for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

015.035 Return of Property

Employees are responsible for City property issued to them by the City or in their possession or control, such as:

Credit cards	Insurance cards	Tools
Equipment	Keys	Uniforms
Employee handbook	Manuals	Vehicles
Gas cards	Protective equipment	*Written materials
Identification badges	Security passes	

*Written materials include those produced or developed as a consequence of work performed for, or otherwise directly for the City.

The above list is not intended to be all inclusive, and other City property, material(s) or equipment may also be issued to employees and/or within their control and possession.

Employees must return all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's final paycheck the cost of any items not returned when required.

Employees sign an acknowledgement and agree to specific values for any City-owned equipment, property, and accessories checked out to them and entrusted to them for conducting business. Upon request and when separation occurs, employees must return all City-owned equipment, property and accessories checked out to them and which they agree to return in good

condition. The agreed-upon value of such items owned by the City not returned promptly when requested and will be deducted from any pay otherwise due the employee, to the extent agreed upon with the employee and allowed under applicable state and federal law.

The City reserves the right to protect its property and interests and take whatever action it deems necessary, including legal action, to protect its property and compel the return or payment for City-owned items not returned as agreed.

POLICY STATEMENT AND ACKNOWLEDGMENT FORM

1. I have received my copy of the Personnel Policies and Procedures Manual which outlines the policies, practices and benefits of South Ogden City. I accept responsibility for informing myself about these policies by reading them and, by asking they be explained.

2. Since the information in this Personnel Policies and Procedures Manual is subject to change, the information I have received may be changed or replaced by other policies and procedures which South Ogden City may adopt in the future. I understand and acknowledge that no one has promised me that South Ogden City will not change these policies, and understand that South Ogden City has reserved the right to change these policies in the future.

3. For Introductory Employees and Department Heads, I understand and agree that my employment with South Ogden City may be terminable at-will, meaning that either I or South Ogden City may terminate the employment relationship at any time for any reason. Neither I nor South Ogden City has any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me my employment will only be terminated for cause, or only for any reason, or will only be terminated through some particular process or procedure above, beyond, or besides such due process as required by Federal or State constitutional and statutory requirements.

4. I understand and agree that no one at South Ogden City has authority to offer me employment on terms different from what is stated in this manual, and I understand and agree that no one in South Ogden City is authorized by South Ogden City to promise in the future that my employment will be different from what is stated in this manual.

_____	_____	_____
Employee (Print Name)	**Employee Signature**	**Date**