

## CENTERVILLE CITY COUNCIL AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON MARCH 1, 2016 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.**

*Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

*Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.*

**A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, or may read this memo on the City's website: <http://centerville.novusagenda.com/agendapublic>.**

**Tentative** - The times shown below are tentative and are subject to change during the meeting.

**Time:**

5:30 Work Session - Employee Compensation Plan and Benefits

7:00 **A. ROLL CALL**

(See City Manager's Memo for summary of meeting business)

**B. PLEDGE OF ALLEGIANCE**

**C. PRAYER OR THOUGHT**

Councilwoman Mecham

7:05 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

**E. BUSINESS**

- |       |     |  |
|-------|-----|--|
| 7:10  | 1.  | Minutes Review and Acceptance<br>February 16, 2016 work session and regular Council meeting  |
| 7:10  | 2.  | Staff report and discussion re reptiles and exotic animals in residential zones  |
| 7:40  | 3.  | Consider request by Bruce Pitt pertaining to South Main Street Corridor Plan   |
| 8:20  | 4.  | Discuss citizen request re active green space  |
| 8:40  | 5.  | Discuss options re solid waste collection contract<br>Discuss the contract options for the City's solid waste, green waste and recycling collection.   |
| 9:00  | 6.  | Mayor's Report<br>a. Police Department outreach  |
| 9:10  | 7.  | City Manager's Report<br>a. Legislative update   |
| 9:20  | 8.  | Miscellaneous Business   |
| 9:25  | 9.  | Continue work session re Employee Compensation Plan and Benefits   |
| 10:15 | 10. | Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended |
| 10:15 | 11. | Possible action following closed meeting, including appointments to boards and committees  |

**F. ADJOURNMENT**

Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Marsha L. Morrow, MMC  
Centerville City Recorder

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No.

Short Title: Work Session - Employee Compensation Plan and Benefits

Initiated By: City Manager

Scheduled Time: 5:30

**SUBJECT**

**RECOMMENDATION**

The City Manager's objectives for this work session are mostly education-oriented. At the conclusion, he hopes the City Council will:

- understand the current Employee Compensation Plan--its philosophy, objectives, methodology used, etc.;
- understand the benchmark data comparing Centerville employee salaries with other cities;
- understand the benefits provided to Centerville employees and how these compare with other public employers in Utah; and
- agree with his recommendation to amend the Long-Term Sick Leave policy, as proposed to the City Council in August 2015.

Once the Council has a good understanding of the current compensation plan and benefits, they may want to request additional research/analysis. At some point in time--whether in this work session or in a future meeting--the City Manager is looking for direction from the Council as to whether they support the compensation plan framework, objectives, etc. and what changes, if any, they want to make affecting employee benefits. With that direction, the City Manager will eventually prepare recommendations regarding pay raises to submit later during the budget process for FY 2016-2017.

**BACKGROUND**

The first attachment is Ordinance No. 2015-12 adopted in June 2015. This Ordinance consists of three Exhibits which collectively constitute the employee compensation plan:

- Exhibit A – These “Salary Administration Guidelines” explain the principles on which the plan is based, objectives of the plan, the market adjustment made to the pay ranges for FY 2016, and contains the pay matrix with pay raise percentages *for the current Fiscal Year*, depending on where an employee’s salary is in the pay range and according to the employee’s performance. It also describes a 0.5% pool of funding for recognizing outstanding performance or to give lump sum bonuses for special efforts, etc. The text of this document has not changed much from year to year, but the amount of the market adjustment and the percentages within the pay matrix are intended to be reviewed each year and are subject to adjustments. In the work session next week, the City Manager will explain the compensation plan history, rationale for having no “COLA” increases, no steps and a decreasing pay raise percentage as an employee moves up in the pay range. He will also explain the methodology normally used for making a market adjustment recommendation affecting the pay ranges, and the sources of information for recommending pay raise percentages.
- Exhibit B – This “Position Pay Grade Schedule” shows which pay grade each position is assigned to.

It does not reflect the two changes approved by the city council in December 2015.

- Exhibit C – This “Salary Schedule” consists of two pages—one is an hourly schedule and the other is an annual salary schedule. These schedules show the minimum and maximum of each pay range and the division of pay ranges into “quartiles” or four parts. Note there are no steps in these pay ranges.

The second attachment is the 2015 Salary Survey Summary. This represents the outcome of the annual benchmarking analysis done by staff to determine an appropriate market adjustment for the pay ranges. In 2015 that adjustment was 1%. The City Manager will explain in the work session the analysis underlying this summary and what the data means.

The third attachment contains staff's recommendations for reducing and limiting the financial liability associated with Long-Term Sick Leave. This document--which also comments on the City's other leave benefits--is the staff report given to the City Council for their August 18, 2015 meeting. In that meeting, the Council agreed to wait until after the annual financial audit report was available to act upon the recommendations. Now that there are three new members of the City Council, staff will present this analysis and recommendations again to the current City Council. This attachment is followed by four attachments that were given to the City Council in the August 2015 meeting:

- Vacation Leave Comparative Data
- Sick Leave Comparative Data
- Long-Term Sick Leave Analysis
- Resolution No. 2015-16 - Sick Leave. Action was postponed on this Resolution as explained above.

Staff have gathered additional benefits data recently from public employers and this data is in the following attachments:

- Benefits Data - Utah State and Davis County Employees
- Health Insurance Comparison - Utah Cities

The final attachment includes chapters from the Centerville City Policies and Procedures pertaining to compensation and benefits.

#### **ATTACHMENTS:**

##### Description

- ☐ Ord No 2015-12 - employee compensation
- ☐ 2015 Salary Survey Summary
- ☐ 8-18-2015 - Staff Report re Leave Benefits
- ☐ Vacation Leave Comparative Data
- ☐ Sick-Leave Comparative Data
- ☐ Long-Term Sick Leave Analysis
- ☐ Resolution No. 2015-16-Sick Leave
- ☐ Benefits Data - Utah State & Davis County Employees
- ☐ Health Insurance Comparison - Utah Cities
- ☐ Personnel Policies - Chapters 2, 4, 5 & 6 (page 1 only)

ORDINANCE NO. 2015-12

**AN ORDINANCE AMENDING AND ADOPTING THE CENTERVILLE CITY SALARY ADMINISTRATION GUIDELINES, POSITION PAY GRADE SCHEDULE AND SALARY SCHEDULE.**

**WHEREAS**, the City Council has previously prepared and adopted the Centerville City Salary Administration Guidelines, Position Pay Grade Schedule and Salary Schedule; and

**WHEREAS**, the City Council has reviewed the Centerville City Salary Administration Guidelines, Position Pay Grade Schedule and Salary Schedule and has held appropriate public hearings regarding the same; and

**WHEREAS**, the City Council desires to amend, update and adopt the Centerville City Salary Administration Guidelines, Position Pay Grade Schedule and Salary Schedule as more particularly set forth herein for the purpose of providing guidelines for employee pay raises in FY 2016 effective with the payroll period beginning July 5, 2015;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Adoption.** The "Centerville City Salary Administration Guidelines – FY 2016" is hereby adopted in its entirety as set forth in Exhibit "A," attached hereto and incorporated herein by this reference, for the Fiscal Year 2016, effective with the payroll period beginning July 5, 2015.

**Section 2. Adoption.** The "Centerville City Position Pay Grade Schedule" is hereby adopted in its entirety as set forth in Exhibit "B," attached hereto and incorporated herein by this reference, for the Fiscal Year 2016.

**Section 3. Adoption.** The "Centerville City Salary Schedule" is hereby adopted in its entirety as set forth in Exhibit "C," attached hereto and incorporated herein by this reference, for the Fiscal Year 2016 effective with the payroll period beginning July 5, 2015.

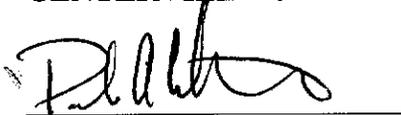
**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 16th DAY OF JUNE, 2015.**

ATTEST:

  
Marsha L. Morrow, City Recorder

CENTERVILLE CITY

  
Mayor



Voting by the City Council

	"AYE"	"NAY"
Councilmember Averett	<u>X</u>	_____
Councilmember Fillmore	<u>X</u>	_____
Councilmember Higginson	_____	_____ <i>Absent</i>
Councilmember Ivie	<u>X</u>	_____
Councilmember Wright	<u>X</u>	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. 9 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Marsha L. Morrow  
MARSHA L. MORROW, City Recorder

DATE: June 17, 2015

RECORDED this 17 day of June, 2015.

PUBLISHED OR POSTED this 17 day of June, 2015.

**EXHIBIT "A"**

**CENTERVILLE CITY SALARY ADMINISTRATION  
GUIDELINES – FY 2016**

## **CENTERVILLE CITY SALARY ADMINISTRATION GUIDELINES – FY 2016**

The City's compensation program is designed to compensate employees fairly, to maintain a pay position which is competitive, and to reward for performance. To carry out this philosophy, the City seeks to establish salaries that are fair externally, internally, and individually.

### **External Fairness**

External fairness means employees will be paid fairly compared to people doing comparable work in the local job market area. The City determines fairness by comparing its salaries for certain jobs, such as police officer or secretary, with the salaries other employers pay for those jobs. Those jobs are grouped into levels of pay called salary grades. Each salary grade is assigned a pay range. In order to achieve a competitive advantage in the job market, the City generally bases the midpoint of pay ranges on the third quartile of the midpoints of pay ranges for related jobs in the job market, although this is subject to change by the City Council.

To keep salaries in line with its job market target, the City adjusts its salary ranges using data from local market salary surveys. The salary ranges (i.e., the minimum and maximum of each pay range) that were in effect for FY 2015 will be increased for FY 2016 by 1.0 percent.

### **Internal Fairness**

Internal fairness means that jobs equivalent in value to the City are assigned similar salary grade levels, regardless of the department involved. Each position's salary grade level is based on the job description for that position, so accurate job descriptions are essential. Supervisors should update job descriptions when job duties change significantly and should review them at least annually in conjunction with performance appraisals. If there is a significant difference between the job description and current duties, the supervisor and the employee should normally rewrite the description for review so the City Manager can determine if the job is assigned the correct salary grade level, subject to Council approval. A revised job description does not mean that the assigned salary grade will change, only that it will be reviewed.

### **Individual Fairness**

Individual fairness means an employee will be rewarded for individual performance relative to that of his/her peers. Based on that performance, an employee can move to higher positions in the current salary range or, if the employee earns a promotion, a higher salary range.

### **Salary Ranges**

The City has assigned each job a salary range, with a minimum, midpoint, and maximum salary. The salary range allows employees to receive different salaries based on performance appraisals, levels of experience, and labor market conditions.

Note the following features of salary ranges:

1. Currently the Council’s intent is to base the midpoints of salary ranges on the third quartile of the midpoints of pay ranges for related jobs in the job market. This will not be an exact match due to the need to maintain internal equity in the compensation plan.
2. Salary ranges are divided into four equal parts, called quartiles. The lowest salaries are in the first quartile, and the highest salaries are in the fourth quartile. For example, if a job has a minimum annual salary of \$30,000 and a maximum of \$42,000, the first quartile would range from \$30,000 to \$33,000; the second quartile would range from \$33,000 to \$36,000 and so on.
3. Salary ranges overlap extensively, so an experienced, high-performing employee in one grade level can earn the same as or more than a less-experienced or lower-performing employee in a higher grade level.
4. Normally salary ranges move higher each year to keep in line with conditions in the job market. Normally these adjustments do not result in cost-of-living raises for employees; however, the City Council reserves the right to approve cost-of-living increases in lieu of or in conjunction with merit increases.

**Merit Increases**

At the beginning of the Fiscal Year, an employee may receive a merit increase, or raise. This increase is based on the employee’s performance and is affected by the quartile that the employee’s salary is in, market salary conditions, and budget availability. The chart below shows the potential raise available in Fiscal Year 2016 (effective with the payroll period beginning July 5, 2015), depending on the employee’s performance and where the employee’s current salary falls within the pay range assigned to his/her position. **The percentages in this chart are likely to change from year to year. An employee’s base pay cannot exceed the maximum of the pay range for his position. Therefore, employees at or near the maximum may not be eligible for the percentages shown in the 4<sup>th</sup> quartile below.**

	1 <sup>st</sup> Quartile	2 <sup>nd</sup> Quartile	3 <sup>rd</sup> Quartile	4 <sup>th</sup> Quartile
Consistently Exceeds Expectations (“sustained outstanding performance”)	>3.5%	>3.0%	>2.5%	>2.0%
Meets or Exceeds Expectations	3.0 – 3.5%	2.5 – 3.0%	2.0 – 2.5%	1.5 – 2.0%
Needs Improvement	<3.0%	<2.5%	<2.0%	<1.5%
Seriously Deficient (at risk of Termination)	0%	0%	0%	0%

“Consistently Exceeds Expectations” is funded with a sum equal to 0.5% of the department’s salaries (not including the department head). This 0.5% can be used to increase the amount of raise for one or more employees within the department, subject to approval of the City Manager and Mayor and limited by the funding made available by the 0.5%. This means an employee could possibly receive more than a 0.5% additional increment. The 0.5% can also be used to give lump sum bonuses. Bonuses could be given, for example, for the following purposes:

- to recognize sustained outstanding performance by an employee who is at the top of the pay range (i.e., “maxed out”)
- to compensate an employee for significant additional responsibility undertaken for a limited period, for which the employee was not otherwise adequately compensated
- to recognize significant efforts by employees to upgrade their knowledge and skills

When using the 0.5% for additional base pay increases, normally this would be for the purpose of rewarding employees who consistently or significantly exceed expectations (i.e., “sustained outstanding performance”), or who have significantly increased their value to the City through education or training beyond that required for their position. However, the 0.5% might also be used to address a salary inequity within a department. A department head may also request permission from the City Manager to use up to 10% of the 0.5% sum for minor incentive awards throughout the fiscal year.

Any part of an employee’s pay raise may be delayed or postponed as an incentive to improve performance. Likewise, the 0.5% departmental pool may be used at any time during the fiscal year to fund an additional increase in base pay or to award a lump sum bonus. However, base pay raises given later in the fiscal year and funded by the 0.5% pool would be annualized when determining how much of the 0.5% pool is consumed to fund that raise.

Department heads will be considered as a “department” under the City Manager and Mayor in regard to the guidelines above. In other words, the City Manager and Mayor will decide the amount of raise for each department head, subject to the guidelines and funding limitations. Any base pay increase or lump sum bonus for the City Manager will be determined by the Mayor and City Council.

**EXHIBIT "B"**

**CENTERVILLE CITY POSITION PAY GRADE SCHEDULE**

**Centerville City  
Position Pay Grade Schedule  
8/21/2012**

Index Code	Department	Job Title	Pay Grade
100	Administration	City Manager	28
105		City Attorney	27
110		City Prosecutor	NC
115		City Engineer	NC
120		Finance Director/Asst. City Manager	25
122		Management Assistant	15
125		City Treasurer	14
130		City Recorder	12
131		Accountant III	14
132		Accountant II	12
133		Accountant I	10
135		Accounting Technician	7
145		Office Technician	3
150		Administrative Secretary	9
151		Secretary III	8
152		Secretary II	6
153		Secretary I	5
200	Community Development	Community Development Director	23
203		Planner II	13
206		Planner I	11
216		Planning & Zoning Technician	9
205		Chief Building Official	17
300	Justice Court	Justice Judge	NC
305		Court Clerk Supervisor	11
310		Court Clerk III	8
311		Court Clerk II	7
312		Court Clerk I	5
400	Parks & Recreation	Parks & Recreation Director	20
405		Parks Supervisor	14
410		Parks Maintenance Specialists III	10
411		Parks Maintenance Specialists II	9
412		Parks Maintenance Specialists I	7
415		Recreation Coordinator	10
420		Building Custodian	5
421		Recreation Instructor	NC

**Centerville City  
Position Pay Grade Schedule  
8/21/2012**

Index Code	Department	Job Title	Pay Grade
500	Police	Police Chief	25
505		Assistant Chief/Lieutenant	21
510		Sergeant	17
515		Police Officer III	15
516		Police Officer II	13
517		Police Officer I	12
519		Records/IT Technician	11
518		Records/IT Specialist	13
520		Dispatcher III	10
521		Dispatcher II	8
522		Dispatcher I	6
524		Court Technician/Dispatcher	5
525		Crossing Guard	N/A
600	Public Works	Public Works Director	23
610		Water Supervisor/Deputy Public Works Director	17
611		Drainage Utility Supervisor	14
615		Street Supervisor	15
617		GIS Specialist	13
621		Journey Mechanic	11
622		Apprentice Mechanic	10
625		Water Maintenance Operator III	12
626		Water Maintenance Operator II	10
627		Water Maintenance Operator I	8
630		Street Maintenance Operator III	12
631		Street Maintenance Operator II	10
632		Street Maintenance Operator I	8
640		Meter Reader	7
645		Laborer	6

**EXHIBIT "C"**  
**CENTERVILLE CITY SALARY SCHEDULE**

**Centerville City Salary  
Schedule  
7/5/2015**

Grade	First Quartile		Second Quartile		Third Quartile		Fourth Quartile					
	Min			Midpoint				MAX				
1	\$10.53	to	\$11.72	\$11.73	to	\$12.90	\$12.91	to	\$14.09	\$14.10	to	\$15.27
2	\$11.06	to	\$12.31	\$12.32	to	\$13.55	\$13.56	to	\$14.80	\$14.81	to	\$16.04
3	\$11.63	to	\$12.94	\$12.95	to	\$14.25	\$14.26	to	\$15.55	\$15.56	to	\$16.86
4	\$12.22	to	\$13.59	\$13.60	to	\$14.97	\$14.98	to	\$16.34	\$16.35	to	\$17.72
5	\$12.83	to	\$14.27	\$14.28	to	\$15.71	\$15.72	to	\$17.16	\$17.17	to	\$18.60
6	\$13.48	to	\$15.00	\$15.01	to	\$16.51	\$16.52	to	\$18.03	\$18.04	to	\$19.55
7	\$14.17	to	\$15.76	\$15.77	to	\$17.35	\$17.36	to	\$18.95	\$18.96	to	\$20.54
8	\$14.88	to	\$16.56	\$16.57	to	\$18.23	\$18.24	to	\$19.91	\$19.92	to	\$21.58
9	\$15.63	to	\$17.39	\$17.40	to	\$19.15	\$19.16	to	\$20.91	\$20.92	to	\$22.67
10	\$16.42	to	\$18.27	\$18.28	to	\$20.12	\$20.13	to	\$21.97	\$21.98	to	\$23.82
11	\$17.26	to	\$19.20	\$19.21	to	\$21.14	\$21.15	to	\$23.08	\$23.09	to	\$25.03
12	\$18.13	to	\$20.17	\$20.18	to	\$22.21	\$22.22	to	\$24.25	\$24.26	to	\$26.29
13	\$19.04	to	\$21.19	\$21.20	to	\$23.33	\$23.34	to	\$25.47	\$25.48	to	\$27.62
14	\$20.01	to	\$22.26	\$22.27	to	\$24.51	\$24.52	to	\$26.76	\$26.77	to	\$29.01
15	\$21.02	to	\$23.39	\$23.40	to	\$25.75	\$25.76	to	\$28.11	\$28.12	to	\$30.48
16	\$22.09	to	\$24.58	\$24.59	to	\$27.06	\$27.07	to	\$29.55	\$29.56	to	\$32.03
17	\$23.21	to	\$25.82	\$25.83	to	\$28.43	\$28.44	to	\$31.04	\$31.05	to	\$33.65
18	\$24.38	to	\$27.12	\$27.13	to	\$29.86	\$29.87	to	\$32.60	\$32.61	to	\$35.35
19	\$25.61	to	\$28.49	\$28.50	to	\$31.38	\$31.39	to	\$34.26	\$34.27	to	\$37.14
20	\$26.91	to	\$29.94	\$29.95	to	\$32.97	\$32.98	to	\$36.00	\$36.01	to	\$39.03
21	\$28.27	to	\$31.45	\$31.46	to	\$34.63	\$34.64	to	\$37.81	\$37.82	to	\$40.99
22	\$29.70	to	\$33.04	\$33.05	to	\$36.38	\$36.39	to	\$39.72	\$39.73	to	\$43.07
23	\$31.20	to	\$34.72	\$34.73	to	\$38.23	\$38.24	to	\$41.74	\$41.75	to	\$45.25
24	\$32.78	to	\$36.47	\$36.48	to	\$40.16	\$40.17	to	\$43.85	\$43.86	to	\$47.53
25	\$34.45	to	\$38.32	\$38.33	to	\$42.20	\$42.21	to	\$46.07	\$46.08	to	\$49.95
26	\$36.19	to	\$40.27	\$40.28	to	\$44.34	\$44.35	to	\$48.41	\$48.42	to	\$52.48
27	\$38.03	to	\$42.31	\$42.32	to	\$46.59	\$46.60	to	\$50.87	\$50.88	to	\$55.15
28	\$39.96	to	\$44.45	\$44.46	to	\$48.95	\$48.96	to	\$53.45	\$53.46	to	\$57.94

**Centerville City Salary  
Schedule  
7/5/2015**

Grade	First Quartile		Second Quartile		Third Quartile		Fourth Quartile	
	Min	Midpoint	Midpoint	MAX	MAX	MAX	MAX	
1	\$21,911.51 to \$24,375.10	\$24,375.11 to \$26,838.70	\$26,838.71 to \$29,302.29	\$29,302.30 to \$31,765.89				
2	\$23,012.88 to \$25,602.07	\$25,602.08 to \$28,191.26	\$28,191.27 to \$30,780.45	\$30,780.46 to \$33,369.64				
3	\$24,191.54 to \$26,911.15	\$26,911.16 to \$29,630.77	\$29,630.78 to \$32,350.39	\$32,350.40 to \$35,070.00				
4	\$25,408.84 to \$28,268.55	\$28,268.56 to \$31,128.25	\$31,128.26 to \$33,987.95	\$33,987.96 to \$36,847.66				
5	\$26,684.12 to \$29,683.91	\$29,683.92 to \$32,683.70	\$32,683.71 to \$35,683.49	\$35,683.50 to \$38,683.28				
6	\$28,036.68 to \$31,191.05	\$31,191.06 to \$34,345.42	\$34,345.43 to \$37,499.78	\$37,499.79 to \$40,654.15				
7	\$29,466.53 to \$32,780.31	\$32,780.32 to \$36,094.09	\$36,094.10 to \$39,407.86	\$39,407.87 to \$42,721.64				
8	\$30,954.35 to \$34,437.20	\$34,437.21 to \$37,920.04	\$37,920.05 to \$41,402.89	\$41,402.90 to \$44,885.74				
9	\$32,519.46 to \$36,176.20	\$36,176.21 to \$39,832.95	\$39,832.96 to \$43,489.70	\$43,489.71 to \$47,146.45				
10	\$34,161.85 to \$38,006.99	\$38,007.00 to \$41,852.14	\$41,852.15 to \$45,697.28	\$45,697.29 to \$49,542.42				
11	\$35,900.86 to \$39,939.23	\$39,939.24 to \$43,977.59	\$43,977.60 to \$48,015.95	\$48,015.96 to \$52,054.32				
12	\$37,717.16 to \$41,958.41	\$41,958.42 to \$46,199.66	\$46,199.67 to \$50,440.90	\$50,440.91 to \$54,682.15				
13	\$39,610.75 to \$44,069.37	\$44,069.38 to \$48,527.99	\$48,528.00 to \$52,986.62	\$52,986.63 to \$57,445.24				
14	\$41,620.27 to \$46,301.10	\$46,301.11 to \$50,981.93	\$50,981.94 to \$55,662.76	\$55,662.77 to \$60,343.59				
15	\$43,726.40 to \$48,643.93	\$48,643.94 to \$53,561.46	\$53,561.47 to \$58,478.99	\$58,479.00 to \$63,396.52				
16	\$45,948.47 to \$51,117.19	\$51,117.20 to \$56,285.90	\$56,285.91 to \$61,454.62	\$61,454.63 to \$66,623.34				
17	\$48,267.14 to \$53,696.71	\$53,696.72 to \$59,126.28	\$59,126.29 to \$64,555.86	\$64,555.87 to \$69,985.43				
18	\$50,701.76 to \$56,406.67	\$56,406.68 to \$62,111.58	\$62,111.59 to \$67,816.50	\$67,816.51 to \$73,521.41				
19	\$53,271.62 to \$59,266.37	\$59,266.38 to \$65,261.12	\$65,261.13 to \$71,255.87	\$71,255.88 to \$77,250.62				
20	\$55,976.75 to \$62,275.82	\$62,275.83 to \$68,574.90	\$68,574.91 to \$74,873.97	\$74,873.98 to \$81,173.05				
21	\$58,797.81 to \$65,410.87	\$65,410.88 to \$72,023.93	\$72,023.94 to \$78,636.99	\$78,637.00 to \$85,250.06				
22	\$61,773.44 to \$68,724.65	\$68,724.66 to \$75,675.85	\$75,675.86 to \$82,627.05	\$82,627.06 to \$89,578.25				
23	\$64,903.66 to \$72,207.49	\$72,207.50 to \$79,511.33	\$79,511.34 to \$86,815.16	\$86,815.17 to \$94,119.00				
24	\$68,188.45 to \$75,859.41	\$75,859.42 to \$83,530.37	\$83,530.38 to \$91,201.33	\$91,201.34 to \$98,872.29				
25	\$71,647.15 to \$79,709.38	\$79,709.39 to \$87,771.62	\$87,771.63 to \$95,833.85	\$95,833.86 to \$103,896.09				
26	\$75,281.27 to \$83,752.45	\$83,752.46 to \$92,223.62	\$92,223.63 to \$100,694.79	\$100,694.80 to \$109,165.97				
27	\$79,099.73 to \$88,000.59	\$88,000.60 to \$96,901.44	\$96,901.45 to \$105,802.29	\$105,802.30 to \$114,703.15				
28	\$83,111.88 to \$92,464.20	\$92,464.21 to \$101,816.53	\$101,816.54 to \$111,168.86	\$111,168.87 to \$120,521.19				

Annual amounts based on 2080 hours.

## 2015 Salary Survey Summary

Midpoint Comparison

Position	Survey 2nd Quartile			Survey 3rd Quartile			Centerville			Dollar (Q2)	% (Q2)	Dollar (Q3)	% (Q3)
	Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum				
Court Clerk II	\$ 13.04	\$ 16.38	\$ 19.15	\$ 13.73	\$ 16.79	\$ 19.69	\$ 13.96	\$ 17.10	\$ 20.24	\$ 0.72	4.20%	\$ 0.31	1.90%
Court Clerk I	\$ 12.26	\$ 15.05	\$ 17.92	\$ 12.64	\$ 15.55	\$ 18.22	\$ 12.64	\$ 15.48	\$ 18.32	\$ 0.43	2.79%	\$ (0.07)	-0.48%
Street Supervisor	\$ 21.89	\$ 27.66	\$ 32.17	\$ 23.03	\$ 28.22	\$ 33.38	\$ 20.71	\$ 25.37	\$ 30.03	\$ (2.29)	-9.04%	\$ (2.85)	-10.31%
Street/Water Operator I	\$ 13.46	\$ 16.95	\$ 20.30	\$ 14.28	\$ 17.65	\$ 21.50	\$ 14.66	\$ 17.96	\$ 21.26	\$ 1.01	5.64%	\$ 0.31	1.84%
Street/Water Operator II	\$ 14.93	\$ 18.28	\$ 22.01	\$ 15.90	\$ 19.04	\$ 22.68	\$ 16.18	\$ 17.71	\$ 19.24	\$ (0.57)	-3.20%	\$ (1.33)	-7.28%
Street/Water Operator III	\$ 16.31	\$ 20.64	\$ 24.36	\$ 17.84	\$ 21.71	\$ 25.94	\$ 17.82	\$ 21.86	\$ 25.90	\$ 1.21	5.55%	\$ 0.15	0.70%
GIS Specialist	\$ 18.68	\$ 22.54	\$ 26.84	\$ 19.05	\$ 24.31	\$ 29.16	\$ 18.49	\$ 22.65	\$ 26.81	\$ 0.11	0.46%	\$ (1.66)	-7.35%
Parks Maintenance Spec. I	\$ 12.15	\$ 15.58	\$ 18.18	\$ 13.39	\$ 16.28	\$ 19.60	\$ 14.03	\$ 17.18	\$ 20.34	\$ 1.60	9.29%	\$ 0.90	5.74%
Parks Maintenance Spec. II	\$ 14.27	\$ 17.32	\$ 20.43	\$ 14.90	\$ 18.54	\$ 22.20	\$ 15.48	\$ 18.96	\$ 22.44	\$ 1.64	8.65%	\$ 0.42	2.43%
Parks Maintenance Spec. III	\$ 15.82	\$ 19.85	\$ 23.57	\$ 16.21	\$ 19.94	\$ 24.14	\$ 16.26	\$ 19.92	\$ 23.58	\$ 0.07	0.34%	\$ (0.02)	-0.12%
Police Officer I	\$ 17.86	\$ 21.88	\$ 26.06	\$ 17.95	\$ 22.31	\$ 26.59	\$ 17.87	\$ 21.88	\$ 25.90	\$ 0.00	0.02%	\$ (0.42)	-1.94%
Police Officer II	\$ 18.70	\$ 23.02	\$ 27.21	\$ 19.03	\$ 23.48	\$ 28.10	\$ 18.76	\$ 22.99	\$ 27.21	\$ (0.03)	-0.13%	\$ (0.49)	-2.13%
Police Officer III	\$ 20.15	\$ 24.98	\$ 29.80	\$ 20.71	\$ 25.72	\$ 31.47	\$ 20.71	\$ 25.37	\$ 30.03	\$ 0.40	1.56%	\$ (0.35)	-1.40%
									Average	\$ 0.33	2.01%	\$ (0.39)	-1.41%
									Median	\$ 0.40	1.56%	\$ (0.07)	-0.48%

The following cities participate in the Compensation Survey and were used to compare similar positions in Centerville. For each position, only those cities with a similar position were used for the salary comparison - not all the cities listed were used for every position.

BOUNTIFUL	FARMINGTON	NEPHI	RIVERTON	SOUTH WEBER CITY	WEST BOUNTIFUL
BRIGHAM CITY	HERRIMAN	NORTH OGDEN	ROY	SOUTH SALT LAKE	WEST POINT CITY
CEDAR CITY	KAYSVILLE	NORTH SALT LAKE	SALT LAKE CITY	SPANISH FORK	WEST VALLEY
CLEARFIELD	LAYTON	OGDEN	SANDY	SPRINGVILLE	WOODS CROSS
CLINTON	MIDVALE	PAYSON	SOUTH JORDAN	SUNSET	
DRAPER	MURRAY	RIVERDALE	SOUTH OGDEN	SYRACUSE	

**2015 Salary Survey Summary**  
Management Position Midpoint Comparison

Position	Survey 2nd Quartile			Survey 3rd Quartile			Centerville			Dollar (Q2)	% (Q2)	Dollar (Q3)	% (Q3)
	Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum				
City Manager	\$ 41.55	\$ 51.04	\$ 61.12	\$ 43.76	\$ 53.73	\$ 65.33	\$ 39.37	\$ 48.23	\$ 62.11	\$ (2.81)	-5.83%	\$ (5.50)	-10.78%
Asst CM/Finance Dir (10)	\$ 37.51	\$ 46.57	\$ 55.85	\$ 41.97	\$ 52.90	\$ 64.73	\$ 33.94	\$ 41.58	\$ 49.21	\$ (5.00)	-12.02%	\$ (11.33)	-24.32%
Finance Director (10)	\$ 34.57	\$ 43.14	\$ 51.83	\$ 38.22	\$ 48.30	\$ 58.10	\$ 33.94	\$ 41.58	\$ 49.21	\$ (1.56)	-3.76%	\$ (6.72)	-15.58%
Police Chief	\$ 34.98	\$ 43.56	\$ 53.50	\$ 37.21	\$ 48.08	\$ 57.59	\$ 33.94	\$ 41.58	\$ 49.21	\$ (1.98)	-4.77%	\$ (6.50)	-14.92%
Public Works Director	\$ 35.01	\$ 43.59	\$ 52.81	\$ 37.21	\$ 48.08	\$ 57.59	\$ 30.74	\$ 37.66	\$ 44.58	\$ (5.93)	-15.74%	\$ (10.41)	-23.89%
Comm Dev Dir	\$ 33.26	\$ 41.08	\$ 49.29	\$ 34.41	\$ 42.97	\$ 51.78	\$ 30.74	\$ 37.66	\$ 44.58	\$ (3.41)	-9.06%	\$ (5.31)	-12.93%
Parks & Rec Director	\$ 29.83	\$ 37.20	\$ 44.92	\$ 30.21	\$ 39.62	\$ 46.47	\$ 26.51	\$ 32.48	\$ 37.88	\$ (4.72)	-14.53%	\$ (7.14)	-19.19%
Police Lieutenant	\$ 27.56	\$ 34.28	\$ 40.58	\$ 29.37	\$ 35.75	\$ 42.13	\$ 27.99	\$ 34.28	\$ 40.58	\$ -	0.00%	\$ (1.47)	-4.29%
										Average	-8.21%	\$ (6.80)	-15.74%
										Median	-7.45%	\$ (6.61)	-15.25%

The following cities participate in the Compensation Survey and were used to compare similar positions in Centerville. For each position, only those cities with a similar position were used for the salary comparison - not all the cities listed were used for every position.

BRIGHAM CITY	FARMINGTON	NEPHI	RIVERTON	SPANISH FORK	WEST BOUNTIFUL
CEDAR CITY	HERRIMAN	NORTH OGDEN	ROY	SPRINGVILLE	WEST POINT CITY
CLEARFIELD	KAYSVILLE	NORTH SALT LAKE	SOUTH OGDEN	SUNSET	WOODS CROSS
CLINTON	MIDVALE	PAYSON	SOUTH WEBER CITY	SYRACUSE	
DRAPER	MURRAY	RIVERDALE	SOUTH SALT LAKE		

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
8/18/2015**

Item No. 9.

Short Title: Personnel Policies and Procedures - Amendments - Long-Term Sick Leave and All-Purpose Leave

Initiated By:

Scheduled Time: 9:00

**SUBJECT**

Consider Resolution No. 2015-16 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave and amending Section 4.140 of the same regarding All-Purpose Leave

**RECOMMENDATION**

Approve Resolution No. 2015-16 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave and amending Section 4.140 of the same regarding All-Purpose Leave

**BACKGROUND**

In 2014 the City Manager informed the City Council of his concern about the increasing financial liability associated with the Long-Term Sick Leave (LTSL) benefit policy, which allows an employee to accumulate such paid leave without a maximum cap. The City Council agreed with the City Manager's recommendation to undertake a review of this paid leave benefit and supported the idea of creating an employee committee to discuss possible revisions. The Council also asked that the employee committee consider a simplification of the City's paid leave benefits. Below is a historical summary of sick leave benefits for City employees.

Prior to 1985, employees earned 12 days of sick leave per year, a typical accrual rate for public employees. They were also allowed to accumulate sick leave year after year without any cap and cash in at full value all of their unused sick leave hours at their current pay upon termination of their employment with the City. This policy was changed in 1985, but those employees who already had sick leave balances under the old policy were allowed to keep those hours on the books and either use those hours as needed or cash those in at full value upon termination of employment. Two current employees still have some pre-1985 sick leave hours for which the City must compensate them at full value upon the termination of their employment.

In 1985 the sick leave benefit was changed by dividing sick leave accrual into two categories, known as "All-Purpose Leave" (APL) and "Long-Term Sick Leave" (LTSL). Employees at that point began earning APL at the rate of 5 days per year and LTSL at the rate of 7 days per year. APL was intended to be used for short-term illness or any other personal reasons, and the City automatically cashes out at full value each year any APL hours accumulated over 300 hours. No cap was set on the accumulation of LTSL and employees became entitled to cash out LTSL at a 3 to 1 rate upon retirement. The hourly rate applied to this cash out was their average hourly rate during their years of City employment. At a later point in time--to simplify the calculation upon an employee's termination of employment--this policy was changed to apply the employee's hourly rate at the time of termination, but the ratio was changed to a 4 to 1 conversion instead of 3 to 1 as an offset to the financial impact of the higher hourly rate. The eligibility for cash-out was also expanded to include not only upon retirement but also if the employee had 20 years or more of service when terminating employment.

The City Manager convened an employee committee which met five times between March and August 2015. Comparative data compiled by Jake Smith was reviewed to determine if Centerville City's paid leave benefits are more generous than other cities in Davis County. These comparative analyses--one for vacation leave and one for sick leave--are attached and were shared initially with the City Council in 2014. These analyses show that

Centerville's accrual rates are not excessive when compared to other cities. Some cities have cash-out provisions for sick leave and other cities do not. Cash-out options and conversion ratios vary greatly. Centerville is unique in breaking down sick leave between APL and LTSL, but the total accrual rate of 12 days per year is in line with the average. Centerville's paid vacation leave accrual rate is also in line with the average for other cities for the first 10 years of employment, then falls behind in subsequent years.

The employee committee discussed the idea of simplifying the City's two-tiered sick leave policy to be similar to other cities. However, there was strong consensus that Centerville's policy--since the changes in 1985--has an advantage when compared with the more traditional sick leave policies by striking a reasonable balance between discouraging employee abuse and encouraging employees to take the time off when actually sick. Department heads particularly believe the two-tiered approach is working well from their perspective.

The employee committee acknowledged the need to contain the City's increasing liability associated with LTSL. After considerable discussion, the committee recommends and the City Manager supports the proposal to cap the accumulation of LTSL at 800 hours and provide for an annual cash-out of hours over 800 at the conversion ratio of 4 to 1. This is the same conversion ratio as currently exists, but the conversion will be occurring at the employee's current rate of pay rather than an inflated future rate. In addition, when an employee retires or terminates employment with 20 years of service, the financial impact on the City's budget at that time will be less by establishing this accumulation cap. The impact over time can be seen in the attached "Long Term Sick Leave Analysis" prepared by Jake Smith, which can be further explained at the Council meeting. It reveals how the City's liability can potentially increase over the next five years with and without the 800-hour cap. It also estimates the cost of initially implementing the proposed annual cash-out provision for employees with over 800 hours of LTSL. The estimated cost would initially be about \$37,000 if implemented in the current fiscal year. In subsequent years, the annual cash out impact would be much less and could be included in the annual budget.

In addition, the City Manager recommends the City buy out the pre-1985 liability of two employees during the current fiscal year, at a cost of \$18,242. If this is not done, the value of that liability will continue to increase year by year until those two employees retire.

The combined impact of implementing the recommendations above is about \$55,000. The current budget does not include funding for this purpose. Therefore, if done in the current year, it would require appropriations from the General Fund and Water Fund through budget amendments. The City Manager will discuss with the Council the timing of implementation if the Council supports the proposed policy revisions.

**ATTACHMENTS:**

- |                          | Description                       |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | Vacation Leave Comparative Data   |
| <input type="checkbox"/> | Sick Leave Comparative Data       |
| <input type="checkbox"/> | Long-Term Sick Leave Analysis     |
| <input type="checkbox"/> | Resolution No. 2015-16-Sick Leave |

City	Holiday Hours	Years of Service																		Max Balance	Cash Out Provision <i>(Centerville)</i>			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			19	20	21
Bountiful	96	96	96	96	96	96	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	Up to 40 hours/year; Exempt employees up to 80 hours/year
Centerville	96	96	96	96	96	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	240	None
Centerville - exempt	96	120	120	120	120	144	144	144	144	144	144	144	144	144	144	144	144	144	144	144	144	144	240	Up to 40 hours
Clearfield	96	104	104	104	104	128	128	128	128	168	168	168	168	168	168	168	168	168	168	168	168	168	240	None
Clinton	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	At discretion of CM
Clinton - exempt	96	144	144	144	144	168	168	168	168	168	192	192	192	192	192	216	216	216	216	216	216	216	288	At discretion of CM
Farmington	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	
Fruit Heights	96	80	80	80	80	80	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	At discretion of City
Kaysville	96	80	80	80	80	96	96	96	96	96	120	120	120	120	120	160	160	160	160	160	160	160	240	Note: Employees may only carryover 1/2 of prior years accrued vacation leave
Layton	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	None
North Salt Lake	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	None
South Weber	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	Cash out 50% or 100 hours (whichever is less)
Sunset	88	96	96	120	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	168	480	None
Syracuse	96	80	80	80	96	96	96	96	96	120	120	120	120	120	160	160	160	160	160	160	160	160	240	None
West Bountiful	96	104	104	104	104	128	128	128	128	128	160	160	160	160	160	160	160	160	160	160	160	160	240	None
Westpoint	96	80	80	80	80	96	96	96	96	112	112	112	112	112	128	128	128	128	128	128	128	128	320	None
Woods Cross																								
Mean	95.5	97.6	97.6	99.2	100.3	102.9	121.1	121.1	121.1	121.1	128.0	142.9	142.9	142.9	148.3	162.1	162.1	162.1	162.1	162.1	163.7	165.3	264.5	
Median	96.0	96.0	96.0	96.0	96.0	120.0	120.0	120.0	120.0	120.0	144.0	144.0	144.0	144.0	144.0	168.0	168.0	168.0	168.0	168.0	168.0	168.0	240.0	
Centerville - over/under Median	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-24.0	-24.0	-24.0	-24.0	-24.0	-48.0	-48.0	-48.0	-48.0	-48.0	-48.0	-48.0	0.0	
Centerville - exempt - over/under Median	0.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	0.0	0.0	0.0	0.0	0.0	-24.0	-24.0	-24.0	-24.0	-24.0	-24.0	-24.0	0.0	

Source: Individual cities' personnel leave policies

## Sick Leave

3/30/2015

City	Hours	Max Balance	Separation	Annual Buyout/Conversion	Other
Bountiful	96	None	Retirement only - 1/2 of sick leave up to 720 hours deposited into HRA	Convert to cash up to 32 hours (less sick leave used); Exempt is up to 80 hours; Must maintain balance of 120 hours for conversion	
Centerville - All-purpose	40	300	Paid out; Retirement and 20+ years - combined with vacation and long-term sick leave to be applied to health insurance at employees discretion	Excess paid out at end of year	All purpose is used for short-term sick leave or personal business
Centerville - Long-term sick	56	None	Retirement and 20+ years only - combined with vacation and all-purpose leave to be applied to health insurance at employees discretion - conversion to cash is 1/4	None	Long-term is used for in-patient hospitalization; outpatient surgery; chronic illness; trauma related accident; funeral leave up to 5 days; 5th day+ of a major illness
Clearfield	96	None	Retirement only - 21 hours = 1 month (60 month max) current premium for single medical, dental and life insurance; Amount deposited in RHS	16 hours can be used for personal leave; 1/4 of unused sick leave for that year can be "sold back"	
Clinton	96	None	None	480+ and < 64 hours used in a year - convert to cash or annual leave up to 1/2 of unused sick leave; <480 and <32 hours used in a year - convert up to 8 hours	None
Farmington	96	320	Retirement only - Sick leave converted to HRA at 100%	Bonus for productivity measured in sick days used: 0 days - 32 hours pay; 1 day - 24 hours pay; 2 days - 16 hours pay; 3 days - 8 hours pay; 4+ - no bonus	
Fruit Heights	96	240	None	At the discretion of the City	

Kaysville	96	None	None	Balance of 144+ can convert to cash or annual leave up to 1/3 of unused sick leave for that year	
Layton	96	1000	In good standing - paid out at 1/3 value for employees with 5+ years	Under 480 hours - Cash in or convert to annual leave up to 1/3 of sick leave hours; over 480 hours - Can cash in or convert to annual leave up to 2/3 of sick leave hours	In 2003, City bought down any balance in excess of 600 hours at 1/3 value
North Salt Lake					
South Weber	96	None	None	None	
Sunset	96	None	Retirement and 10+ years at Sunset - % of sick leave paid out is equivalent to years served with a max of 20%	None	
Syracuse	96	1040	Retirement only - paid out at 1/5 value	None	
West Bountiful	104	1440	Retirement only - 10 years of service = 20% payout; 20 years = 40%; 25+ years = 50%	After a balance of 120 hours, employees can convert to cash up to 1/3 (less hours used) of their annual accrual	
Westpoint	96	750	In good standing - paid out at 1/3 value for employees with 5+ years	1/3 of sick hours accumulated during year can be converted to annual leave	
Woods Cross					

Source: Individual cities' personnel leave policies

Long Term Sick Leave Analysis

Start Date	LTSL Balance (4.67/m)	Avg. LTSL Used per Month	Pre Aug '85 Liability	LTSL Liability (20+ years)	LTSL Liability w/ 800 cap	Liability in 5 years (no use of long sick)	LTSL Liability w/ 800 cap (5 yrs)	Initial Payout with 800 cap
Feb-98	888.2	0.46		\$ -	\$ -	\$ 16,205.71	\$ 11,096.00	\$ 1,223.33
Sep-12	163.45	0.87		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-92	995.1	1.15		\$ 5,858.65	\$ 4,710.00	\$ 7,508.33	\$ 4,710.00	\$ 1,148.65
Apr-12	126.63	1.73		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-91	822.45	1.88		\$ 10,268.29	\$ 9,988.00	\$ 13,766.59	\$ 9,988.00	\$ 280.29
Jan-92	953.43	1.30		\$ 6,850.39	\$ 5,748.00	\$ 8,863.63	\$ 5,748.00	\$ 1,102.39
Jul-97	921.22	0.54		\$ -	\$ -	\$ 8,076.55	\$ 5,378.00	\$ 814.90
Aug-03	240.88	3.07		\$ -	\$ -	\$ -	\$ -	\$ -
Nov-11	182.98	1.34		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-12	42.43	3.68		\$ -	\$ -	\$ -	\$ -	\$ -
Apr-82	1655.86	0.56	\$ 11,041.00	\$ 18,731.92	\$ 9,050.00	\$ 21,901.68	\$ 9,050.00	\$ 9,681.92
Dec-02	553.34	1.28		\$ -	\$ -	\$ -	\$ -	\$ -
Jan-08	420.3	0.05		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-08	353.95	0.78		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-82	1491.86	0.97	\$ 7,201.10	\$ 12,550.27	\$ 6,730.00	\$ 14,907.45	\$ 6,730.00	\$ 5,820.27
Dec-91	579.36	2.71		\$ 3,781.77	\$ 3,781.77	\$ 5,610.78	\$ 2,145.96	\$ -
Dec-90	1024.65	1.33		\$ 6,101.79	\$ 4,764.00	\$ 7,770.38	\$ 4,764.00	\$ 1,337.79
Mar-04	509.03	1.01		\$ -	\$ -	\$ -	\$ -	\$ -
Apr-12	118.13	1.92		\$ -	\$ -	\$ -	\$ -	\$ -
May-87	1417.24	0.54		\$ 10,317.51	\$ 5,824.00	\$ 12,357.36	\$ 5,824.00	\$ 4,493.51
Feb-96	899.11	0.84		\$ -	\$ -	\$ 6,957.93	\$ 4,720.00	\$ 584.75
Sep-06	248.04	2.51		\$ -	\$ -	\$ -	\$ -	\$ -
Jan-07	441.01	0.39		\$ -	\$ -	\$ -	\$ -	\$ -
Aug-05	560.4	0.26		\$ -	\$ -	\$ -	\$ -	\$ -
May-15	14.01	2.67		\$ -	\$ -	\$ -	\$ -	\$ -
Apr-04	635.12	0.10		\$ -	\$ -	\$ -	\$ -	\$ -
Sep-00	695.83	0.95		\$ -	\$ -	\$ -	\$ -	\$ -
Jun-06	433.03	0.90		\$ -	\$ -	\$ -	\$ -	\$ -
Sep-87	1488.81	0.33		\$ 15,115.14	\$ 8,122.00	\$ 17,959.87	\$ 8,122.00	\$ 6,993.14
Oct-86	1128.82	1.49		\$ 9,496.20	\$ 6,730.00	\$ 11,853.38	\$ 6,730.00	\$ 2,766.20
Apr-01	665.88	0.86		\$ -	\$ -	\$ -	\$ -	\$ -
Nov-95	873.39	1.13		\$ -	\$ -	\$ 7,965.54	\$ 5,524.00	\$ 506.76
Aug-04	528.44	0.87		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-05	497.07	0.76		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-05	409.57	1.45		\$ -	\$ -	\$ -	\$ -	\$ -
Jan-06	457.05	0.70		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-07	258.98	2.16		\$ -	\$ -	\$ -	\$ -	\$ -
May-10	211.59	1.51		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-11	170.66	1.57		\$ -	\$ -	\$ -	\$ -	\$ -
Sep-12	158.78	0.98		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-13	116.75	0.90		\$ -	\$ -	\$ -	\$ -	\$ -
May-14	70.05	0.98		\$ -	\$ -	\$ -	\$ -	\$ -
May-14	65.38	1.23		\$ -	\$ -	\$ -	\$ -	\$ -
Feb-15	23.35	1.33		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-89	751.34	2.31		\$ 4,474.23	\$ 4,474.23	\$ 6,142.82	\$ 4,764.00	\$ -
Jul-98	505.99	2.27		\$ -	\$ -	\$ 5,053.24	\$ 2,048.59	\$ -
Oct-14	39.03	2.62		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-04	303.89	2.48		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-99	846.81	0.41		\$ -	\$ -	\$ 10,016.30	\$ 7,110.00	\$ 416.02
Aug-99	581.92	1.75		\$ -	\$ -	\$ 5,491.70	\$ 2,110.72	\$ -
Jul-09	325.99	0.54		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-09	172.79	2.48		\$ -	\$ -	\$ -	\$ -	\$ -
Mar-11	204.34	0.95		\$ -	\$ -	\$ -	\$ -	\$ -
	Mean	1.32	\$ 18,242.10	\$ 103,546.16	\$ 69,922.00	\$ 188,409.24	\$ 106,563.27	\$ 37,169.93
	Median	1.13						
	Max	3.68						

**RESOLUTION NO. 2015-16**

**A RESOLUTION AMENDING SECTION 4.150 OF THE CENTERVILLE CITY PERSONNEL POLICIES AND PROCEDURES REGARDING LONG-TERM SICK LEAVE AND AMENDING SECTION 4.140 REGARDING ALL-PURPOSE LEAVE**

**WHEREAS**, the City Council has previously adopted Personnel Policies and Procedures regarding long-term sick leave as set forth in Section 4.150 and all-purpose leave as set forth in Section 4.140; and

**WHEREAS**, City Staff recommends amending Section 4.150 to implement a maximum cap on long-term sick leave accumulation, to clarify permitted uses of long-term sick leave, and to amend provisions regarding long-term sick leave upon retirement or termination of employment with a minimum of twenty (20) years of service, and amending Section 4.140 regarding end of the year payout for unused all-purpose leave in excess of maximum cap; and

**WHEREAS**, the City Council has reviewed the recommended changes to Section 4.150 and Section 4.140 of the Personnel Policies and Procedures regarding long-term sick leave and all-purpose leave and desires to amend such sections as more particularly provided herein; and

**WHEREAS**, the City Council finds that the amendment to Section 4.150 of the Personnel Policies and Procedures regarding long-term sick leave is in the best interest of the City and its employees and will limit City liability for uncapped long-term sick leave accrual while providing legitimate and sufficient protection for employees who may need to use long-term sick leave for qualifying illnesses, and that the amendment to Section 4.140 will provide consistency with the changes to Section 4.150.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:**

**Section 1. Amendment.** Section 4.150 of the Centerville City Personnel Policies and Procedures regarding long-term sick leave is hereby amended to read in its entirety as follows:

**4.150. Long-Term Sick Leave.**

The City provides eligible employees with long-term sick leave each year. Long-term sick leave benefits are designed to provide for the continuation of income during periods of acute or prolonged employee illness. The use of long-term sick leave will be subject to the provisions provided below.

(a) Eligibility. Full-time and part-time employees are eligible to accrue long-term sick leave in accordance with the accrual rates set forth herein.

(b) Accrual. Full-time employees accrue long-term sick leave at the rate of seven (7) days per year or 4.67 hours (4 hours 40 minutes) per month. Part-time employees accrue long-term sick leave at the rate of 3 ½ days per year or 2.34 hours per month.

(c) Accumulation. Beginning on December 31, 2015, employees can accumulate and carry forward to the next calendar year a maximum of eight hundred (800) hours of long-term sick leave. Any unused long-term sick leave hours that accrue in excess of the maximum will be cashed-out at the end of each calendar year. The annual cash-out rate is one-fourth (1/4) of the long-term sick leave hours in excess of eight hundred (800) hours times the employee's then current rate of pay. Such annual cash-out of excess long-term sick leave shall be paid to the employee on the employee's second pay check in January of the following year or the employee may elect in writing to have his or her annual cash-out to be contributed to an eligible retirement account or health savings account.

~~(d)~~ Definition of Illness. ~~Illness, for~~ For the purpose of this policy, illness is will be defined as an employee's temporary inability to perform his or her duties as a result of mental or physical injury, illness or incapacity, and includes disability caused by pregnancy, false pregnancy, childbirth, termination of pregnancy and recovery therefrom. Long-term sick leave is intended to provide time off for serious health conditions. Colds and minor health issues do not generally qualify for long-term sick leave.

~~(e)~~ Utilization of Long-term Sick Leave. The long-term sick leave benefit is has been designed to protect the income of eligible City employees who are absent as a result of acute or long-term illness. Except as otherwise provided in Subsection ~~(h)~~, the use of long-term sick leave will be restricted to periods of actual employee illness or physician certified recovery from illness.

(1) First Day Coverage: Long-term sick leave may be used to cover the first (1st) day of illness under the following circumstances:

(i) In-patient care requiring an overnight stay at a hospital, hospice or residential care facility~~hospitalization~~.

(ii) Necessary out-patient surgery or procedures, including colonoscopy. ~~Major Surgery Performed on an Outpatient Basis. Elective or cosmetic surgery does not qualify for long-term sick leave.~~

(iii) Chronic ~~i~~llness of a serious nature which is characterized by periods of remissions and relapse and requires continuous monitoring and intervention by a health care provider.

(iv) ~~Absence Due to Trauma~~. Injury as the result of an accident which causes major trauma.

(v) ~~Funeral Leave~~. Leave Funeral leave up to five (5) days for the death of an immediate family member. Immediate family members include: Father, Mother, Sibling, Spouse, Child or anyone for whom the employee is a ~~you are~~ legal guardian.

(vi) Qualified FMLA leave for non-employee illnesses in accordance with the limitations set forth in Subsection (l).

(vii) Emergency room visit causing employee to miss scheduled work.

(2) Fifth Day Coverage. Employees may be eligible to use long-term sick leave on the fifth and successive days of any bona fide illness not included in paragraph (e)(1) above with physician certification. Only one waiting period will be required, however, for any single occurrence of illness or injury. ~~(A single occurrence within a thirty (30) day period of time).~~

~~(f)~~ Supplemental to Workers' Compensation. Long-term sick leave may be used to make up the difference between Worker's Compensation payments and the employees' base pay equivalent.

~~(g)~~ Supplement to Part-Time Earnings. Long-term sick leave may be used to make up the difference between an employee's part-time earnings and his or her base pay equivalent when the employee is returning from an approved medical leave and, upon the orders of his or her physician, must phase back into his or her regular work schedule.

~~(h)~~ Use of Other Paid Leave. If an employee's long-term sick leave account is depleted during a long-term period of illness, the employee may utilize other accrued paid leave (such as vacation or all-purpose leave) to provide for income continuation.

~~(i)~~ Scheduling. To the extent practicable, long-term leave shall be scheduled ~~Scheduling longterm leave is to be done~~ in accordance with the leave procedures set forth in section 4.110.

~~(j)~~ Authorization/Record keeping. The employee's supervisor authorizes the payment of long-term sick leave by recording long-term sick leave hours taken each pay period on the employee's time card.

~~(k)~~ ~~Cash-In Provision.~~

~~(l)~~ ~~Termination or Retirement. Upon retirement or termination of employment with a minimum of twenty (20) years of continuous full-time employment with the City, such employees are entitled to cash in lieu for unused long-term sick leave hours. Unused long-term sick leave may be cashed in at the time of employee retirement or upon termination of employment with a minimum of twenty (20) years of continuous full-time employment with the City.~~ The cash-in rate is one-fourth (1/4) of the unused long-term sick leave hours times the employee's rate of pay upon qualifying retirement or termination. Such cash-in amount shall be paid to the employee with the employee's final pay check or the employee may elect in writing to have his or her cash-in amount contributed to an eligible retirement account or health savings account. Eligible employees may also ~~An employee who terminates employment due to retirement or who has been employed with the City for a minimum of twenty (20) consecutive years of continuous full-time employment with the City may~~ refer to Section 5.030 for ~~an~~ additional use of unused long-term sick leave for continued health insurance coverage.

~~(h)~~ Use of Long-Term Sick Leave for Qualifying Family Medical Leave. Employees may utilize up to forty (40) hours of accrued long-term sick leave for non-employee illnesses when such leave qualifies as family medical leave and is taken in accordance with the policies and procedures set forth in Section 4.160. While it is acknowledged that long-term sick leave is generally limited to leave necessitated by the employee's own injury, illness or incapacity as defined herein, this provision permits employees to utilize a portion of their accrued long-term sick leave for nonemployee

illnesses when such leave qualifies as family medical leave under Section 4.160. No waiting period shall be required for use of long-term sick leave for non-employee illnesses as family medical leave as provided herein. The use of long-term sick leave as provided herein shall be limited to forty (40) hours per rolling 12-month period as defined in Section 4.160(d).

**Section 2. Amendment.** Subsection 4.140(d)(1) of the Centerville City Personnel Policies and Procedures regarding all-purpose leave is hereby amended to read in its entirety as follows:

**4.140. All-Purpose Leave.**

\* \* \*

(d) Cash-In of Unused Leave.

(1) Year-End: At the end of each calendar year, all-purpose leave in excess of three hundred (300) hours in an employee's account will be automatically cashed out to the employee on the employee's ~~second~~ ~~first~~ pay check in January of the following year.

**Section 3. Severability.** If any section, clause or provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

**Section 4. Effective Date.** This Resolution and the amendments to Section 4.150 and Section 4.140 of the Personnel Policies and Procedures provided herein shall become effective November 1, 2015.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,  
STATE OF UTAH, ON THIS 18th DAY OF AUGUST, 2015.**

**CENTERVILLE CITY**

\_\_\_\_\_  
Mayor Paul A. Cutler

**ATTEST:**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

**CERTIFICATE OF PASSAGE AND EFFECTIVE DATE**

According to the provisions of the U.C.A. § 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

	<b>State of Utah</b>	<b>Davis County</b>
Sick Leave	104 hours full-time (36+hours); 78 hours for 26-35 hour; 52 hours for 16-25 hour; 26 hours for 6-15 hour No cash out post 2014	96 Hours full-time; None part-time Cash out upon 10 years or retirement: 1/3 value
Holiday	11 Days – follows same accrual rate as sick	11 days 8 hours for full-time; 11 days based on avg. hours for part-time
Annual/Vacation	<5 years = 104 5-9.9 years = 130 10-19.9 years = 156 20+ years = 182 Part-time receive reduced annual amount based on hours worked and years of service. Ex: 20 hour at 8 years would receive 78 hours annual leave.	<5 years = 104 5-9.9 years = 128 10-14.9 years = 152 15+ years = 176
Bereavement	Up to 24 hours	Up to 40 hours
Medical	<u>STAR Plan (HSA)</u> - No Cost Share; State contributes ~1,500 to HSA <u>Traditional Plan</u> - Employee pays 10% of premium	<u>Traditional Plan</u> - Employee pays 10% of premium
Dental	Employee pays 10% of premium	Employee pays 10% of premium
Retirement	URS 1.5% contribution to individual retirement Match up to \$26/paycheck	URS Up to 4% match to individual retirement

### Health Insurance Comparison

City	H.S.A.	Employer Cont. to H.S.A.	Traditio nal	Employee Share
Bountiful	X	\$ 3,050		10%
Brigham City	X	\$ 3,000		20%
Centerville			X	10%
Clearfield	X		X	10%
Clinton			X	0%
Draper			X	10%
Kaysville	X	\$ 2,400		0%
North Salt Lake	X	\$ 3,750		5%
Riverdale			X	20%
Riverton			X	15%
South Ogden	X	\$ 1,500		0%
South Salt Lake	X	\$ 1,200		5%
Spanish Fork	X	\$ 1,600		0%
Springville	X	\$ 1,084		0%
Sunset			X	0%
Syracuse	X	\$ 1,500		0%
West Bountiful			X	5%
West Point City	X	\$ 4,000		10%
Woods Cross			X	0%

## CHAPTER 2: ADMINISTRATION

- 2.010. Personnel Director.**
- 2.020. Employee Definitions.**
- 2.030. Classification Plan.**
- 2.040. Personnel Records.**

### **2.010. Personnel Director.**

The City Manager is hereby designated as the City Personnel Director. The City Manager may delegate his or her duties and responsibilities as Personnel Director to other personnel as deemed appropriate and as authorized by law. The duties and responsibilities of the Personnel Director include, but are not limited to, the following:

- (a) to develop, implement and administer these Policies and Procedures;
- (b) to promote the fair treatment of employees and the administration of these Policies and Procedures; and
- (c) to review these Policies and Procedures and recommend suggestions or changes deemed necessary to the City Council.

### **2.020. Employee Definitions.**

City employees are categorized as follows:

- (a) **Full-Time.** Employees who are scheduled to work forty (40) hours per week or more on a regular basis and who are not considered limited employees as defined herein. Full-time employees are eligible for all City benefits.
- (b) **Part-Time.** Employees who are scheduled to work twenty (20) hours or more per week but less than forty (40) hours per week on a regular basis and who are not considered limited employees as defined herein. Part-time employees are not eligible for benefits except as otherwise specifically provided herein or as otherwise required by law.
- (c) **Limited.** Employees who are

hired to work on a temporary, seasonal, provisional, or emergency basis, or for a period of employment expected to last no longer than nine (9) months or less than twenty (20) hours per week. Limited employees are not eligible for any benefits and shall be deemed at-will employees subject to termination with or without cause.

(d) **Introductory Employees.** Employees who are in their first twelve (12) months of employment at his or her respective position. The successful completion of the one (1) year introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration with the City. Introductory employees are considered at-will during their introductory period subject to termination with or without cause.

### **2.030. Classification Plan.**

The City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

### **2.040. Personnel Records.**

- (a) **Personnel Records.** It is the policy of the City to maintain personnel records concerning its employees. Such records may include, but are not limited to records regarding hiring, compensation, paid and unpaid leave, awards, grievances, disciplinary action, education, training and other relevant records.
- (b) **Updates.** Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions and related information so that the employee's personnel records may be accurately maintained.
- (c) **Maintenance.** Personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act, as adopted and amended by the City.

(d) Access. It is the City's policy to allow access to personnel records in accordance with applicable law. Employees may have reasonable access to their own personnel records during regular business hours. Employees may examine and make copies of their own personnel records under the direct supervision of the City Manager, or his or her designee, subject to the provisions of the Government Records Access and Management Act, as adopted and amended by the City.

## CHAPTER 4: COMPENSATION

- 4.010. Compensation.
- 4.020. Annual Review.
- 4.030. Garnishments.
- 4.040. Exempt and Non-Exempt Employees.
- 4.050. Overtime.
- 4.060. Compensatory Time.
- 4.070. Call-Backs.
- 4.080. Holiday Pay.
- 4.090. Paid Leave.
- 4.100. Unpaid Leave.
- 4.110. Leave Procedures.
- 4.120. Leave Procedures Exceptions.
- 4.130. Vacation Leave.
- 4.140. All-Purpose Leave.
- 4.150. Long-Term Sick Leave.
- 4.160. Family and Medical Leave.
- 4.170. Military Leave.
- 4.180. Jury Duty Leave.
- 4.190. Injury Leave.

### 4.010. Compensation.

Employee compensation shall be based upon the City Compensation Plan and includes, but is not limited to, the Salary Administration Guidelines, Position Pay Grade Schedule, and the Salary Schedule as adopted by the City.

### 4.020. Annual Review.

The employee Compensation Plan should be reviewed and analyzed annually by the City Manager who may recommend appropriate changes to the City Council for approval or denial. The City Council may review and make appropriate changes or recommendations to the Compensation Plan at anytime in accordance with applicable procedures regarding the same.

### 4.030. Garnishments.

An employee's pay shall be subject to attachment, garnishment and execution under such rights, remedies, and procedures as provided by law.

### 4.040. Exempt and Non-Exempt Employees.

For purposes of overtime compensation under the Fair Labor Standards Act, the following positions are deemed "exempt":

- (a) City Manager;
- (b) Justice Court Judge;
- (c) Public Works Director;
- (d) Community Development Director;
- (e) Police Chief;
- (f) Police Lieutenant;
- (g) Finance Director / Assistant City Manager;
- (h) Parks and Recreation Director

All other employees of the City are hereby designated as "non-exempt."

### 4.050. Overtime.

Exempt Employees are not entitled to overtime compensation. Non-Exempt Employees are entitled to overtime compensation at a rate of one and one-half times their regular rates of pay in accordance with the provisions and regulations of the Fair Labor Standards Act. No employee may perform work over his or her designated hours without prior approval of the Department Head. Unless otherwise provided by City policy and in accordance with federal regulations for employees performing bona fide public safety services, all hours of work officially ordered and /or approved by City employees in excess of forty (40) hours per week are considered overtime in accordance with the provisions and regulations of the Fair Labor Standards Act.

### 4.060. Compensatory Time.

Eligible employees may elect to receive compensatory time off in lieu of overtime payment in cash. Employees desiring to obtain

compensatory time off in lieu of overtime payment in cash shall file an Overtime Compensation Election Form with the City prior to performance of work eligible for compensatory time. Employees who have elected to receive compensatory time in lieu of overtime payment in cash may accrue up to forty (40) hours of compensatory time off. Employees may request use of compensatory time off in accordance with the leave procedures set forth herein. Employees should be permitted to use compensatory time off within a reasonable period after making the request if such use does not unduly restrict the operations of the City and/or the Department within which the employee works. Payments for compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment. The City reserves the right to pay any employee overtime compensation in cash in lieu of providing compensatory time off for any workweek or work period or for any accrued compensatory time. Employees shall be compensated for unused and accrued compensatory time in accordance with the provisions and regulations of the Fair Labor Standards Act.

#### **4.070. Call-Backs.**

When an employee is called back to work outside of normal working hours he or she shall be paid for responding to the call back at the rate of time and one half his or her regular rate of pay. Employees called back to work shall be compensated for a minimum of two (2) hours of work. Telephone requests for information to or from the employee's home or cellular phone shall not be considered a call back.

#### **4.080. Holiday Pay.**

Full-time employees shall receive eight (8) hours of paid holiday leave for each of those days defined herein as legal holidays of the City. Part-time employees shall receive four (4) hours of paid holiday leave for each of those days defined herein as legal holidays of the City. Limited employees are not eligible for Holiday Pay but may be given leave without pay. Employees of the Police Department and other

Departments required to work on a legal holiday of the City shall receive compensatory time off on an alternate day as approved by the Department Head. Holidays occurring during an employee's vacation or sick leave are not counted as vacation or sick days; excluding those employees who are scheduled to work on the holiday and will be given an alternate day off for the holiday.

#### **4.090. Paid Leave.**

Full-time employees are entitled to vacation leave, all-purpose leave, long-term sick leave and other paid leaves as may be established by the City. Part-time employees may receive vacation leave, all-purpose leave, long-term sick leave and other paid leave as particularly set forth herein. No paid leave shall accrue or be granted to limited employees unless otherwise approved by the City.

#### **4.100. Unpaid Leave.**

Employees may be granted unpaid leave under certain circumstances in accordance with the procedures set forth herein. Unless otherwise provided by law, such as military or family and medical leave, unpaid leave is a privilege and not a right. Employees shall not be entitled to the accrual of any vacation, all-purpose or long-term sick leave credits during the period of unpaid leave, but shall be entitled to life insurance, group health insurance, and seniority entitlement as required by law. Unless otherwise required by law, the employee may be required to pay for continuation of insurance benefits during unpaid leave.

#### **4.110. Leave Procedures.**

(a) Leave Request Form. Except as provided in Sections 4.120, employees desiring leave, whether paid or unpaid, shall file an Employee Leave Request Form with his or her supervisor in accordance with such procedures as established by each Department Head. Failure to schedule non-emergency leave in advance may result in disapproval of the leave and/or disciplinary action if the leave is required to be taken.

(b) Approval. The Department Head shall approve or deny Employee Leave Requests at his or her discretion, except as otherwise provided herein. Leave approval may be delegated to department supervisors as deemed appropriate by each Department Head. Any approved Employee Leave Request shall be signed by the Department Head, or supervisor as applicable, stating any special provisions or conditions for the leave. Any Employee Leave Request exceeding thirty (30) days requires approval from the City Manager. Any Employee Leave Request exceeding one hundred eighty (180) days requires approval from the City Council. Any leave which qualifies or may qualify as Family Medical Leave must be reported to the Assistant City Manager to ensure that the appropriate notice and records are maintained for such leave. Any Department Head desiring leave shall consult with the City Manager prior to scheduling such leave to ensure that proper measures have been or will be taken to provide for the proper and efficient functioning of the department during the Department Head's absence.

(c) Status. Employees are responsible for keeping his or her supervisor notified on a daily basis, if necessary, of the anticipated return date from leave. Department Heads or the City Manager may, at any time during an employee's absence due to illness or injury, request a written physician's verification of the employee's illness or condition and its expected duration.

(d) Compensation. Employees shall be compensated for paid leave at his or her regular rate of pay.

(e) Records. The original Leave Request Form shall be maintained with the employee's personnel records.

#### **4.120. Leave Procedures Exceptions.**

Exceptions to the leave procedures set forth in Section 4.110 shall be made in the following instances:

(a) Absence due to illness. In the event an employee is absent due to illness the

request for leave may be handled by a telephone report to his or her supervisor or Department Head. In the event the supervisor or Department Head is not available, the employee may notify the City Manager. Such notice shall be given as soon as practical, before the employee's work shift begins.

(b) Family Accident, Medical or Other Emergency. In the event there is a family emergency or accident where the presence of the employee is required, the employee may take the appropriate leave after notifying his or her supervisor or Department Head. In the event the supervisor or Department Head is not available, the employee may notify the City Manager. Such notice shall be given as soon as practical of the emergency.

#### **4.130. Vacation Leave.**

(a) Eligibility. Full-time employees are eligible to accrue vacation leave in accordance with his or her tenure of employment at the rates set forth herein and are eligible to use accrued vacation leave. Part-time employees are eligible to accrue and use accrued vacation leave as provided herein.

(b) Employee Accrual Rates. Full-time employees may accrue up to twelve (12) days of paid vacation leave for the first through fifth years of continuous employment with the City, or to accrue eight (8) hours per month; up to fifteen (15) days of paid vacation leave from the sixth year of continuous employment with the City thereafter, or to accrue ten (10) hours per month thereafter. Part-time employees may accrue four (4) hours per month of paid vacation leave.

(c) Department Head Accrual Rate. Department Heads, the Police Lieutenant and the City Manager may accrue up to fifteen (15) days of paid vacation leave for the first through fifth years of continuous employment with the City, or to accrue ten (10) hours per month; up to eighteen (18) days of paid vacation leave from the sixth year of continuous employment with the City thereafter, or to accrue twelve (12) hours per month thereafter.

(d) Accumulation. Vacation leave is credited to each employee on a per month basis. In the first year of hire in an eligible position, vacation shall accrue from the date of hire for that position at eight (8) hours per month for employees and ten (10) hours per month for Department Heads. Employees can accumulate and carry forward to the next calendar year a maximum of two hundred and forty (240) hours. Any unused vacation hours in excess of two hundred and forty (240) hours will be forfeited at the end of each calendar year on December 31st. Upon good cause and request from the employee's Department Head, a thirty to sixty (30-60) day extension of the December cut-off date may be considered by the City Manager.

(e) Exempt Employee Conversion. During each calendar year, exempt employees may convert for cash in lieu, up to forty (40) hours of unused vacation leave.

(f) Scheduling. Vacation leave is intended to benefit the employee and employees are encouraged to take such leave in the year in which it is earned. In order to accommodate the efficient management of the City, vacation leave must be filed in writing to the employee's Department Head, or his or her designee, in accordance with the employee leave request procedures set forth herein. The City will try to honor employees' requested vacation dates, but retains the right to determine final scheduling order or to change the vacation schedules according to the needs of the City. Department Heads are expected to establish yearly vacation schedules to provide efficient management of the City. The City retains the options, in the event of an emergency, to pay any employee in lieu of accrued vacation credit, if any vacation request cannot be granted in the best interest of the City.

(g) Miscellaneous. A paid holiday which occurs during vacation leave will not be charged as a vacation day.

(h) Termination. Upon termination of employment with the City other than for cause, eligible employees shall be entitled to cash in lieu for unused vacation leave at his or her regular rate of pay at the date of termination.

An employee who terminates employment due to retirement or who has been employed with the City for a minimum of twenty (20) consecutive years of continuous full-time employment may refer to Section 5.030 for additional use of unused vacation leave.

#### **4.140. All-Purpose Leave.**

The City provides eligible employees with paid all-purpose leave each year to cover approved absences due to short-term illness or personal business.

(a) Eligibility. Full-time and part-time employees are eligible to accrue all-purpose leave in accordance with the accrual rates set forth herein.

(b) Accrual. Full-time employees accrue all-purpose leave at the rate of five (5) days per year or 3.33 hours (3 hours 20 minutes) per month. Part-time employees accrue all-purpose leave at the rate of 2½ days per year or 1.66 hours per month. All-purpose leave can accrue to a maximum of three hundred (300) hours. All-purpose leave hours that accrue in excess of the maximum will be cashed-out at the end of each calendar year.

(c) Utilization of All-Purpose Leave. Eligible employees may utilize all-purpose leave for reasons of their own choosing. The primary purpose for all-purpose leave, however, is to protect the employee's income during periods of short-term illness or when the employee must be absent from work in order to conduct personal business. Employees are, thus, encouraged to use their all-purpose leave carefully until they have accrued enough hours to provide adequate protection in the event of short-term illness. In the event an employee is absent from work due to illness the employee must first use any and or all accrued all-purpose leave prior to using other forms of leave. All-purpose leave hours used for employee illness will be recorded on the employee's time card or pay record. All-purpose leave hours that are used for reasons other than employee illness are to be recorded separately on the time card or pay record.

(d) Cash-In of Unused Leave.

(1) Year-End: At the end of each calendar year, all-purpose leave in excess of three hundred (300) hours in an employee's account will be automatically cashed out to the employee on the employee's first pay check in January of the following year.

(2) Termination. Upon termination of employment with the City other than for cause, eligible employees shall be entitled to cash in lieu for unused all-purpose leave at his or her regular rate of pay at the date of termination. An employee who terminates employment due to retirement or who has been employed with the City for a minimum of twenty (20) consecutive years of continuous full-time employment may refer to Section 5.030 for additional use of unused all-purpose leave.

(e) Scheduling. Scheduling all-purpose leave is to be done in accordance with the leave procedures set forth in section 4.110.

**4.150. Long-Term Sick Leave.**

The City provides eligible employees with long-term sick leave each year. Long-term sick leave benefits are designed to provide for the continuation of income during periods of acute or prolonged employee illness. The use of long-term sick leave will be subject to the provisions provided below.

(a) Eligibility. Full-time and part-time employees are eligible to accrue long-term sick leave in accordance with the accrual rates set forth herein.

(b) Accrual. Full-time employees accrue long-term sick leave at the rate of seven (7) days per year or 4.67 hours (4 hours 40 minutes) per month. Part-time employees accrue long-term sick leave at the rate of 3 ½ days per year or 2.34 hours per month.

(c) Definition of Illness. Illness, for the purpose of this policy, will be defined as an employee's temporary inability to perform his or her duties as a result of mental or physical injury, illness or incapacity, and includes disability caused by pregnancy, false pregnancy, childbirth, termination of pregnancy and recovery therefrom.

(d) Utilization of Long-term Sick Leave. The long-term sick leave benefit has been designed to protect the income of eligible City employees who are absent as a result of acute or long-term illness. Except as otherwise provided in Subsection (h), the use of long-term sick leave will be restricted to periods of actual employee illness or physician certified recovery from illness.

(1) First Day Coverage: Long-term sick leave may be used to cover the first (1<sup>st</sup>) day of illness under the following circumstances:

(i) In-patient hospitalization,

(ii) Necessary Major Surgery Performed on an Outpatient Basis.

(iii) Chronic Illness of a serious nature which is characterized by periods of remissions and relapse and requires continuous monitoring and intervention.

(iv) Absence Due to Trauma. Injury as the result of an accident which causes major trauma.

(v) Funeral Leave. Leave up to five (5) days for the death of an immediate family member. Immediate family members include: Father, Mother, Sibling, Spouse, Child or anyone for whom you are legal guardian.

(2) Fifth Day Coverage. Employees may be eligible to use long-term sick leave on the fifth and successive day of any bona fide illness not included in paragraph (d)(1) above. Only one waiting period will be required, however, for any single occurrence of illness or injury. (A single occurrence within a thirty (30) day period of time)

(3) Supplemental to Workers' Compensation. Long-term sick leave may be used to make up the difference between Worker's Compensation payments and the employees' base pay equivalent.

(4) Supplement to Part-Time Earnings. Long-term sick leave may be used to make up the difference between an employee's part-time earnings and his or her base pay equivalent when the employee is returning from an approved medical leave and, upon the orders of his or her physician, must phase back into his or her regular work schedule.

(5) Use of Other Paid Leave. If an employee's long-term sick leave account is depleted during a long-term period of illness, the employee may utilize other accrued paid leave (such as vacation or all-purpose leave) to provide for income continuation.

(e) Scheduling. Scheduling long-term leave is to be done in accordance with the leave procedures set forth in section 4.110.

(f) Authorization/Record keeping. The employee's supervisor authorizes the payment of long-term sick leave by recording long-term sick leave hours taken each pay period on the employee's time card.

(g) Cash-In Provision.

(1) Termination. Unused long-term sick leave may be cashed in at the time of employee retirement or upon termination of employment with a

minimum of twenty (20) years of continuous full-time employment with the City. The cash-in rate is one-fourth (1/4) of the long-term sick leave hours times the employee's rate of pay upon retirement or termination. An employee who terminates employment due to retirement or who has been employed with the City for a minimum of twenty (20) consecutive years of continuous full-time employment with the City may refer to Section 5.030 for an additional use of unused long-term sick leave.

(h) Use of Long-Term Sick Leave for Qualifying Family Medical Leave. Employees may utilize up to forty (40) hours of accrued long-term sick leave for non-employee illnesses when such leave qualifies as family medical leave and is taken in accordance with the policies and procedures set forth in Section 4.160. While it is acknowledged that long-term sick leave is generally limited to leave necessitated by the employee's own injury, illness or incapacity as defined herein, this provision permits employees to utilize a portion of their accrued long-term sick leave for non-employee illnesses when such leave qualifies as family medical leave under Section 4.160. No waiting period shall be required for use of long-term sick leave for non-employee illnesses as family medical leave as provided herein. The use of long-term sick leave as provided herein shall be limited to forty (40) hours per rolling 12-month period as defined in Section 4.160(d).

#### **4.160. Family and Medical Leave.**

(a) Purpose. It is the purpose of this Section to provide guidelines for employees regarding leaves of absence in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the Act shall control. When referred to herein, the term "Act" shall include all federal rules and regulations promulgated pursuant to authority of the Act, including, but not limited to, provisions set forth in 29 C.F.R. Part 825, as amended. The provisions of this Section are also intended to

comply with the National Defense Authorization Act, enacted January 28, 2008, as Public Law 110-181, and the amendments to the FMLA adopted therein.

(b) **Eligible Employees.** Employees eligible for Family and Medical Leave Act leave (FMLA leave) as provided herein include employees who: (1) have been employed by the City for at least twelve (12) months (which need not be consecutive months); and (2) have been employed by the City for at least one thousand two hundred fifty (1,250) hours of service during the 12-month period immediately preceding the commencement of the leave.

(c) **Qualifying Reasons for Leave.** Eligible employees shall be entitled to FMLA leave for circumstances qualifying for FMLA leave under the Act, which qualifying reasons are summarized as follows:

(1) For the birth of a son or daughter of the employee and to care for the newborn child;

(2) For the placement with the employee of a son or daughter for adoption or foster care;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; and

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse,

son, daughter, parent, or next of kin of the servicemember.

(d) **Amount of Leave.** Except in the case of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), an eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks of leave during any "12-month period," as defined in Subsection (e), for any one or more qualifying reasons. An eligible employee's FMLA leave entitlement is limited to a total of twenty-six (26) workweeks of leave during a "single 12-month period," as defined in Subsection (e), to care for a covered servicemember with a serious injury or illness. During the "single 12-month period," as defined in Subsection (e), an eligible employee's FMLA leave entitlement is limited to a combined total of twenty-six (26) workweeks of FMLA leave for any qualifying reason as more particularly provided in the Act.

(e) **Designation of 12-Month Period.** Except in the case of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), for purposes of determining the "12-month period" in which the twelve (12) weeks of leave entitlement occurs, the City uses a rolling 12-month period measured backward from the date an employee uses any FMLA leave. In the case of leave to care for a covered servicemember with a serious injury or illness, for purposes of determining the "single 12-month period" in which the twenty-six (26) weeks of leave entitlement occurs, the City is required to use a 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins.

(f) **Employee Notice Requirements.**

(1) **General Notice.** Except as otherwise provided in the Act, an employee giving notice of the need for FMLA leave does not need to expressly assert rights under the Act or even mention the FMLA to meet his or her obligation to provide notice, although the employee does need to state a qualifying reason for the needed leave

and must otherwise satisfy the notice requirements set forth herein.

(2) Customary Leave Procedures. Except as otherwise prohibited by the Act and absent unusual circumstances, employees shall comply with the City's customary notice and procedural requirements for requesting leave as more particularly set forth in Chapter 4 of these Policies and Procedures.

(3) Notice for Foreseeable Leave. An employee must provide the City at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If thirty-days (30) notice is not practicable, notice must be given as soon as practicable. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(4) Notice for Unforeseeable Leave. When the approximate timing of the need for FMLA leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Such notice shall comply with the provisions of 29 C.F.R. § 825.303, as amended.

(5) Failure to Comply. When an employee fails to give the required notice as provided herein or as required by the Act, FMLA coverage may be delayed in accordance with applicable provisions of the Act.

(g) Employer Notice Requirements.

(1) General Notice. The City is required to post a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division. Such notice shall be posted prominently and the text must be

large enough to be easily read. In addition, the City shall provide general notice to each employee by including the notice in any employee handbook or other written guidance to employees concerning employee benefits or leave rights. In compliance with these notice requirements, a copy of the U.S. Department of Labor's Employee Rights and Responsibilities (WH Publication 1420) is attached hereto as Appendix A, and incorporated herein by this reference.

(2) Eligibility Notice. When an employee requests FMLA leave, or when the City acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the City must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances as provided in the Act. The employee eligibility notice must state whether the employee is eligible for FMLA leave under the terms and provisions of Subsection (b) of this policy and the provisions of 29 C.F.R. § 825.110(a). If the employee is not eligible for FMLA leave, the eligibility notice must state at least one reason why the employee is not eligible, such as the number of hours or months the employee has been employed by the City. Notification of eligibility may be oral or in writing, and, if in writing, may be in the form of the U.S. Department of Labor's Notice of Eligibility and Rights & Responsibilities (Form WH-381). Changes to and subsequent notices of eligibility shall be provided in accordance with the provisions of 29 C.F.R. § 825.300, as amended.

(3) Rights and Responsibilities Notice. The City shall provide written notice detailing the specific expectations and obligations of the employee taking FMLA leave and explaining any consequences of a failure to meet such obligations in accordance with the provisions of the

Act. The rights and responsibilities notice shall be provided to the employee each time the eligibility notice is provided pursuant to Subsection (g)(2). If leave has already begun, the notice should be mailed to the employee's address of record. The rights and responsibilities notice shall include all required information as provided in 29 C.F.R. § 825.300, as amended, and shall be substantially in the form of the U.S. Department of Labor's Notice of Eligibility and Rights & Responsibilities (Form WH-381).

(4) Designation of Leave.

Pursuant to the Act, the City is responsible for designating leave as FMLA-qualifying and for giving notice of the designation to the employee as provided in 29 C.F.R. § 825.300, as amended. Once the City has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g. after receiving a certification), or has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the City must notify the employee whether the leave will be designated and counted as FMLA leave within five (5) business days, absent extenuating circumstances as provided in the Act. The designation notice must be in writing and shall be substantially in the form of the U.S. Department of Labor's Designation Notice (Form WH-382).

(h) Certification of Health Care Provider. The City may require the employee to provide certification from a health care provider regarding the necessity of the FMLA leave in accordance with and subject to provisions of the Act, including, but not limited to 29 C.F.R. § 825.305, et seq., as amended. Medical certifications shall be substantially in the form of the U.S. Department of Labor's Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380E) or the Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380F), as applicable. Certifications for a

qualifying exigency shall be substantially in the form of the U.S. Department of Labor's Certification of Qualifying Exigency for Military Family Leave (Form WH-384). Certifications for FMLA leave taken to care for a covered servicemember with a serious injury or illness shall be substantially in the form of the U.S. Department of Labor's Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Form WH-385). Pursuant to the Act, if the City has reason to doubt the validity of the certification provided, the City may require, at the City's expense, a second and/or third opinion from a designated health care provider.

(i) Reporting. The City may require the employee on FMLA leave to report periodically to the City on the employee's status and intent to return to work in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.311, as amended.

(j) Fitness for Duty. As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, it is the City's uniformly-applied policy to require all employees who take leave under such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The City may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. In order to require the fitness-for-duty certification, the City shall provide the employee with a list of the essential functions of the employee's job with the designation notice provided in Subsection (g)(4). No second or third opinions on a fitness-for-duty certification may be required. All fitness-for-duty certifications shall be in accordance with and subject to applicable provisions of the Act,

including, but not limited to, 29 C.F.R. § 825.312, et seq., as amended.

(k) Intermittent or Reduced Schedule Leave. Intermittent leave or reduced schedule leave may be taken under certain circumstances in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.202, et seq., as amended. Any intermittent leave requested or granted shall be subject to conditions set forth in the Act, including, but not limited to, alternative position transfer, reasonable notice, scheduling and certification.

(l) Leave Protection.

(1) Compensation. Employees shall be required to use accrued paid vacation and all-purpose leave hours for FMLA leave provided herein and paid sick leave hours to the extent such FMLA leave qualifies as sick leave under provisions of this Chapter. Any leave not covered by previously accrued paid vacation, all-purpose and sick leave shall be permitted as unpaid leave in accordance with the provisions set forth herein. To the extent permitted by law, it is the intent of the City that all paid leave substituted for unpaid FMLA leave run concurrently with and be counted as FMLA leave.

(2) Position. Except as otherwise provided in the Act, employees who take FMLA leave shall be entitled, on return from such leave, to be returned to the same position the employee held when the FMLA leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The employee may be denied restoration of his or her position only under circumstances and conditions set forth in the Act.

(3) Benefits. The taking of family or medical leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced, other than the required use of vacation, all-purpose and sick leave. An employee's entitlement to benefits other than group health benefits during a period of FMLA leave shall be determined in accordance with the City's policy for providing such benefits for the type of leave taken; i.e. paid or unpaid, as applicable. The City's right to recover costs incurred by the City for non-health plan benefits during FMLA leave shall be determined by applicable provisions of the Act.

(4) Insurance. The City shall maintain coverage for the employee under any "group health plan" for the duration of any FMLA leave at the level and under the conditions of coverage the employee would have been provided had the employee been continuously employed during the FMLA leave period as required by the Act and applicable provisions of COBRA. The employee shall be responsible for any premiums which had been paid by the employee prior to FMLA leave. If FMLA leave is substituted for paid leave, the employee's share of the premiums must be paid by the method normally used during any paid leave, such as payroll deduction. If the FMLA leave is unpaid, applicable policies for payment by employees on leave without pay will be followed. The City may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expired, unless the reason the employee does not return is due to exemptions set forth in 29 C.F.R. § 825.213, as amended.

(m) Records. The City shall make, keep and preserve records pertaining to FMLA leave in accordance with the Act. Access and

maintenance of such records shall be subject to the requirements of the Utah Government Records Access and Management Act, as set forth in Utah Code Ann. §§ 63G-2-101, et seq., as adopted and amended by the City. Documents relating to medical certifications, recertification, fitness for duty or medical histories of employees or employees' family members shall be treated as confidential medical records.

#### **4.170. Military Leave.**

Employees who enter active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence from employment with the City during his or her military service to the extent required by State and Federal law, including provisions regarding "Governmental Employees in Military Service," as set forth at Utah Code Ann. ' 39-3-1, et seq., as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as set forth in 38 U.S.C. §§ 4301, et seq., as amended. Military personnel may also be eligible for family leave in accordance with the provisions of the National Defense Authorization Act, Public Law 110-181, and the Family Medical Leave Act of 1993, as amended. Such leave is more particularly described in Section 4.160 of these Policies and Procedures regarding Family and Medical Leave.

#### **4.180. Jury Duty Leave.**

The City recognizes the duty of its employees as citizens to serve on juries or as court witnesses. Employees who are required to miss work as a result of being summoned to serve on a jury, or have been subpoenaed to appear as a witness, may be eligible for paid leave during such jury duty and witness periods, less compensation received by the employee for such services. This Section does not apply when an employee appears in court on his or her own behalf, such as a traffic offense or as a party to a lawsuit. Employees appearing in court on behalf of the City in their official capacity shall be paid their regular rate of pay as hours worked in accordance with applicable provisions of the Fair Labor Standards Act.

#### **4.190. Injury Leave.**

Employees injured during performance of their job duties are covered by Workers' Compensation Insurance as provided by State law and shall be compensated for such leave in accordance therewith.

## CHAPTER 5: BENEFITS

- 5.010. Disclaimer.
- 5.020. Retirement Program.
- 5.030. Retirement Health Insurance Benefit.
- 5.040. Medical and Life Insurance.
- 5.050. Workers Compensation.
- 5.060. Long-Term Disability.

### 5.010. Disclaimer.

The following provisions briefly describe the City's employee benefits. The City reserves the right to modify or eliminate any employee benefits at any time and for any reason, as permitted by law. For more complete information regarding any of these benefit programs, employees may contact the City Manager or the Assistant City Manager.

### 5.020. Retirement Program.

The City is a member of the Utah State Retirement System. Participation and administration of the system shall be conducted in accordance with State statutes and regulations regarding the same. No employee shall be exempt from such system unless permitted by law and approved by the City Council. The City Council may also approve and fund a supplementary retirement plan. Part-time employees as defined in Section 2.020 are eligible for participation in the City's retirement plan as provided herein.

### 5.030. Retirement Health Insurance Benefit.

An employee who retires or terminates employment other than for cause with a minimum of twenty (20) consecutive years of continuous full-time employment with the City may apply the converted cash value of any unused vacation, all-purpose and long-term sick leave towards continued health insurance coverage at the applicable rate for up to five (5) years or until employee reaches Medicare-eligible age, whichever occurs first. The employee may, at any time, choose to terminate the insurance coverage and cash out any remaining funds in the account. The City also retains the right, when deemed in its best interest, to terminate post employment insurance coverage at any time and shall give the employee reasonable notice of such a

decision. Such discontinuance of insurance coverage is subject to federal or state laws governing the continuation of health insurance coverage. For the purpose of this section, retirement shall mean that the employee is qualified to receive retirement benefits under the Utah State Retirement System or other applicable retirement plan.

### 5.040. Medical and Life Insurance.

The City participates in a group medical and life insurance program for its eligible employees.

### 5.050. Workers Compensation.

The City participates and contributes in a qualified workers' compensation fund. Employees injured in the course of employment may be eligible for workers' compensation benefits in accordance with the provisions of Title 34A of the *Utah Code Annotated*, as amended, regarding Workers' Compensation.

### 5.060. Long-Term Disability.

The City participates in a long term disability program in accordance with *Utah Code Ann.* § 49-9-101, *et seq.*, as amended.

### 5.070. Employee Wellness Incentive.

Full-time employees may receive up to \$200 as a wellness incentive bonus annually by meeting the following conditions:

- (1) Provide evidence of a health screening or medical exam that occurred within the prior twelve (12) months; and
- (2) Provide evidence of current paid membership at a fitness center.

To receive this reimbursement, an employee must apply in accordance with procedures approved by the City Manager. The annual reimbursement shall not exceed the amount paid by the employee in the immediately preceding twelve (12) months for fitness center membership.

## CHAPTER 6: WORKING CONDITIONS

### 6.010. Work Hours.

### 6.020. Holiday Schedule.

### 6.030. Americans with Disabilities Policy.

### 6.040. Sexual Harassment Policy.

### 6.010. Work Hours.

#### (a) Employee Work Hours.

Employees are required to report promptly and remain at work at his or her scheduled time, excluding authorized break and meal periods. Late arrivals, early departures and other unapproved personal absences are not acceptable and shall be subject to disciplinary action. When it is not possible to report to work on time, the employee shall notify his or her supervisor as soon as possible before the shift begins in accordance with the Leave Procedures set forth in Chapter 4. An employee who is absent from work without notice or authorization shall be subject to disciplinary action up to and including termination and shall not be entitled to compensation for such unexcused absences. An employee who is absent from work without notice or authorization for three (3) or more consecutive days shall be considered terminated, subject to termination procedures set forth herein.

(b) Time Records. City employees are required to accurately record their hours worked on forms provided by the City. Department Heads and supervisors shall not alter any employee reported time records except as necessary to correct errors.

### 6.020. Holiday Schedule.

The following days are defined as legal holidays upon which all offices of the City shall be closed, except those offices required by law or necessity to remain open. In the event the holiday falls on a Sunday, the following Monday shall be the holiday, and in the event the holiday falls on a Saturday, the preceding Friday shall be the holiday.

(a) New Year's Day - January 1st;

(b) Human Right's Day - third Monday in January;

(c) President's Day - third Monday in February;

(d) Memorial Day - last Monday in May;

(e) Independence Day - July 4th;

(f) Pioneer Day - July 24th;

(g) Labor Day - first Monday in September;

(h) Columbus Day - second Monday in October;

(i) Veteran's Day - November 11<sup>th</sup>;

(j) Thanksgiving - fourth Thursday in November;

(k) Day after Thanksgiving

(l) Christmas Day - December 25th;

### 6.030. Americans with Disabilities Policy.

(a) Policy. It is the policy of the City to fully comply with the provisions and protections of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, et seq., as amended, including, but not limited to, the Americans with Disabilities Act Amendments of 2008 (ADAAA), Public Law 110-325, prohibiting employment discrimination against qualified individuals with disabilities. Pursuant to the ADA and the ADAAA, which shall hereinafter be referred to collectively as the ADA, the City shall not discriminate against a qualified individual with a disability in job application procedures, hiring, firing, advancement, compensation, job training, leave, benefits, and any other term, condition and privilege of employment with the City. It is further the intent and policy of the City to fully comply with the provisions and interpretations of the EEOC regulations and guidelines issued pursuant to authority of the

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ City Manager Summary of March 1, 2016 Council Meetings



# CENTERVILLE CITY

250 North Main • Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

Mayor

Paul A. Cutler

City Council

Tamilyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

City Manager

Steve H. Thacker

## interoffice MEMORANDUM

**to:** Mayor Cutler  
City Council

**cc:** Department Heads  
Planning Commission

**from:** Steve H. Thacker, City Manager

**subject:** City Manager's Summary of March 1, 2016 Council Meetings

**date:** February 25, 2016

**5:30** **Work Session** – The City Council will meet in a work session at 5:30 p.m. to become informed about the City's employee compensation plan and benefits. This will be primarily an educational session that will provide a foundation for discussions about pay raises and benefits later during the budget process for Fiscal Year 2017. I will not be making recommendations about pay raises and benefits at this time, other than a recommendation to amend the Long-Term Sick Leave (LTSL) policy. Staff completed an analysis in 2015 about the increasing financial liability associated with this policy. I recommended amendments to this policy in a council meeting on August 18, 2015. At that time the Council agreed to delay action on those recommendations until after completion of the annual financial audit. Since there are now three new members of the City Council, I will present that same analysis and recommendations again and seek the Council's direction about the proposed policy amendments. **Dinner will be available for Council and staff beginning about 5:15 p.m.**

**7:00** **Regular City Council Meeting**

**E.1.** **Minutes Review** – The minutes to be approved are enclosed with the online meeting packet.

**E.2.** **Exotic Animals in Residential Zones** – This agenda item is the result of complaints from a residential neighborhood where many reptiles and other animals are being kept on a single-family lot. Since the initial complaints in December 2015, staff have discussed the matter with Davis County Animal Control and Utah Division of Wildlife Resources (DWR) personnel and have reviewed the City's own zoning code to determine if there is a zoning violation. The Community Development Director, Cory Snyder, and City Attorney, Lisa Romney, will report on this matter. The Davis County Animal Control Director, Clint Thacker, and Lt. David Beveridge of the DWR will also attend to participate in this discussion and report on their involvement. James Dix, the owner of the animals, will also attend the Council meeting.

**E.3.** **Request from Bruce Pitt re South Main Street Corridor Plan** – Bruce Pitt has asked for some time to explain a proposed use (assisted living facility) on South Main Street and see if the City Council is interested in exploring this possibility, including a field trip to see a similar facility.

- E.4. Citizen request re active green space** – Brita Johnson has sent an email (available in the online staff report) to the Mayor and City Council and several Planning Commissioners, proposing a change in the Zoning Code to require active green space in residential developments. She requested this matter be discussed in a council meeting. Mayor Cutler agreed to add it to this meeting's agenda. Community Development Director, Cory Snyder, will also be present to provide an educational briefing and his perspective on this matter.
- E.5. Solid waste collection contract** – A year ago the City Council decided to extend the current solid waste collection contract with Ace Disposal for one more year, then initiate a bid process in 2016. In the past year, the recycling market has changed dramatically in a way that causes staff to raise the question of whether going out to bid at this time is in the best interests of the City. Blaine Lutz, Assistant City Manager/Finance Director, has spoken with Ace Disposal and gathered other relevant information that may have bearing on a decision whether to proceed with a bid or negotiate a contract extension with the current contractor. Staff are seeking the Council's direction regarding these options.
- E.6. Mayor's Report** – Mayor Cutler will report on recent efforts of the Police Department to reach out to those they serve.
- E.7. City Manager's Report** – I will report on several legislative bills being monitoring by the Utah League of Cities and Towns.
- E.8. Miscellaneous Business** – At this time there are no topics showing under this heading.
- E.9. Continue work session re Employee Compensation Plan and Benefits** – I anticipate we will need more time than is allotted in the work session to adequately explain those matters and also accommodate Council discussion. Therefore, the regular meeting agenda shows a continuation of the work session.
- E.10. Closed Meeting, if needed** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.
- E.11. Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments to City boards/committees.

***Potential Agenda Items for March 15, 2016 City Council or RDA meetings (subject to change):***

- Interlocal Agreement with Davis County for Barnard Creek Culvert Project
- Award bid for water main under I-15 at Chase Lane
- Contract for design of trailhead improvements at 1250 W. Parrish
- Cost-sharing agreement with Maverik re bike trailhead improvements
- UDOT Statewide Utility License Agreement
- Discussion re UTOPIA (request from Councilman Ince)
- Council liaison report – Councilwoman Mechem – Trails Committee and County Transportation Committee
- Agreement with Davis School District re School Resource Officer

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No.

Short Title: Councilwoman Mecham

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

**SUBJECT**

February 16, 2016 work session and regular Council meeting

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ February 16, 2016 work session
- ☐ February 16, 2016 Council meeting

# PRELIMINARY DRAFT

1 Minutes of the Centerville City Council **work session** held Tuesday, February 16, 2016 at 5:30  
2 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

## 3 4 MEMBERS PRESENT

5  
6 Mayor Paul A. Cutler

7  
8 Council Members Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan (arrived at 5:43 p.m.)  
12 Robyn Mecham

## 13 14 STAFF PRESENT

15 Steve Thacker, City Manager  
16 Blaine Lutz, Finance Director/Assistant City Manager  
17 Lisa Romney, City Attorney  
18 Randy Randall, Public Works Director  
19 Kevin Campbell, City Engineer  
20 Katie Rust, Recording Secretary

## 21 WORK SESSION RE: INFRASTRUCTURE PLANS

22  
23 Randy Randall, Public Works Director, explained the goal of the Public Works  
24 Department to coordinate street rebuilds with replacement of storm drains and water mains, as  
25 well as other utilities in the roadway. Using maps he showed Centerville drainage  
26 improvements since 1983, and street and traffic improvements since 1993. Mr. Randall showed  
27 anticipated storm drain, sub drain, and culinary water projects for the next 30-40 years  
28 (assuming a 100-year life cycle for water mains and streets). He presented a 40-year  
29 coordinated infrastructure plan scheduling street rebuilds with pipe replacement, allowing some  
30 streets to “die” before replacement occurs. Mr. Randall pointed out that replacement of wells,  
31 booster stations, and reservoirs are not included financially in the 40-year plan, but will need to  
32 be planned for in the future.

33  
34 Kevin Campbell, City Engineer, explained that utility cuts can reduce the life of a street  
35 by half, and repeated the desire to coordinate street work with utility companies. The cost of  
36 street maintenance materials has increased significantly over the last 20 years, without a  
37 significant increase in street maintenance funding. Mr. Campbell said a well-built asphalt street  
38 should last 50 years. With a coordinated maintenance schedule, the streets may last 75 years.  
39 The goal of the Public Works Department is to maintain a high standard of streets with the  
40 funding available. Mr. Campbell presented a street lifecycle plan, and expressed the hope that  
41 the City will have funding over time to maintain a 100-year cycle. The cost to rebuild a street is  
42 four-times the amount to overlay a street.

43  
44 Councilwoman Fillmore applauded the frugality of the proposed plan, but asked about  
45 the expected public reaction to letting streets die, considering the impact street quality can have  
46 on property values and citizen contentment. Mr. Randall responded that streets are going to die  
47 because the City has not been funding needed maintenance, regardless of the proposed plan.

48  
49 Blaine Lutz, Finance Director, presented a proposed 2016 water rate financing plan  
50 based on the 40-year infrastructure plan. He recommended the Council only plan water funding  
51 5-10 years at a time to be realistic. Mr. Lutz discussed issuing debt versus the pay-as-you-go  
52 approach with the Council, and explained water rate increases implemented in the last five  
53 years. It was pointed out that the street lifecycle cost estimates presented by Mr. Campbell  
54 does not include inflation; the water rate financing plan presented by Mr. Lutz does include  
55 inflation. Mr. Lutz said a one-time 35% water rate increase, effective July 1, 2016, would cover

1 cash needs in the next five years, with smaller ongoing increases to keep up over ten years. He  
2 added that the spreadsheet is flexible and can be adjusted to show other funding scenarios.  
3 Mayor Cutler asked for several different scenarios to be prepared for a future work session.  
4 Councilwoman Mecham suggested the City bond for Main Street projects, and implement a 5%  
5 water rate increase to cover other projects. Mr. Lutz agreed to prepare several different  
6 scenarios.

7  
8 **ADJOURNMENT**

9  
10 The work session was adjourned at 6:55 p.m.

11  
12  
13  
14  
15  
16 \_\_\_\_\_  
17 Marsha L. Morrow, City Recorder

\_\_\_\_\_ Date Approved

18  
19  
20  
21 \_\_\_\_\_  
22 Katie Rust, Recording Secretary

# PRELIMINARY DRAFT

1 Minutes of the Centerville **City Council** meeting held Tuesday, February 16, 2016 at 7:00 p.m.  
2 at Centerville City Hall, 250 North Main Street, Centerville, Utah.

## 3 4 MEMBERS PRESENT

5  
6 Mayor Paul A. Cutler

7  
8 Council Members Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan  
12 Robyn Mecham

## 13 14 STAFF PRESENT

15 Steve Thacker, City Manager  
16 Blaine Lutz, Finance Director/Assistant City Manager  
17 Lisa Romney, City Attorney  
18 Bruce Cox, Parks and Recreation Director  
19 Kevin Campbell, City Engineer  
20 Katie Rust, Recording Secretary

## 21 VISITORS

22 Jeff Bassett, South Davis Metro Fire Chief  
23 Interested citizens (see attached sign-in sheet)

24 PLEDGE OF ALLEGIANCE Nick Rapp, BSA Troop 1338

25  
26 PRAYER OR THOUGHT Councilwoman Fillmore

## 27 28 OPEN SESSION

29  
30 Dale McIntyre – Mr. McIntyre said he recently observed a City public notice stand at the  
31 200 South Church Well without a public notice attached. He asked if a public notice should  
32 have been attached, and asked if the public notice method could be improved.

33  
34 Lee Skabelund – Mr. Skabelund said he has spoken with families living near the County-  
35 owned property on 100 South and advised them to hold off until more information is available.  
36 He stated that more than 30 families are in favor of leaving the property in its current condition.  
37 Mr. Skabelund said the neighborhood has expressed willingness to continue trimming and  
38 cleaning the property.

## 39 40 MINUTES REVIEW AND ACCEPTANCE

41  
42 The minutes of the February 2, 2016 work session and regular Council meeting were  
43 reviewed. Mayor Cutler and Council members Fillmore and Ivie requested amendments to the  
44 regular Council meeting minutes. Councilman Ince made a **motion** to accept the February 2,  
45 2016 work session minutes and the regular meeting minutes as amended. Councilman  
46 McEwan seconded the motion, which passed by unanimous vote (5-0).

## 47 48 URBAN DEER CONTROL PLAN

49  
50 At their February 2 meeting, the Council agreed to amend the Urban Deer Control Plan  
51 by adding a relocation option if the property owner is willing to pay half of the \$100 fee per deer  
52 charged by the DWR. The option for citizens at large to contribute was also included. The  
53 Council authorized the expenditure of up to \$5,000 for the City's portion of relocation costs.  
54 Bruce Cox, Parks and Recreation Director, asked the Council to clarify whether donations from  
55 citizens other than property owners requesting relocation would be used to pay the City's half of

1 the fee, or the property owner half. Councilwoman Mecham stated she feels that any donation  
2 from citizens should apply toward the citizen portion. Councilman McEwan said he would be  
3 comfortable allowing the Mayor to judge situations of financial need that extra donations could  
4 subsidize. Mr. Cox pointed out that a subsidy of the City's portion could extend the lifespan of  
5 the program, and a subsidy of the citizen portion could extend the length of time a trap could  
6 remain in a successful location. Councilman McEwan agreed with the idea of allowing extra  
7 donations to help offset fixed income situations, adding that he hopes the appeal option would  
8 be the exception rather than the rule. Mr. Cox said he will present the plan to the DWR for  
9 approval. Staff will then advertise the options in a utility bill insert and on the City website.

10  
11 A majority of the Council indicated to Mr. Thacker they approve use of City funds to trap  
12 on City property if staff determines it would be helpful. Councilwoman Fillmore expressed a  
13 preference to not trap in City parks or other highly visible areas. Mayor Cutler expressed  
14 willingness to consider appeals for use of at-large donations to help property owners. The  
15 Council and staff discussed the possibility of accepting payments and donations online.

16  
17 **INTERLOCAL AGREEMENT RELATED TO THE PROVISION OF FIRE SUPPRESSION**  
18 **AND EMERGENCY MEDICAL SERVICES – RESOLUTION NO. 2016-06**

19  
20 In late 2015 the prior Council approved a Resolution that included Centerville in the  
21 South Davis Metro Fire Service Area (SDMFSA), which will assume the assets and operations  
22 of the existing South Davis Metro Fire Agency as of July 1, 2016. Jeff Bassett, South Davis  
23 Metro Fire Chief, explained the Interlocal Agreement approved by the SDMFSA Board on  
24 February 8, and now being considered by the governing body of each member entity.  
25 Centerville City currently owns the land on which Station 83 sits. However, in a 2005 lease  
26 agreement between the City and the newly formed South Davis Metro Fire Agency, the City  
27 agreed to transfer the ownership of that land to a special district replacing the Fire Agency if  
28 such a district were created. The Interlocal Agreement includes this transfer.

29  
30 Responding to a question from Councilwoman Fillmore, Chief Bassett explained that,  
31 after extensive consideration, including a consultant study, the Board has found property  
32 valuations to be the best method for determining operating assessments. Mr. Thacker stated he  
33 is comfortable with the valuation approach. Councilman McEwan asked if Board voting shares  
34 are proportionate to valuation, and Mr. Thacker responded that a weighted vote can be  
35 requested, with votes based on assessed valuation. The Council and staff discussed exit  
36 provisions with Chief Bassett. Councilman McEwan asked about future plans for the Centerville  
37 Station. Chief Bassett said he is leaning toward tear-down and rebuild, but not all details have  
38 been worked out. His said his preference would be to find a central property on which to build a  
39 new station.

40  
41 Councilman McEwan made a **motion** to approve Resolution No. 2016-06 approving an  
42 agreement establishing the financing practices of the SDMFSA and the assessment formula  
43 that will be used for Member assessments. Councilwoman Ivie seconded the motion, which  
44 passed by unanimous vote (5-0). Mayor Cutler mentioned that an impact fee study for the  
45 Service Area is planned.

46  
47 **MUNICIPAL CODE AMENDMENTS – TITLE 10 – BUILDING REGULATIONS –**  
48 **ORDINANCE NO. 2016-07**

49  
50 Lisa Romney, City Attorney, explained proposed amendments to Title 10 regarding  
51 building regulations. Council members McEwan and Ivie questioned the International Building  
52 Code (IBC) editions referenced under Energy Conservation and Property Maintenance. Ms.

1 Romney explained that she deferred to the Building Official’s recommendation, but will double  
 2 check. Councilwoman Ivie reported that a citizen expressed concern to her regarding the ability  
 3 of the International Building Code to regulate gardens on private property. Ms. Romney  
 4 responded she is not aware of such a provision, which would seem to be outside the scope of a  
 5 building code. Ms. Romney explained that the Centerville Building Appeals Board is required to  
 6 be made up of professionals. She explained that the Community Development Director was  
 7 removed from Section 10-4-050 because he/she does not have jurisdiction over the building  
 8 permit process. Responding to a question from Councilman Ince, staff confirmed that an  
 9 agreement must be signed by citizens wanting to add a secondary kitchen in their home that the  
 10 space will not be rented as a separate unit. Referring to the Section regarding continuing  
 11 violations, Councilwoman Ivie stated she is uncomfortable with each continuing day being  
 12 regarded as a separate violation. Ms. Romney responded that the Code is used with discretion.

13  
 14 Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2016-07 renumbering,  
 15 amending and recodifying Title 10A of the Centerville Municipal Code to Title 10 of the same  
 16 regarding Building Regulations, subject to City Attorney review of the IBC edition referenced  
 17 under Energy Conservation Code. Councilman Ince seconded the motion, which passed by  
 18 unanimous vote (5-0).

19  
 20 **CONTINUE DISCUSSION OF FINANCIAL TOPICS FROM FEBRUARY 2 WORK**  
 21 **SESSION**  
 22

23 Blaine Lutz, Finance Director, presented a financial report for the seven-month period  
 24 ending January 31, 2016, and answered questions from the Council. Council members Ivie and  
 25 McEwan expressed a preference for RAP Tax revenues going into a capital projects fund  
 26 separate from the General Fund.

27  
 28 The Council took a break from 8:48 p.m. to 9:02 p.m.  
 29

30 **PEDESTRIAN BRIDGE/PARRISH LANE FENCING**  
 31

32 City Manager Thacker and Kevin Campbell, City Engineer, presented bids for pedestrian  
 33 bridge/Parrish Lane fencing, and explained staff’s recommendation – vinyl-coated one-inch  
 34 mesh chain link over the bridges, with wrought iron Majestic fence along the non-bridge  
 35 portions. Mr. Campbell said he believes both fences would have a lifespan of 20-25 years.  
 36 UDOT has scheduled to rebuild the interchange in 10-20 years. Mr. Thacker said the intention  
 37 is for the west portion to remain mostly intact. Councilman McEwan questioned the longevity of  
 38 the vinyl-coating. Mr. Campbell and Councilwoman Fillmore described an alternate paint-type  
 39 coating option. Mr. Campbell agreed to obtain warranty information. The Council and staff  
 40 discussed the fact that engineering fees listed cover the Parrish Lane Sidewalk Project as well  
 41 as the fencing.

42  
 43 Councilman McEwan stated his primary goal for the bridge is public safety, not  
 44 appearance. Councilwoman Fillmore said she feels the benefit to the City with the huge leap in  
 45 quality statement for the entrance to the community is worth the increased price for upgraded  
 46 fencing. Councilman McEwan said he would feel more comfortable if the bids included plain  
 47 chain link as well. Staff and the Mayor explained that, following direction from the previous  
 48 Council, regular chain link was not included in the bid. Councilwoman Fillmore pointed out that  
 49 the purpose of the RDA is to create improvements that speak to the quality of the City, and said  
 50 she feels upgraded fencing is a legitimate use of RDA funds. Mr. Lutz added that creation  
 51 documents for CDAs in the area included the goal to improve the overpass. The Council and  
 52 staff discussed established and potential RDA projects and obligations.  
 53

1 Councilwoman Ivie made a **motion**, subject to UDOT approval of fence specs, and  
2 adequate funding approved by the Redevelopment Agency Board, to:

- 3
- 4 1) Award Bid Schedule B from the 2/11/16 bid to Mountain States in the amount of
- 5 \$61,902.56.
- 6 2) Award Bid Schedule A from the 12/10/15 bid to Custom Fence in the amount of
- 7 \$102,643.50 plus \$15,200 for 4 ornamental pillars (\$3,800 each) from the 2/11/16
- 8 Bid Schedule B.
- 9 3) Authorize a 10% fencing project contingency.
- 10 4) After all costs are finalized, and after removing the \$18,000 Administrative Fee from
- 11 the funds available, apply any funding surplus to reduce the contribution from the
- 12 RDA.

13  
14 Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

15  
16 **MAYOR’S REPORT**

- 17
- 18 • Fire Agency financial statements were included in the staff report.
- 19 • As a Centerville representative on the UTOPIA Board, Councilman McEwan stated
- 20 he feels the UTOPIA Board made an illegal vote on a Resolution to appoint a
- 21 Director, based on the fact that attachments were not made available to the public.
- 22 He said he voted against the Resolution. Mayor Cutler reported the UTOPIA Board
- 23 has announced a genuine intention to end the relationship with Macquarie.
- 24 Councilman McEwan responded that he feels the announcement was disingenuous,
- 25 considering that a Senator from Layton is pushing SB 114, which would allow
- 26 continued interlocal creation, extension of telecommunication services beyond the
- 27 boundaries of a city, and a non-binding citizen vote subject to the whims of a city
- 28 council. He agreed that the Board appears to have a desire to end the current
- 29 contractual relationship with Macquarie. Mayor Cutler responded he thinks
- 30 legislation that would allow citizens to vote on whether they want to move forward
- 31 with a utility model would be good. He said he feels it could only improve
- 32 Centerville’s financial position if a city chose to test the utility model. Councilman
- 33 McEwan emphasized that he feels any vote of the people should be binding.
- 34 • The Council reviewed 2015 fourth-quarter operational metrics.
- 35 • Mayor Cutler reported on the most recent “Lunch with the Mayor” event.
- 36 • The Mayor thanked Council members Ince and Fillmore for attending the Legislature
- 37 evening at CenterPoint Theatre.

38  
39 **CITY COUNCIL LIAISON REPORT**

40  
41 Councilwoman Ivie reported that the Whitaker Museum Board is working on a list of  
42 projects eligible for grant funds. The Landmarks Commission will continue reviewing the  
43 commercial aspect of the Historic District at their next meeting.

44  
45 **CITY MANAGER’S REPORT**

- 46
- 47 • Referring to the County-owned property on 100 South, Mr. Thacker said the County
- 48 Public Works Director has indicated support for reducing the size of the
- 49 sedimentation basin, but keeping it and placing an easement if this is important to
- 50 the City. Sediment is removed from the property every ten years or so; at this point it
- 51 has been nine years. Mr. Thacker gave a history of ownership of the property, and
- 52 said that, in his opinion, considering the recent \$2.1 million debris basin project

1 further upstream - \$1.8 million of which came from the County - it would be unfair to  
 2 expect the County to forego revenue that could be received from sale of the property.  
 3 He also recommended against investing City dollars to preserve the property as  
 4 open space. Councilman McEwan said he feels the valuation of the property is  
 5 disproportionate to actual value if the Council is resolved to not change the zoning.  
 6 He recommended the Council send a resolution to the County Commissioners  
 7 stating there is no zoning change pending, and the valuation is inaccurate and the  
 8 intention is to maintain open space. Mayor Cutler said it is his opinion that keeping  
 9 the debris basin and stream channel open would be wise planning, but he does not  
 10 see a reason for Centerville to prevent the County from subdividing a portion of the  
 11 property, as long as the channel is left open. The Mayor said he likes the idea of  
 12 sending a letter to the County stating the Council feels strongly that the stream  
 13 channel should be preserved for flood control and public safety. Mr. Thacker said he  
 14 believes the County is willing to continue maintaining the stream channel with a  
 15 reduced basin size. Councilwoman Fillmore said she would like follow-up  
 16 information on the impact of putting a few lots on the south side of the property.  
 17 Councilwoman Ivie agreed with Councilman McEwan's concern regarding the  
 18 property valuation. Councilwoman Mecham said she would love to see the property  
 19 remain open space. Councilwoman Fillmore said she would like to see a plat of the  
 20 property. Mr. Thacker estimated three or four lots could be placed on the 200 South  
 21 frontage. Council members Fillmore, Ivie, and Mecham indicated they are in favor of  
 22 a compromise with the County. Centerville citizen Lee Skabelund stated there is no  
 23 property like this anywhere else in the City. He said he feels the Council should hold  
 24 a public hearing for the families living near the subject property. The issue will be  
 25 placed on a future agenda for further discussion.

- 26 • Mr. Thacker reported on a meeting with UDOT representatives regarding the
- 27 possibility of a Parrish Lane Traffic Study.
- 28 • Prior to the recession, the cities and County shared the cost of Animal Control
- 29 Services 50/50. During the recession the County took on more than 50% of the cost.
- 30 The current proposal is for a 50/50 cost share arrangement for this year, but does
- 31 not include long-term commitments. The City Managers have requested a long-term
- 32 cost share agreement, as well as the opportunity to give input on the Animal Control
- 33 budget every year.
- 34 • Mr. Thacker proposed a calendar for the 2016 goal-setting and budget processes. A
- 35 majority of the Council expressed a desire for staff to compile detailed part-time and
- 36 full-time employee pay and benefit information, as requested by Councilman
- 37 McEwan.

**ADJOURNMENT**

41 At 10:45 p.m. Councilman McEwan made a **motion** to adjourn and move to a meeting of  
 42 the Redevelopment Agency of Centerville. Councilwoman Ivie seconded the motion, which  
 43 passed by unanimous vote (5-0).

44  
 45  
 46  
 47  
 48 \_\_\_\_\_  
 49 Marsha L. Morrow, City Recorder

\_\_\_\_\_ Date Approved

50  
 51  
 52 \_\_\_\_\_

- 1 Katie Rust, Recording Secretary

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 2.

Short Title: Staff report and discussion re reptiles and exotic animals in residential zones

Initiated By:

Scheduled Time: 7:10

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

See attached Staff Report and attachments.

**ATTACHMENTS:**

Description

- ☐ 03-01-16-CC Staff Report-Reptiles
- ☐ CMC - Title 7, Chapter 1 - Local Health Department
- ☐ CMC - Title 7, Chapter 2 - Animal Control
- ☐ DCC - Section 6.04.010 - Definitions
- ☐ DCC - Section 6.16.130 - Possession of Wild Animals



## CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street  
Centerville, Utah 84014  
801.335.8842

### STAFF REPORT

**TO:** Centerville City Council  
**FROM:** Lisa G. Romney, City Attorney  
**DATE:** February 26, 2016  
**RE:** Reptiles and Other Animals

---

I have been asked to prepare the Staff Report for the City Council discussion of a citizen complaint regarding reptiles and other animals at the single family residence located at 558 Applewood Drive in Centerville. This report is a preliminary status report and summary of regulatory issues thus far and is not intended to be a legal memorandum or conclusions regarding this matter.

#### **Initial Complaints and Community Development Department Investigation**

In December of last year, the Community Development Department received a few complaints regarding a large number of reptiles and other alleged animals at property located at 558 Applewood Drive. James Dix is the apparent owner of the reptiles and alleged animals at this location and has indicated that he is living at this location. The Community Development Department investigated the complaints and found no violation of City Zoning Ordinances. The Community Development Department determined that the ownership and maintenance of reptiles at the subject location is not specifically regulated or prohibited under Centerville City Zoning Ordinances. It was concluded that this matter appears to be primarily an animal control issue. As such, the matter is regulated under Davis County animal control ordinances which the City has adopted by reference. Such ordinances are enforced by Davis County pursuant to an interlocal agreement for animal control services entered into by the City and County. It was concluded, based on initial discussions with the County, that many of the reptiles and animals at the property are exempt from Davis County animal control ordinances because Mr. Dix has a

permit from the Utah Division of Wildlife Services for the possession of certain reptiles and wildlife. Based on these findings, the Community Development Department has not pursued a zoning enforcement action for the possession and housing of reptiles at this location.

### **Subsequent Complaints to City Council and Staff Investigation**

On February 15, 2016, the City Council received an email from a concerned neighbor, Ginger Gunnell, requesting the City Council look into this matter and consider enacting or amending the Zoning Ordinances to regulate and prohibit the keeping of reptiles. In response to this email, the City Manager has scheduled this matter for discussion with the City Council and has directed Staff to look into this matter further in preparation for such discussion with the City Council. Staff has contacted James Dix and has met with representatives from Davis County Animal Control and Utah Division of Wildlife Resources to discuss the various regulatory controls and jurisdictional issues involved in this matter.

### **Background Information**

Based on preliminary information and discussions with Mr. Dix, it does appear that Mr. Dix houses between 200-250 animals such as frogs, snakes, lizards, alligators and turtles at the location at 558 Applewood Drive. Mr. Dix represented that he does possess and maintain other animals such as domesticated foxes, coyotes, raccoons, etc., at other locations in the state, but he does not maintain such animals at the Applewood Drive location in Centerville. It appears from initial research by Staff and discussions with County and DWR representatives that Mr. Dix is well recognized as an expert in reptiles and provides rescue services and training for many governmental entities and enforcement agencies. Mr. Dix has indicated that all venomous snakes are contained in secure locking cages and that he has never had a snake or reptile escape from his care of custody in his 18 years of service and possession of such animals. Mr. Dix represented that he was forced to leave his West Valley location a few years ago because the property was taken for proposed public transportation purposes. Mr. Dix represented that he left his Ogden location in a commercial building due to complaints about barking dogs. Mr. Dix represented he is actively looking for an alternative location for his reptiles and animals and that he is still trying to work with West Valley City to obtain access and use of their unused animal shelter facility.

### **City Regulation**

As indicated above, there does not appear to be any City Zoning Ordinances regulating or restricting the possession or number of reptiles, frogs, lizards, birds, etc., permitted within the City. As such, this matter is largely an animal control issue. Although not yet pursued, the City may also look into regulating this matter through City business licensing regulations, health and

safety regulations, or nuisance provisions. As more particularly discussed below, animal control and health and safety issues are generally regulated and enforced through Davis County. If Mr. Dix is operating a business at this location, he may be required to obtain a business license from the City. Further research can be conducted to make this determination.

### **Davis County Animal Control Regulation**

The City has contracted with Davis County to provide animal control services for the City. Pursuant to Centerville Municipal Code 7-02-010, Davis County is authorized and empowered to act within the incorporated limits of Centerville City for the purpose of providing animal care and control services and to enforce the animal control ordinances and regulations of the City. The City has also adopted by reference the Davis County animal control ordinances as set forth in Title 6 of the Davis County Ordinances as the applicable and duly adopted animal control ordinance and regulations of the City. Pursuant to Section 6.16.130 of the Davis County animal control ordinances, it is unlawful for a person or entity to own, possess, keep or sell any wild animal unless otherwise provided. A person or entity is permitted to own, possess, keep or sell wild animals when authorized by the Utah Division of Wildlife Resources to possess and use the wild animal for educational or scientific purposes. A County representative has been asked to attend the meeting to address any questions the Council may have regarding County animal control regulations.

### **State Division of Wildlife Resources Regulation and Permitting**

Mr. Dix has been issued a permit from the Utah Division of Wildlife Resources to possess certain reptiles, amphibians, lizards, snakes, turtles, frogs, etc., for educational or scientific purposes. Such permit from the State regulates all controlled and prohibited animals as defined by applicable State law or administrative rules. It is likely that such State regulations and permitting of controlled and prohibited wild animals preempts any local or county regulation of the same. A permit is not required from the State for non-controlled or pet store variety reptiles, amphibians, lizards, snakes, turtles, frogs, etc. Based on Davis County Ordinance 6.16.130, Mr. Dix is authorized to possess certain controlled animals under his permit from the State. According to Davis County animal control, it does not appear that Davis County has any animal control ordinances regulating the possession or number of reptiles, snakes, lizards, frogs, birds, etc. The City Manager has requested review and confirmation from the Division of Wildlife Resources that Mr. Dix is in compliance with all terms and conditions of his permit from the State. It is unlikely we will have this information back from the DWR before the City Council discussion of this matter, but a DWR representative has been asked to attend the meeting to address any questions the Council may have regarding State regulation and permitting of wildlife.

### **Davis County Health Department Regulation**

Pursuant to Utah Code Ann. § 26A-1-103, the governing body of Davis County has created the Davis County Health Department. The Davis County Health Department includes and serves all incorporated and unincorporated areas in Davis County, including Centerville City. Pursuant to Centerville Municipal Code 7-01-020, the Davis County Health Department has jurisdiction within and is authorized and empowered by law to act within the incorporated limits of Centerville City to enforce state and local health laws, rules and regulations. The City has also adopted by reference applicable rules, regulations and ordinances of the Davis County Health Department as the applicable and duly adopted public health ordinance and regulations of the City. Although not yet pursued, the City may also look into requesting review of this matter through the Davis County Health Department.

### **Enactment of City Ordinance to Regulate**

If directed by the City Council, Staff can conduct further research regarding how and whether the keeping of reptiles, lizards, snakes, frogs, turtles, etc. (controlled or noncontrolled) may be regulated by local ordinance. Preliminary concern with any such proposed legislation is that such regulations would most likely not apply retroactively and may be preempted by State law if attempts are made to regulate wildlife.

### **Conclusion**

This matter involves a number of sensitive issues and requires a balancing of interests including private property rights, privacy interest, health and safety, animal and wildlife control, zoning and aesthetics. The matter also involves multi-jurisdictional control and regulation of the various areas of law discussed. This report is not intended to resolve the issues, but to raise the issues involved, and to provide the City Council with an update on the investigation of this matter thus far. Discussion of this matter is also intended to provide the Council an opportunity to provide input and direction to Staff.

**Attachments:** Centerville Municipal Code - Title 7, Chapter 1 (Local Health Department)  
Centerville Municipal Code - Title 7, Chapter 2 (Animal Control)  
Davis County Code – Section 6.04.010 (Definitions)  
Davis County Code - Section 6.16.130 (Possession of Wild Animals)

TITLE 7<sup>1</sup>

PUBLIC HEALTH AND SAFETY

CHAPTER 7-01.	LOCAL HEALTH DEPARTMENT
CHAPTER 7-02.	ANIMAL CONTROL
CHAPTER 7-03.	NUISANCES
CHAPTER 7-04.	WEED CONTROL AND CLEANING OF REAL PROPERTY
CHAPTER 7-05.	FIRE REGULATIONS
CHAPTER 7-06.	EMERGENCY COST RECOVERY
CHAPTER 7-07.	FIREWORKS
CHAPTER 7-08.	SOLID WASTE AND RECYCLING
CHAPTER 7-09.	NOISE CONTROL

CHAPTER 7-01. LOCAL HEALTH DEPARTMENT

7-01-010.	Creation.
7-01-020.	Powers and Duties.
7-01-030.	Adoption of County Regulations.
7-01-040.	Permit Requirements.
7-01-050.	Penalty.

7-01-010. Creation.

Pursuant to and in accordance with *Utah Code Ann.* § 26A-1-103, as amended, the governing body of Davis County has created the Davis County Health Department which includes and serves all incorporated and unincorporated areas in Davis County, including Centerville City.

7-01-020. Powers and Duties.

The Davis County Health Department has jurisdiction within and is authorized and empowered by law to act within the incorporated limits of Centerville City to enforce state and local health laws, rules, regulations and standards, in accordance with the powers and duties set forth in the Local Health Department Act, as set forth in *Utah Code Ann.* §§ 26A-1-101, et seq., as amended. The Davis County Health Department is hereby authorized to act within the incorporated limits of Centerville City for the purpose of providing local health department services and to enforce the public health rules, regulations and ordinances of the City.

7-01-030. Adoption of County Regulations.

The applicable and duly adopted rules, regulations and ordinances of the Davis County Health Department, as may be amended from time to time, are hereby adopted by this reference as ordinances of Centerville City, insofar as they are not in conflict with other effective ordinances of the City. This adoption by reference includes any such rules, regulations, ordinances, or amendments thereto adopted by Davis County after the effective date of this Chapter.

7-01-040. Permit Requirements.

The Davis County Health Department shall review and approve applications for permits to operate any business or engage in any construction within the City for which health department approval is required pursuant to any City, County or State law, ordinance, rule or regulation.

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<sup>1</sup> Amended by Ordinance No. 2012-08, March 6, 2012

**7-01-050. Penalty.**

Any person who is found guilty of violating any of the provisions of the rules and regulations adopted in Section 7-01-030, or other applicable City ordinances regarding public health, either by failing to do those acts required therein or by doing a prohibited act, shall be subject to the penalty specified therein, or in the event no penalty is specified, shall be guilty of a Class B misdemeanor, punishable by fine, imprisonment or both, as permitted by applicable laws of the State of Utah, or enforced through the civil enforcement procedures set forth in Title 1, Chapter 6 of the Centerville Municipal Code. Each and every day that a violation of this Chapter exists or continues shall constitute a separate offense.

**CHAPTER 7-02. ANIMAL CONTROL**

- 7-02-010. Interlocal Agreement with Davis County.**
- 7-02-020. Adoption of County Ordinances.**
- 7-02-022. Intentional Feeding of Wild Deer, Elk, or Moose Prohibited.<sup>2</sup>**
- 7-02-030. Penalty.**

**7-02-010. Interlocal Agreement with Davis County.**

The City has entered into an Interlocal Cooperation Agreement ("Agreement") with Davis County for Animal Control Services wherein the County has agreed to provide animal care and control services for the City. Pursuant to such Agreement, and as more particularly provided herein, Davis County is hereby authorized and empowered to act within the incorporated limits of Centerville City for the purpose of providing animal care and control services and to enforce the animal control ordinances and regulations of the City.

**7-02-020. Adoption of County Ordinances.**

The applicable and duly adopted animal control ordinance and regulations of Davis County, as more particularly set forth in Title 6 of the Davis County Code, entitled the Davis County Animal Control Ordinance, are hereby adopted by this reference as ordinances of Centerville City, insofar as they are not in conflict with other effective ordinances of the City. This adoption by reference includes any such regulations or amendments thereof adopted by Davis County after the effective date of this Chapter.

**7-02-022. Intentional Feeding of Wild Deer, Elk, or Moose Prohibited.**

(a) It shall be unlawful for any person to intentionally place, distribute, or allow the placement of food, grain, minerals, or similar substances within City limits for the purpose of attracting wild deer, elk, or moose in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

(b) Subsection (a) does not apply to:

(1) public employees or authorized agents acting within the scope of their employment for public safety or wildlife management purposes;

(2) normal agricultural or livestock operation practices; or

(3) recreational feeding of wild song birds, hummingbirds, or passerine birds in a manner that attracts wild deer, elk, or moose in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

**7-02-030. Penalty.**

Any person who is found guilty of violating any of the provisions of the ordinances adopted in Section 7-02-020, or other applicable City ordinances regarding animal control, either by failing to do those acts required therein or by doing a prohibited act, shall be subject to the penalty specified therein, or in the event no penalty is specified, shall be guilty of a Class B misdemeanor, punishable by fine, imprisonment or both, as permitted by applicable laws of the State of Utah, or enforced through the civil enforcement procedures set forth in Title 1, Chapter 6 of the Centerville Municipal Code. Each and every day that a violation of this Chapter exists or continues shall constitute a separate offense.

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<sup>2</sup> Enacted by Ordinance No. 2015-17, September 15, 2015

## Section 6.04.010 - Definitions.

As used in this title:

1. "Animal" means any and all types of livestock, dogs and cats, fowls, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.
2. "Animal boarding establishment" means any establishment that takes in animals and boards them for profit.
3. "Animal Control Director" and "Director" each mean the Director of the Animal Care and Control Department.
4. "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
5. "Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
6. "Animal at large" means any animal, whether licensed or not, when:
  - a. The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.
  - b. The animal is on the property of the owner or custodian and is not:
    - (1) Securely confined in a building, fenced area, cage or kennel;
    - (2) Under the immediate physical restraint by the owner or custodian; or
    - (3) Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.
  - c. A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.
7. "Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
8. "Cat" means any age feline of the domesticated types.
9. "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.
10. "Center" means the Davis County Animal Control Center.
11. "Custodian" means a person having formal or informal custody, control, or possession.
12. "Dangerous animal" means any animal that:
  - a. Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property;
  - b. Has been previously found to be a potentially dangerous animal, whose owner has received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
  - c. Is found to be in violation of any of the restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.
13. "Department" means the Davis County Department of Animal Care and Control.
14. "Dog" means any canis familiaris.
15. "Domestic animals" means animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.
16. "Estray" means any livestock found at large.
17. "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.
18. "Kennel" means land or buildings used in the keeping of three (3) or more dogs, four (4) months or older.
19. "Livestock" means any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.
20. "Owner" means any person having an ownership or proprietary interest in an animal or having formal or informal custody of an animal.
21. "Pet" means a domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
22. "Pet shop" means any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.
23. "Potentially dangerous animal" means any animal:
  - a. That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;
  - b. Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or

- c. That, because of witnessed and documented conduct is reasonably believed to be capable or causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.
- 24. "Quarantine" means the isolation of an animal as required by this title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- 25. "Restraint device" means any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.
- 26. "Riding school or stable" means an establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.
- 27. "Vicious animal" means any animal which has:
  - a. Inflicted severe injury on a human being with or without provocation on public or private property;
  - b. Has killed a domestic animal with or without provocation while off the owner' s property; or
  - c. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to Sections 6.16.050 and 6.16.060 of this title.
- 28. "Wild animal" means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:
  - a. Alligators, crocodiles, Caiman;
  - b. Bears (Ursidae). All bears including grizzly bears, brown bears and black bears;
  - c. Cat Family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
  - d. Dog Family (Canidae). All, except domesticated dogs, and including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;
  - e. Porcupine;
  - f. Primates (all subhuman primates);
  - g. Raccoon (all varieties);
  - h. Skunks;
  - i. Venomous snakes or lizards;
  - j. Weasels. (All weasels, martens, wolverines, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed legally operated ranch.

(Ord. 8-2011, § 1, Amended 12/20/2011; Ord. No. 7-2010, § 1, Amended 12/21/2010; Ord. 06-2006, Amended, 07/19/2006; Ord. 03-2003, Amended, 03/11/2003)

## Section 6.16.130 - Possession of wild animals prohibited—Exceptions.

- A. It shall be unlawful for any person or entity to:
1. Own, possess, give, keep, or sell any wild animal as defined in this title except only for the following persons or entities;
    - a. The Department which has impounded or otherwise obtained possession of a wild animal;
    - b. Veterinarian or veterinarian facility which is treating the animal;
    - c. A licensed zoological facility or zoo;
    - d. An educational or scientific facility or laboratory owned and operated by a governmental entity or a licensed individual or private non-profit corporation for educational or a scientific purpose;
    - e. A circus or other entertainment person or entity having the necessary and appropriate license or governmental permit for the wild animal;
    - f. An animal shelter; or
    - g. A person or entity authorized by the Utah State Department of Wildlife Resources to possess and use the wild animal for educational or scientific purposes.
  2. Keep or maintain a wild animal on the premises of the owner other than under a controlled confinement.
  3. Allow the animal to run at large or to maintain, transport, display, or use the animal in a manner which endangers any person whether on the premises of the owner or elsewhere.
- B. Any person or entity lawfully in possession or custody of a wild animal under this section shall be guilty of a misdemeanor if that person or entity does not:
1. Maintain, transport, display, and use the wild animal using protective devices and procedures approved by the Department. Such devices and procedures shall be adequate and appropriate to protect the animal, persons, and the public and prevent the animal from escaping, running at large, causing injury to or constituting potential danger for the public or other animals.
  2. Comply fully with all applicable federal, state, city, and county laws, rules, and regulations regarding the care, keeping, treatment, quarantine, and vaccination of the animal.

(Ord. 07-2004, Add, 08/17/2004)

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 3.

Short Title: Consider request by Bruce Pitt pertaining to South Main Street Corridor Plan

Initiated By: Bruce Pitt

Scheduled Time: 7:40

**SUBJECT**

**RECOMMENDATION**

Allow Bruce Pitt to explain his proposed use (assisted living facility) for property on South Main Street. Discuss whether to explore this possibility further, including a field trip to see a similar facility.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 4.

Short Title: Discuss citizen request re active green space

Initiated By: Brita Johnson

Scheduled Time: 8:20

**SUBJECT**

**RECOMMENDATION**

Allow Brita Johnson to explain her proposal to require residential development to include *active* green space. Then allow Cory Snyder, Community Development Director, to provide an educational briefing and his perspective on this matter.

**BACKGROUND**

Ms. Johnson's proposal is explained in the attached email.

**ATTACHMENTS:**

Description

- Citizen request re actual green space

## Marsha Morrow

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**From:** Brita Johnson <britaannajohnson@gmail.com>  
**Sent:** Thursday, February 18, 2016 12:03 PM  
**To:** Bill Ince; Stephanie Ivie; George McEwan; Tami Fillmore; Robyn Mecham  
**Cc:** ginahhurst@hotmail.com; Wm Scott Kjar; Cheylynn Hayman; Mayor  
**Subject:** Request to Examine Centerville City Ordinance Change: requirement for active greens space vs. passive green space

City Council members, Mayor, and Planning Commission Members,

As a citizen of Centerville I would like to see us learn a lesson from the play by play of the development that is now happening on Porter Lane on the old Hafoka property. Specifically, I'm concerned that our ordinance do not call differentiate between active and passive green space in our green space requirements for development.

Centerville City is a beautiful, friendly, quiet and desirable place to live, play and raise a family. Many have realized this and development will continue on land that becomes available or was not considered ideal for development in the past. Rather than being reactionary, we can learn from this ongoing development project and change our city ordinance now to create a green space policy that works for our city and still encourages growth in the right way.

From listening to discussions at the planning committee meetings and city council meetings it appears that Centerville is unique within Davis county that we do not call out a requirement for the green space of development to be useable or active green space. I would like to see an agenda item created for this to be discussed during the next council meeting to explore updating our city ordinance.

We would not want to create ambiguity within the ordinance so perhaps we can look to our sister cities here within Davis County on their definitions of useable or active green space. As a believer in learning from other's best practices, we can learn from other cities growing pains on how they have written their ordinances to address this.

I can be reached at the below contact information if you wish to discuss or there are next steps that I as a citizen can take to ensure this becomes an agenda item. Thank you for all that you do for our community and I look forward to seeing this as an agenda item on the next city council meeting.

Best regards,

Brita A. Johnson

289 Williams Lane

Centerville, UT 84014

801-882-1217

[britaannajohnson@gmail.com](mailto:britaannajohnson@gmail.com)

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 5.

Short Title: Discuss options re solid waste collection contract

Initiated By: Blaine Lutz, Assistant City Manager/Finance Director

Scheduled Time: 8:40

**SUBJECT**

Discuss the contract options for the City's solid waste, green waste and recycling collection.

**RECOMMENDATION**

Give direction to staff whether to go out for bid for collection services or to negotiate with ACE to renew/extend the current contract.

Staff recommends that we enter into negotiations to renew/extend the current contract with ACE disposal.

**BACKGROUND**

Centerville has used the services of ACE disposal for many years for its waste and recycling collection. The contract will expire on June 30, 2016. The City either needs to renew or extend the contract, or solicit bids and have a new service provider ready to provide service by July 1, 2016.

The two factors why the City would consider going out for bid are: 1) quality of service; and 2) the overall competitive cost of service to the residents. ACE has always provided excellent service and continues to do so. Staff does not feel that any collector could provide better service. ACE has interest in continuing its service to the City and is willing to negotiate an extension or renewal of the City's contract. They have provided verbally to Blaine Lutz some estimates of what adjustments may be needed. They seem very reasonable, based on some market information. It would be unfair for ACE to make public their proposed costs, if the City should decide to go out for bid. Competitors would know their pricing and be able to out-bid them. Either path the City chooses, we will likely see a cost increase for recycling collection. The market has changed dramatically, as described in the attached letter from ACE disposal. Staff encourage you to read this letter to understand the change in the recycling materials market.

There would be some significant opportunity cost in going out for bid. To assure that the City gets a quality service provider, staff would do a very extensive RFP. This RFP would include items such as equipment lists, which staff would inspect; personnel; recommendations for routes; etc. The RFP(s) would require significant staff time to analyze.

If the City decided to change service providers, there would be significant opportunity cost to change. There cannot be a lag between service, so any change over needs to be coordinated carefully. ACE owns the existing recycling cans. There would be an impact on residents. All the cans would need to be gathered by ACE, and each resident that has recycling (over 87%) would need to have a new can delivered. Routes and pickup days would likely change, as each carrier has its own proprietary manner of collection. Contacts,

service problem resolutions, collection days, etc. would all need to be adjusted.

**ATTACHMENTS:**

Description

- ▣ Recycling Market

Regards: Current Status of Mixed Recyclables market

To who it may concern,

The Economic condition in Americas recycling markets is being described as “no longer sustainable”, and a “national crisis.” As a result our local recycling processor has asked us to start paying a fee, effective Dec 1<sup>st</sup> 2015, to continue processing our Municipal “mixed” recyclables. All over the nation fees ranging from \$15 to \$45 dollars are being assessed by Recycling Processors to cover the costs of a massive loss market value. Ace is writing today to express the concern with our current contracts, and make you aware of our recycling programs future.

The reason for this sudden market change dates back to middle 2014 when China introduced a “Green Fence” policy. This demanded that material commodities such as cardboard or paper be “clean” or free of contaminates to allow for a better final product. This mandate fell heavy on many Recyclers that process “mixed recyclables” because when you have a mixed stream, liquids or contaminates can easily pollute a paper product. Many loads were rejected and shipped back to the states at cost of over \$10,000 per rejected load. This added cost to recyclers drove rebates down and added stress to the ports in California where most of Utah’s recyclables end up.

Many failed to see that this was the beginning of China’s economic downturn. Over the last 15 years China has been growing at an incredible rate and consumed a majority of our Steel, Paper, and Plastics to reduce their cost for raw materials. Many Municipalities across the U.S. started “curbside” recycling programs in the past 10 years that fed China’s needs. Now, many Steel mills and paper mills across China have shut down. The value of plastics is incredibly low due to low oil prices and cheaper raw materials. The U.S. does not have enough mills to keep the recyclables market competitive, and now we have a surplus of sorted material selling at very low rates, if at all. These conditions are expected to remain or worsen over the next year.

As you know our agreements and contracts stipulate that we are responsible for Recycling fees and in some cases obligated to rebate your cities from revenues of sold product. Ace has “floor” agreements in place with our processor, Rocky Mountain Recycling, to protect us from losing money on our jobs. We have been informed that they can no longer honor these agreements, and worse, they will have to start charging us. We believe Rocky Mountain is experiencing a hardship that they cannot overcome right now, and the fact is we can pay to recycle this material right now, or choose to landfill it. With these conditions there would be savings to landfilling this material, but you must decide if this direction would be best for your cities.

Many believe that these market conditions are worsening due to high contamination levels in our cans and a lack of recycling education. There is no doubt both of these can be improved, and we are working with our recycling coalitions to improve education to reduce contamination. Reducing contamination will help offset the recycler’s burden to process and dispose of “waste” material. This is something we can take action on right away to help offset our fees, and any help from you would be greatly appreciated. If your residents understand nature of this crisis now, they may make stronger efforts to help “keep it clean.”

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 6.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:00

**SUBJECT**

a. Police Department outreach

**RECOMMENDATION**

**BACKGROUND**

Mayor Cutler would like to acknowledge the Police Department's recent efforts to reach out to those they serve.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 7.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:10

**SUBJECT**

a. Legislative update

**RECOMMENDATION**

**BACKGROUND**

The City Manager will report on several legislative bills being monitored by the Utah League of Cities and Towns.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 8.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:20

**SUBJECT**

**RECOMMENDATION**

No topics are shown at this time under this heading.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 9.

Short Title: Continue work session re Employee Compensation Plan and Benefits

Initiated By: City Manager

Scheduled Time: 9:25

**SUBJECT**

**RECOMMENDATION**

Continue the presentation and discussion of topics from the earlier work session, if needed.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
3/1/2016**

Item No. 10.

Short Title: Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time: 10:15

**SUBJECT**

**RECOMMENDATION**

At this time staff are not aware of a need for a closed meeting, but the agenda allows for that possibility.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
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Item No. 11.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 10:15

**SUBJECT**

**RECOMMENDATION**

Mayor Cutler may recommend appointments to City boards/committees.

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
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Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**