

PROVIDENCE CITY COUNCIL MEETING AGENDA
Wednesday, September 16, 2020 6:00 PM
Providence City Office Building, 164 North Gateway Drive, Providence UT
This meeting will live stream on Providence City's YouTube Channel.
Public comments may also be sent to providencecityutah@gmail.com or text to 435-752-9441

The Providence City Council will begin discussing the following agenda items at **6:00 p.m.**

Opening Ceremony:

Call to Order: Mayor Drew
Roll Call of City Council Members: Mayor Drew
Pledge of Allegiance:
Opening Remarks – Prayer:

Staff Reports: Items presented by Providence City Staff (including but not limited to: Public Works Director, Administrative Services Director, and City Manager will be presented as information only.

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of August 19, 2020

Public Comments: Citizens may express their views to the City Council on issues within the City's jurisdiction. Public comments may also be sent to providencecityutah@gmail.com or text comments to 435-752-9441. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Administrative Business Item(s):

Item No. 1. Presentation: Bryce Lancaster will present information about CAPSA.

Item No. 2. Presentation: Logan Fire Chief Brad Hannig will present information about the Community Connect program.

Item No. 3. Report: The volunteer technical advisory committee will discuss the installation of fiber throughout the city.

Item No. 4. Resolution 031-2020 – Parameters Resolution: A RESOLUTION AUTHORIZING NOT MORE THAN \$2,000,000 WATER REVENUE BONDS, IN ONE OR MORE SERIES, TO FINANCE WATER SYSTEM IMPROVEMENTS, AND RELATED IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Item No. 5. Resolution 033-2020 – Annexation Petition for Further Consideration. The Providence City Council will consider for approval a resolution accepting an annexation petition for further consideration for Parcel No.s 02-096-0035, a 5.51-acre parcel located in the general area of 580 West 300 South; 02-090-0013, a 7.69-acre parcel located in the general area of 310 S HWY165 (County address 1710 South Main); and 03-002-0007, a 8.20-acre parcel located in the general area of 420 S HWY165.

Item No. 6. Resolution 034-2020 – CARES Act Grant Program: The Providence City Council will consider for adoption a resolution establishing a grant program for businesses and residents using CARES Act funds granted to the City from the State of Utah's allocation of federal funds for coronavirus aid.

Item No. 7. Resolution 035-2020 - Personnel Policies: The Providence City Council will consider changes to the Providence City Personnel Policies and Procedures Manual.

Legislative Business Item(s):

Item No. 1. Ordinance 008-2020 – Rezone: The City Council will consider an ordinance changing the zone for
Providence City Council Agenda
Wednesday, September 16, 2020

Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr. and 565 W 100 N, containing approximately 7.89 acres.

Item No. 2. Ordinance 009-2020 – Rezone: The City Council will consider an ordinance changing the zone for the southeast portion of Parcel No. 02-101-0001 from Single-Family Large (SFL) to Single-Family Traditional (SFT), located in the general area of 80 N Sherwood Dr. (800 E), containing approximately 6.10 acres.

Item No. 3. Ordinance 010-2020 – Electronic Meetings: The City Council will consider an ordinance amending Providence City Code Title 2 Chapter 3 Historic Preservation Commission and Chapter 4 Land Use Authority by adding electronic meeting information.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Agenda posted by S Bankhead the 13 day of September 2020.



Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Members of the Council may be attending this meeting electronically (Providence City Code 1-6-7:E).

Public meetings held electronically will be in accordance with Utah Code Ann. §§ 52-4-207 et. seq., Open and Public Meetings Act. The Providence City Office Building, 164 N. Gateway Dr. is the anchor location; unless otherwise determined by the Mayor, in accordance with UCA 52-4-207(4), an electronic meeting will be held without an anchor location.

PROVIDENCE CITY COUNCIL MEETING MINUTES

Wednesday, August 19, 2020 6:00 PM

Providence City Office Building, 164 North Gateway Drive, Providence UT

Members of the Council may be attending this meeting electronically.

This meeting was live streamed on Providence City's YouTube Channel

Opening Ceremony:

Call to Order: Mayor Drew

Roll Call of City Council Members: Mayor Drew

Attendance: John Drew, Carrie Kirk, Josh Paulsen, Kristina Eck, Brent Speth, Jeanelle Sealy

Excused:

Pledge of Allegiance: Mayor Drew

Opening Remarks – Prayer: Carrie Kirk

Staff Reports: Items presented by Providence City Staff (including but not limited to: Public Works Director, Administrative Services Director, and City Manager will be presented as information only.

Rob Stapley, Public Works Director:

- Road projects were discussed. There will be another wave of crack and chip seal. Line stripping for crosswalks and school letters, etc. will be done.
- Budget was briefly discussed.
- The project progression on the West side of Spring Creek was brought up. It is a slow process but this is to ensure quality.

Skarlet Bankhead, Administrative Services Director:

- S Bankhead read an email from Kent Dunkley stating he wanted to withdraw the annexation request for Steve Misener on Parcel: 02-096-0035 and will reapply for an annexation on Parcels: 02-090-0013, 02-096-0035, 03-002-0007 on one application.
- The planning commission is busy with land use requests.
- Administrative Land Use is busy with permits for homes being built in sensitive areas with conditional use.
- The Appeal Authority will be meeting tomorrow to consider two variance requests. It will be on Zoom and it will be livestreamed on YouTube.
- Recreation baseball got a late start and has finished but the kids had a lot of fun. Kickball started last night. Flag football will be starting soon.
- There will be a concert in the park on the 29th of this month and another the 18th of September.
- Planning and Zoning looked at the high density zone and decided to keep options open.

Ryan Snow, City Manager:

- The parks and recreation master plan is well under way and has been checked with staff. A public survey will be posted next week.
- Transportation and Traffic master plan is underway and a survey will be posted.
- The 100 S. application for a grant has been submitted.
- A sewer master plan was talked about, the city requested a matching 50% Community Impact Fund Board (CIB) grant.
- Many communities are using CARES Act money to issue community grants to business owners or residents.
- The City Council has continued to look into fiber optics options. Workshops were discussed to help the public understand the technology, financing, the process, and the time frame.
- There was a discussion on how to involve the public in decision making.

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of July 15, 2020

Motion to approve the minutes of July 15, 2020: — J Sealy, second — B Speth

Vote:

Yea: C Kirk, J Paulsen, J Sealy, B Speth, K Eck

Nay:

Abstained:

Excused:

Corrections:

- None

Public Comments: Citizens may express their views to the City Council on issues within the City's jurisdiction.

Public comments may be sent to providencecityutah@gmail.com or text comments to 435-752-9441. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- No public comments.

Public Hearing(s):

PERSONS WISHING TO COMMENT ON PUBLIC HEARING ITEMS MAY EMAIL THEIR COMMENTS TO providencecityutah@gmail.com OR TEXT COMMENTS TO 435-752-9441.

Administrative Business Item(s):

Item No. 1. Resolution 028-2020 – Approval of RFP. The Providence City Council will consider for adoption a resolution accepting a proposal for audit services for Providence City.

Discussion:

- R Snow explained the proposal. Four audit firms submitted applications. The committee uses a metrics system of 0-4. If the proposal has a low price they get a higher score. Aycock, Miles and Associates came in highest with a low price and good experience.

Motion to approve Resolution 028-2020, Approval of RFP: — B Speth, second — C Kirk

Vote:

Yea: C Kirk, J Paulsen, J Sealy, B Speth, K Eck

Nay:

Abstained:

Excused:

Discussion:

- R Snow disclosed that before he was a CPA he worked for Aycock and Miles and that is where he got the experience to apply for a CPA license. He's utilized them in the past and really likes the firm.

Item No. 2. Resolution 029-2020 – Approval of RFP. The Providence City Council will consider for adoption a resolution accepting a proposal for a wastewater/sewer collection master plan.

Discussion:

- R Snow said we received four proposals on this. In scoring the proposals, 70 percent was based on the proposal and 30 percent was based on the cost. The CIB will cover 50 of the cost. At the end of the evaluation Sunrise Engineering scored the best. They are local and the team is in Smithfield. They met all requirements.

Motion to approve Resolution 029-2020, Approval of RFP with wastewater/sewer collection master plan contract: — J Paulsen, second — J Sealy

Vote:

Yea: C Kirk, J Paulsen, J Sealy, B Speth, K Eck

Nay:

Abstained:

Excused:

Item No. 3. Resolution 030-2020 – Annexation Petition for Further Consideration. The Providence City Council will consider for approval a resolution accepting an annexation petition for further consideration for Parcel No. 02-096-0035; a 5.51-acre parcel located in the general area of 580 West 300 South.

Discussion:

- This was removed at the request of the applicant.

Legislative Business Item(s): None

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

J Paulsen reported:

- There are luncheons held to discuss Cache Valley Chamber of Commerce.
- There's an outdoor leadership summit.
- He also reminded us to keep social distancing with some examples.

J Sealy reported:

- The committee is still working with the Spring Creek water company.
- There's a new director over the library where they are doing several projects like painting, etc.
- School will be starting.

C Kirk reported:

- She has youth council. There is a need for a new advisor.
- She is arranging a canyon clean up week. She reached out to three stake presidents to help. It will be September 14th through the 19th. She suggested a no littering sign at the front of the canyon. J Paulsen suggested sending out pictures of the trash to show people what was going on up in the canyon. He also mentioned getting cans for trash out at the mouth of the canyon. K Eck suggested an adopt a mile clean-up program for the canyon. She also mentioned having a fine for littering. M Drew said he would take over the canyon project and talk to the trails coordinator about cleaning up. He mentioned that pictures of license plates up the canyon of those littering could be turned in as well to be investigated.
- C Kirk brought up the concerts that are to replace the city celebration.

B Speth reported:

- He spoke about Emergency training.
- He brought up the Coronavirus and its effect on everyone.

M Drew reported:

- He attended an annual realtors' association conference. A lot of homes are being built.

Executive Session Notice:

- No executive session

Motion to close the meeting: — C Kirk, second — B Speth

Vote:

Yea: C Kirk, J Paulsen, J Sealy, B Speth, K Eck

Nay:

Abstained:

Excused:

Meeting adjourned at approximately 7:52 PM

Minutes prepared by Kris Hobbs Clemente

John Drew, Mayor

Skarlet Bankhead, City Recorder

Information for the following items will be available at the meeting.

Administrative Business Item(s):

Item No. 1. Presentation: Bryce Lancaster will present information about CAPSA.

Item No. 2. Presentation: Logan Fire Chief Brad Hannig will present information about the Community Connect program.

Item No. 3. Report: The volunteer technical advisory committee will discuss the installation of fiber throughout the city.

Information for the following items will be available on or before Tuesday, September 16.

Administrative Business Item(s):

Item No. 4. Resolution 031-2020 – Parameters Resolution: A RESOLUTION AUTHORIZING NOT MORE THAN \$2,000,000 WATER REVENUE BONDS, IN ONE OR MORE SERIES, TO FINANCE WATER SYSTEM IMPROVEMENTS, AND RELATED IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Item No. 6. Resolution 034-2020 – CARES Act Grant Program: The Providence City Council will consider for adoption a resolution establishing a grant program for businesses and residents using CARES Act funds granted to the City from the State of Utah's allocation of federal funds for coronavirus aid.

Legislative Business Item(s):

Item No. 3. Ordinance 010-2020 – Electronic Meetings: The City Council will consider an ordinance amending Providence City Code Title 2 Chapter 3 Historic Preservation Commission and Chapter 4 Land Use Authority by adding electronic meeting information.

Resolution 033-2020

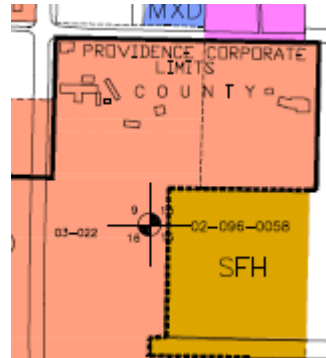
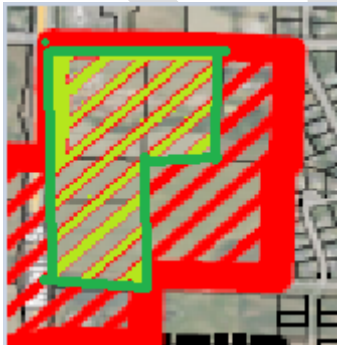
A RESOLUTION ACCEPTING AN ANNEXATION PETITION FOR FURTHER CONSIDERATION FOR PARCEL NO.S 02-096-0035, A 5.51-ACRE PARCEL LOCATED IN THE GENERAL AREA OF 580 WEST 300 SOUTH; 02-090-0013, A 7.69-ACRE PARCEL LOCATED IN THE GENERAL AREA OF 310 S HWY165 (COUNTY ADDRESS 1710 SOUTH MAIN); AND 03-002-0007, A 8.20-ACRE PARCEL LOCATED IN THE GENERAL AREA OF 420 S HWY165.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City received a complete Petition for Annexation and zoning request on August 28, 2020:

- The property is located adjacent to the southwest boundary of Providence City, located in the general area of 505 West 500 South, 310 S HWY165, and 420 S HWY 165.
- The properties are legally described as follows:
Parcel No. 02-096-0035: *THE W/2 LOT 12 CONT 5 ACRES & THE FRACTION OF LOT 11 CONT 0.51 AC ALL IN BLK 4 PLAT D PROVIDENCE FARM SVY NET 5.51 AC SW/4 SEC 10 T 11N R 1E*
Parcel 02-090-0013: *THE WEST PT LOT 11 BLK 4 PLAT D PROVIDENCE FARM SVY LESS: BEG 4 RDS S OF SE COR OF LOT 1 BLK 28 PLAT A PROVIDENCE FARM SVY & TH S 9.60 CHS TH E 6 RDS TH N 9.60 CHS TH W 6 RDS TO BEG SEC 9 T 11N R 1E CONT 8 AC LESS 0.07 AC TO UDOT 92/630 LESS 0.22 AC TO UDOT 485/883 LESS 0.02 AC TO UDOT 1681/326 NET 7.69 AC M/L*
Parcel No. 03-002-0007 *BEG AT NE COR OF NE/4 SEC 16 T 11N R 1E & TH W ALG N LINE LOTS 1 & 2 21 CHS TO E LINE OF BALLARD SPRINGS TH S'LY 1 CH TO S LINE LOT 2 TH S 64*45' E ALG S LINE LOT 2 TO ITS INTERSEC WITH S LINE LOT 1 TH E TO E LINE LOT 1 TH N 7.92 CHS TO BEG LESS 1.22 AC TO COUNTY ROAD LESS 0.21 AC TO UDOT 484/670 LESS 0.28 AC TO UDOT 485/883 NET 8.20 AC M/L (AERIAL)*
- Providence City Code 10-3-6: Annexation states, *A. Classification: New area annexed to the City shall be annexed into the City as agricultural, unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended.*
- Utah Code 10-9a-506 **Regulating annexed territory** states:
(1) The legislative body of each municipality shall assign a land use zone or a variety thereof to territory annexed to the municipality at the time the territory is annexed.
(2) If the legislative body fails to assign a land use zone at the time the territory is annexed, all land uses within the annexed territory shall be compatible with surrounding uses within the municipality.
- This parcel is included in the Annexation Policy Plan. The Future Re-Zoning of Existing Districts & Annexed Areas plan calls for this property to be zoned Commercial Highway District (CHD)



- The petitioner is requesting the City Council assign a Multi-Family High (MFH) zoning district to parcel 02-096-0035, and a Commercial Highway District (CHD) zoning district to parcels 02-090-0013 and 03-002-0007.

- Pursuant to Utah Code 10-2-405.(1)(a)(i) A municipal legislative body may: (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or(B) accept the petition for further consideration under this part.

THEREFORE be it resolved by the Providence City Council:

- The Petition for Annexation for Parcel No 02-096-0035, 02-090-0013 and 03-002-0007 as described above and shown on the following map shall be approved for further consideration
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 16th day of September 2020.

Council Vote:

Eck, Kristina	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Kirk, Carrie	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Paulsen, Joshua	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Sealy, Jeanell	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Speth, Brent	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, City Recorder



August 20, 2020

to: The City of Providence
164 Gateway Dr.
Providence, UT 84321

To whom it may concern:

We the property owners of Parcel numbers 02-096-0035, 02-090-0013, and 03-002-0007 file this annexation application with interest and desire to have our land annexed into the City of Providence. We have received an offer to purchase one of the parcels (02-096-0035) to "Steven Misener and/or assigns" with provisions that this one parcel of property is changed in use and zone to "Multi-family High Density" and this annexation request be granted. The original application included only parcel number 02-096-0035 to be annexed into the City of Providence with a change of use request from agriculture to "Multi-family high density Use" for the construction of town homes. The project name is to be Fox Meadows, Fox Meadows Town Homes and will be constructed in phases as was done with the Ridge View Town homes also located in Providence. Renderings are not available at this time.

After further discussion with and direction from the city and county our family has decided to join the annexation application with the remainder of our property in that area of Providence. We are interested in having all three parcels annexed into the City of Providence. Parcel numbers 02-090-0013 and 03-002-0007 will be annexed into Providence City as "Commercial Highway" zoning. Our intent as the property owners will be continued Agricultural Use. Our understanding from Cache County is that the property will remain in greenbelt tax status as long as the use does not change.

We support this annexation request and give permission to Kent S Dunkley to proceed with the annexation and rezone process on all three parcels. We understand that no change of zone or use will be final until the buyer purchases and closes on Parcel number 02-096-0035 which is to occur later this year.

This authorization is granted on parcels numbers 02-096-0035, 02-090-0013, and 03-002-0007.

Sincerely,

DocuSigned by:
KATHRYN FUHRIMAN 8/21/2020 | 1:53 PM MDT
Kathryn L. Fuhriman (seller)

DocuSigned by:
Janice Byington, Trustee 8/21/2020 | 1:58 PM MDT
Janice G. Byington (seller)

Steve Misener

100 South Prov LLC (Steven R Misener buyer (02-096-0035))

Resolution 035-2020

A RESOLUTION ADOPTING REVISIONS TO THE PROVIDENCE CITY PERSONNEL POLICIES

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses; and

WHEREAS, as Federal and State laws, rules, and policies for the workplace change, Providence City desires to revise existing Personnel Policies to incorporate those changes; and

WHEREAS, the attached revisions to the Providence City Personnel Policies has been prepared by City staff.

THEREFORE be it resolved by the Providence City Council:

- The attached personnel policies shall be approved; and
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 16th day of September 2020.

Council Vote:

Eck, Kristina	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Kirk, Carrie	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Paulsen, Joshua	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Sealy, Jeanell	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
Speth, Brent	☐ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, City Recorder



Providence City Corporation

PERSONNEL POLICIES AND PROCEDURES MANUAL

Revised February 19, 2020

Welcome

Welcome to Providence City. We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further Providence City's goals.

You are joining an organization that is building a reputation for outstanding leadership, innovation, and expertise. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer the most effective services to our residents. With your active involvement, creativity, and support, Providence City will continue to achieve its goals. We sincerely hope you will take pride in being an important part of Providence City's success.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or to contact the Human Resources Department.

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Personnel Policy
Providence City Corporation
Effective Date: March 1, 2020

Resolved, that the following materials and provisions are hereby adopted as the rules, policies and procedures for the Providence City Corporation for pay computation, leave, compensatory time, holidays, part-time help, departmental transfers, resignations, grievance and disciplinary procedures, retirement and other matters relating thereto. [Any variation to these policies should be approved in advance by the City Manager.](#) All employee records shall be maintained by [the](#) Recorder in a secure file cabinet.

SECTION 1. EMPLOYMENT AT WILL

Employment at Providence City is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the Mayor or City Manager.

This means that either the employee or the city may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no city representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the Federal Labor Standards Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Providence City employees have the right to engage in or refrain from such activities.

SECTION 2. PURPOSE OF THE PLAN

Providence City Corporation uniform personnel rules and regulations are established to assure fair treatment of all employees in all personnel actions. It provides for

induction of new employees in order to assure the selection of the best qualified personnel available for employment. It establishes quality of performance as the basic consideration in determining salary, advancements, and promotions. It aims to provide equality of opportunity for qualified persons who wish to enter public employment.

Immigration Law Compliance

Providence City is committed to full compliance with federal immigration laws. Therefore, the City is required to verify the identity and legal ability to work of all individuals before they can begin work. In keeping with this obligation, each applicant must produce documentation that shows his or her identity and legal authority to work. Each applicant must also attest to his or her legal authority to work and identity on an I-9 Form provided by the federal government. This verification form will be distributed by the City and must be completed as soon as possible after an offer of employment is made. In no event can the form be completed and returned to the City more than three business days after an individual is hired.

If an employee has provided right-to-work documentation that has an expiration date (with the exception of a valid U.S. Passport), updated documentation must be given to the City before this expiration date.

All offers of hire and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

SECTION 3. DEFINITIONS

A. Regular Full-time employee: An employee of the City who shall work a minimum of 30 hours per week 12 months per year. Full-time employees will be paid on an hourly basis according to documented daily time cards which are to be made available to the department supervisor.

B. Part-time and temporary employee: An employee of the City who by definition is not a regular full-time employee. Part-time and temporary employees will be paid on an hourly basis according to documented timecards which are to be made available to the department supervisor. Part-time employees are not entitled to regular benefits provided by Providence City Corporation to its regular full-time employees. Federal income tax, state income tax and FICA (social security) will be deducted from wages paid to all employees per W-4 affidavit.

C. Exempt employee: an employee as defined by the Fair Labor Standards Act.

D. Nonexempt Employee: an employee as defined by the Fair Labor Standards Act.

E. Public Works Director: Shall be that person appointed by City Manager. This position is responsible for the activities of the Public Works department.

E. Administrative Services Director: Shall be that person appointed by the City Manager. This position is responsible for the activities of the Recorder, planning and development.

F. City Manager: A person appointed by the City Council by resolution to be responsible for the city administrative affairs. The City Manager shall also be responsible to insure that the City is in compliance with all regulations and laws applicable to the City.

G. Supervisor. An assistant to the City Manager, Director of Administrative Services or Public Works Director and assigned by them to be responsible for the activities of a specified group of employees and/or volunteers of the City.

SECTION 4. AFFIRMATIVE ACTIONS

NONDISCRIMINATION STATEMENT:

In accordance with the requirements and objectives set forth in Equal Employment Opportunity Act of 1972, the President's Executive Order 11246, and revised Order No. 4, published by the Office of Federal Contract Compliance, U.S. Department of Labor, Providence City does hereby actively promote equal opportunity of employment in classification, development, upward mobility, job specifications, recruiting, selection and placement, and training of employees.

Providence City will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (A) Title VI of the Civil Rights Act of 1964(p. I. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Para. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Para. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Para 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. I. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. I. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) any other nondiscrimination provisions in the specific statute(s) which may apply.

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SECTION 5. DRUG AND ALCOHOL TESTING

A. Policy Statement

Providence City maintains a drug and alcohol free workplace. We comply with the Drug-Free Workplace Act of 1988, Utah's drug and alcohol testing requirements, as codified in Utah Code Ann. § 34-41-101, et seq. and other applicable state and federal law. This policy recognizes the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs. The abuse of alcohol and other drugs creates a variety of problems in the workplace, such as increased injuries, increased absenteeism, increased financial burden on health insurance and other employee benefit programs, increased workplace thefts, decreased employee morale, decreased productivity, and a decline in the quality of products and services. Providence City is committed to protecting people and property and to providing a safe working environment. The purpose of the following policy is to establish and maintain a drug free, alcohol free, healthy work environment for all employees.

Providence City encourages any employee with a substance abuse problem to come forward and voluntarily accept its assistance in recovering and in providing a reasonable accommodation, if necessary, under the Americans with Disabilities Act.

B. Definitions – for purposes of this section only.

1. Alcohol. The term "Alcohol" is defined as ethyl alcohol or ethanol.
2. City Premises. The term "City premises" as used in this policy includes all property, facilities, land, buildings, structures, automobiles, trucks and other vehicles owned, leased or used by the City. Construction job sites for which the City has responsibility are also included.
3. Drugs. The term "Drugs" is defined, consistent with Utah Code Ann. § 34-41-101(1), as a substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, other drug compendia, supplement to any of those compendia, or included in the five established schedules of controlled substances under Title 21 Chapter 13, Section 812 of the United States Code.
4. Failed test. The term "Failed test" means a confirmed drug or alcohol test that indicates that the sample tested is:
 - a. positive;
 - b. adulterated; or
 - c. substituted.
5. Prohibited Items & Substances. The term "Prohibited items and substances" shall include drugs, alcohol, and drug paraphernalia.
6. Employee and contractors employed by the City. These are defined as all Individuals who perform work for Providence City Corporation, including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.

7. Accident. The term "Accident" is defined as any event resulting in injury to a person or property to which an employee, or contractor/contractor's employee, contributed as a direct or indirect cause.
8. Incident: The term "Incident" is defined as an event which has all the attributes of an accident, except that no harm was caused to person or property.
9. Reasonable Cause. The term "Reasonable cause" shall be defined as tardiness, excessive absenteeism, or erratic behavior Including but not limited to noticeable imbalance, incoherence, impairment in the performance of job duties, or disorientation.

C. Testing Procedures

1. The collection of a sample shall be performed under reasonable and sanitary conditions
2. An employee, prospective employee, volunteer, or prospective volunteer shall submit a split urine sample for testing or retesting. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time the donor is so notified to request, at the donor's option, that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and employer. In addition to the test results of the 30 ml urine sample, the test results of the 15 ml urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this section and Utah Code Section 34-41-104 have been complied with in the collection, handling, and testing of the samples.
3. A sample shall be collected and tested:
 - a. with due regard to the privacy of the individual being tested; and
 - b. in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of a reliable sample.
4. The sample collection shall be documented, which shall include:
 - c. labeling of a sample so as reasonably to preclude the probability of erroneous identification of test results; and
 - d. an opportunity for the employee or prospective employee to provide notification of any information that the employee or prospective employee considers relevant to the test, including:
 - i. identification of currently or recently used prescription or nonprescription drugs; or
 - ii. other relevant medical information in compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 through 12213

5. When a federally mandated test is required, the specimen will be identified by the employee unique number, and not by name (some non-mandated tests may be identified by name), to insure confidentiality of the donor. Each specimen container will be properly labeled and made tamper proof. The donor must witness this procedure.
6. Sample collection, storage, and transportation to the place of testing shall be performed so as reasonably to preclude the probability of sample contamination or adulteration.
7. The handling and transportation of each specimen will be properly documented through the strict chain of custody procedures. Testing of a sample shall conform to scientifically accepted analytical methods and procedures. Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, ongoing employment by the City will be terminated.
8. Before a test of a sample may be considered a failed test and used as a basis for an action by Providence City, the testing of the sample shall include a confirmation test:
 - a. by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method; and
 - b. Providence City shall notify the employee, prospective employee, volunteer, or prospective volunteer as soon as possible by telephone or in writing at the last-known address or telephone number of the result of the initial test, if it is positive, and inform them of the option to have the 15 ml urine sample tested, at an expense equally divided between the donor and the employer.
9. Federally mandated tests must be reviewed by a Medical Review Officer ("MRO") who makes the final determination for a positive test. Adulterated, substituted, and diluted tests are viewed as lab positive and must be reviewed by MRO.
10. Any drug or alcohol testing by Providence City shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees
11. Except as otherwise provided herein, Providence City shall pay all costs of testing for drugs or alcohol, including the cost of transportation if the testing of a current employee is conducted at a place other than the workplace.
12. Drug testing will be conducted by an independent accredited laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology.

D. Purposes:

The purposes for which testing may be required include:

1. investigation of accidents in the workplace or incidents of workplace theft;
2. maintenance of safety for employees or the general public;
3. maintenance of productivity, quality of products or services, or security of property or information;
4. pre-employment hiring or volunteer selection procedures;
5. preannounced periodic testing;
6. to comply with the federal Drug Free Workplace Act of 1988, 41 U.S.C. Sec. 8101 et seq., or other federally required drug policies and standards.
7. Employees who require a CDL license to perform their responsibilities will be subject to all federally mandated modes and standards of testing including pre-employment (post offer) and random;
8. Testing will be required on all CDL reportable incidences, i.e. fatalities, and CDL Drivers receiving a citation that results in a vehicle being towed or that requires medical treatment away from the scene of the accident and all other accidents/incidents will be at supervisor's discretion but must be documented prior to requiring the test;
9. The employee's job duties or requirements involve activities for which a state or federal agency or regulation requires testing;
10. A drug test will be administered in the event a supervisor has a reasonable cause to believe that the employee has reported to work under the influence or impaired, or is or has been under the influence or impaired while on the job; or has violated this drug policy. (In the event that a supervisor feels that there is reasonable cause, the incident, including descriptions of the impairment, must be documented in writing prior to requiring the test.); or
11. Testing may be required as a part of a follow-up to counseling or rehabilitation for substance abuse, for up to a 5-year period. For commercial drivers this requires 6 random tests during the first calendar year and may be up to 60 months depending on SAP education and treatment plan;

E. Confidentiality:

1. Providence City will take reasonable measures to maintain the confidentiality of testing, testing results, and any disciplinary actions. As part of the policy and program, it may become necessary to disclose information to certain individuals, including, but not limited to, City management and administrators, legal advisors, the employee's supervisors, or others involved in disciplinary proceedings.
2. All tests results will be kept in a limited access file in the Providence City Office to further confidentiality of testing and test results.

F. Rules - Disciplinary Actions:

1. Rules - All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not:
 - a. Use a Prohibited Substance which impairs the employee's ability to perform job functions and/or places another person or property at risk of harm;
 - b. dispense or receive Prohibited Substances on or at the job site; or
 - c.. Report to work with a minimum level equal to 50% of the legal level allowed by current law of *any* measurable amount of Prohibited Substances in their system.
2. Discipline - When the City has reasonable cause to believe an employee is under the influence of a Prohibited Substance, for reasons of safety the employee will be suspended until test results are available. If the test results prove negative, or if no test results are received after three (3) working days, the employee, if available, shall be returned to work. In all other cases:
 - a. Applicants testing positive for Prohibited Substances which they are not medically authorized to use will not be hired.
 - b. Employees testing positive for Prohibited Substances which they are not medically authorized to use will be terminated.
 - c. Employees who refuse to cooperate with testing procedures will be terminated.
 - d. Employees on the job found in possession of Prohibited Substance which they are not medically authorized to use or to possess will be terminated.
 - e. Employees found to be impaired by a Prohibited Substance while on duty, operating a company vehicle, or performing any action which places people or property at risk will be terminated.
3. Prohibited Substances for which the employee has medical authorization - Despite anything in this policy to the contrary, Employees using a Prohibited Substance for which the employee has medical authorization which may impair the performance of job duties, either mental or motor functions, must immediately inform their supervisor of use. For the safety of all employees and the public, the City will consult with the employee and their physician to determine if a re-assignment of duties is necessary; or
 - a. if other reasonable accommodations can be made to accommodate the employee's needs, the City will attempt to accommodate the

- employee's needs by making an appropriate re-assignment.
- b. If a re-assignment or other reasonable accommodations are not possible, the employee will be placed on temporary medical leave until released as fit for duty by the authorizing physician.

4. Prescription Drugs, Without Prescription – Employees using a Prohibited Substance without a legal prescription or medical authorization will be dealt with in the same manner as if the substance was an illegal substance.
5. Grievance - All aspects of this policy and program shall be subject to the grievance procedure.

G. Disability:

An employee, volunteer, prospective employee, or prospective volunteer whose drug test results are verified or confirmed as positive may not, by virtue of those results alone, be defined as a person with a disability for purposes of: (1) Title 34A, Chapter 5, Utah Antidiscrimination Act; or (2) the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 through 12213.

H. Rehabilitation and Employee Assistance Program:

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the City will assist in locating a suitable employee assistance program for treatment. However, financial responsibility is ultimately that of the employee.

If treatment necessitates time away from work the City shall provide for the employee an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program may be reinstated to his/her former employment status if work for which he/she is qualified exists.

Employees returning to work after successfully completing the rehabilitation program will be subject to drug tests without prior notice for a period of one year and other testing as provided in this policy. A positive test will then result in disciplinary action as previously outlined in this policy and program.

SECTION 6. SEXUAL HARASSMENT AND DISCRIMINATION

(RES 01-066 06/26/01):

A. Statement of Policy

Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail within

the work place. Providence City Corporation is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the work place. Toward this end, all employees of Providence City Corp. must understand that sexual harassment, discrimination, and sexual exploitation of professional relationships violate the City's policy and will not be tolerated. When necessary, the city will take every step to resolve grievances promptly.

The following behaviors are examples of harassing and disrespectful behavior in the workplace and work-related environment:

NOTE: This list is not all inclusive.

- Derogatory statements, jokes, or comments
- Profanity or other abusive language
- Pressure for sexual favors
- Sexual gestures, jokes, or comments, or turning discussions to sexual topics
- Displaying cartoons, visuals, or materials that ridicule or denigrate an employee
- E-mail, visuals, computer software, Internet services, or screen savers with sexual, racist, or discriminatory content
- Unwelcome personal questions or comments about social, religious, sexual or personal life
- Physical assault

B. Application

This policy applies to all applicants as well as officers, employees, and persons who serve the City as its agents and are under the control of the City. Specific adherence to this policy shall be made an express term of every contracted services agreement entered into by the city.

C. In order to avoid situations in which workplace conduct could negatively impact the work environment, employees who work in the same department or who have direct or indirect reporting relationship to each other are prohibited from dating or having a sexual relationship.

D. Sexual Harassment-Definitions

Two categories of sexual harassment and discrimination are recognized.

1. Quid Pro Quo

Sexual harassment presented as a bargain (quid pro quo); Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a superior position constitutes a bargained-for sexual harassment when submission by another is made either an explicit or implicit term or condition of employment. In this case apparent consent of the submitting party is less

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relevant than the extent to which the sexual conduct is unwelcome. As defined here, a bargained-for sexual harassment normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or it may be indirect when the harasser has the power to direct others who have authority over the victim.

2. Hostile Work Environmental Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual or discriminatory nature constitute an environmental harassment when such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment which unreasonably interferes with another's work or privacy. Hostile Work Environmental Harassment can inflict emotional and psychological harm on individuals and can make relationships and the work environment unpleasant, threatening, and unproductive. However, there is no requirement that evidence of actual emotional or psychological harm be shown in order for Hostile Work Environmental Harassment to be found to have occurred for the purpose of appropriate city disciplinary action. In determining whether alleged conduct constitutes harassment as defined by this policy, the record as a whole will be considered as well as the context in which the conduct occurred. A Hostile Work Environmental Harassment normally arises from a repeated and pervasive course of conduct whereas a bargained-for sexual harassment can be based on a single act.

Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser.

E. Complaint Process

All proceedings contemplated by this policy shall be confidential and will be closed to the public and City employees except where disclosure is required for legitimate investigative purposes.

1. Informal Procedure:

a. Notification

If an employee thinks that he/she is the object of sexual harassment or discrimination from a Providence City employee or an individual having regular contact with Providence City, the employee should make clear to the harasser that such conduct offends him/her. In the event that the complaint is against the employee's Supervisor, the City Manager should be notified. All of these contacts are informal and do not need to be in writing, though if the complaint is against the Public Works Director,

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Administrative Services Director or City Manager, then a record should be kept.

b. Resolution

If an employee contacts their Supervisor, then the Supervisor should discuss the issue with the complainant and help to identify courses of action to resolve the issue.

2. Formal Procedure:

If the conduct complained of continues after the informal procedure, then the complainant may file a written complaint regarding the conduct.

a. Non-Providence City Employees

If the complaint is against an individual who is not a Providence City employee, the complainant may submit a written statement regarding the conduct to his/her Supervisor. Providence City will work with the individual to resolve the problem.

b. Providence City Employees

i. Complaint

If the complaint is against a City employee, the complainant may submit a written statement regarding the conduct to his/her Supervisor and the City Manager. If the complainant, after a reasonable time, feels that no appropriate action has been taken, the complainant may submit the complaint to the Mayor. In the event that the City Manager is the party against whom the allegations are being made, the complaint should be filed with the Mayor.

ii. Investigation

The City Manager or designee shall cause an investigation to occur into the alleged misconduct. The investigation shall include, but not be limited to, an interview of the complainant and the alleged offender.

iii. Records and Confidentiality

Records of investigations, reviews and grievance procedures will be kept in a separate confidential file in the City office.

Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures shall be placed in the individual's personnel file.

Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures will be destroyed if the complaint is found without merit.

1. Penalties

Penalties will be determined on the basis of the facts of each case and

the extent of harm to the City's interests, as well as any record indicating previous or similar wrongdoing by the accused person. If after investigation, findings indicate that the complaint is meritorious, the employee committing the acts of sexual harassment or discrimination will be appropriately disciplined as set forth in Section 7 of the Providence City Personnel Policy.

SECTION 7. HIRING AND RECRUITMENT

Article I. Hiring:

A. Policy:

1. When a position opens in the City or a need arises to create a new position, the Public Works Director or Supervisor shall submit notification of position vacancy to the City Manager. Notification shall include position title and a description of the duties and responsibilities, knowledge and skills, and required education and experience.
2. The City Manager shall cause the opening to be posted where all City employees will be made aware of the opportunity. First consideration will be given to City employees. The position will also be advertised externally.
3. The Human Resource Office Specialist shall review the applications to determine the applicants that do not meet the minimum qualifications. Applicants that meet the minimum qualifications shall be interviewed by the Public Works Director or Supervisor, the Human Resource Office Specialist, and the City Manager. The approved applicant will be notified of the job offer and any drug tests to be completed successfully prior to hire and start date.
 - a. If the open position is for the Treasurer or Recorder, the Mayor shall be part of the interview process;

Article II. Anti-nepotism:

A. For purposes of this section

1. "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law. (Resolution 042-2015, 10/27/2015)
2. "Direct supervision" means an individual who has direct or indirect control over an employee through direct reporting or reporting through additional layers of supervision. (Resolution 042-2015, 10/27/2015)

B. Policy:

1. It is the policy of Providence City to comply with the anti-nepotism statutes in Utah Code Annotated including Section Title 52-3-1 et seq

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- as well as subsequent revisions.
2. No relative is permitted to work for another relative where the chain of command clearly indicates that the relative of higher position will have control over or exercise influence over the other relative, even if through one or more layers of non-related supervision. This does not apply to elected officials, with the exception of the mayor. (Resolution 042-2015, 10/27/2015)

Article III. Departmental Transfers:

A. Policy:

1. In the event that a position becomes vacated in Providence City Corp., employees of the City will be allowed to apply for said position, and shall be given consideration if they meet minimum qualifications when the position is posted. In the event of a transfer, all accrued benefits will transfer with the employee.

Article IV. Introductory Period:

A. Policy:

1. All original appointments are subject to an introductory period. The introductory period for City employees is six (6) months. At the end of the first three (3) months, an evaluation shall be conducted with the Supervisor. The Supervisor shall give recommendation for appropriate action and this shall be communicated to the employee in writing.

SECTION 8. EMPLOYEE COMPENSATION AND WELFARE

Article I. Pay Day

A. Policy:

1. All Providence City employees shall be paid by direct deposit to the employee's bank account. All Providence City employees shall be paid bi-weekly.
2. All employees will keep a record of their time. This record will be available to the Supervisor for approval.

Article II. Hours of Work:

A. Normal Workweek:

A normal workweek shall be considered as five working days from Monday through Friday or forty (40) hours per week. The work week shall begin at 11:31 am on Friday and end at 11:30 am on the following Friday. The City will have 26 paydays per year.

B. Normal Workday:

A normal workday begins at 8:00 a.m. and ends at 5:00 p.m. with a one (1) hour lunch break. The normal workday hours may be varied as the workload

requires by the employee's supervisor. As a general rule, a fifteen-minute rest break may be taken once in the morning and once in the afternoon. Employees shall work under a schedule determined by the Supervisor which will fit the requirements of said department.

Article III. Overtime and/or Additional Compensation:

A. Policy:

1. Any non-exempt employee working more than forty (40) hours in the above defined work week will be paid at a rate of one and one-half times their hourly rate for each hour worked. There will be no comp time.
2. Hours worked in excess of the normal 40 hours must be recommended by the Supervisor and approved by the City Manager before the work is commenced, this may come in the form of seasonal schedules adjustment or other approval at the discretion of the City Manager, except in an afterhours emergency.
3. On-call (also described as waiting to be engaged).
 - a. Beyond the normal work week, one or more City employee(s) will be assigned on call, during non-working hours, rotating schedules in shifts (Thursday through the following Thursday). On Call is defined as an employee waiting to be engaged, since the employee is not required to remain on premises and can be at home or within a reasonable response time, this is not considered working while on call.
 - b. Compensation will be paid at a rate of \$150 per week. (Revised 05/13/2014)
4. All employees are covered by workman's compensation insurance provided for the employee by the City. The policy provides benefits if the employee is injured while performing his/her job duties.
5. The City Council may review pay structure and compensation annually as recommended in the budget process.
6. The above policy applies to all non-exempt employees.

Article IV. Garnishments:

- A. When the City receives notice that an employee's pay is subject to garnishment, the City will comply with the relevant state and federal law in each instance.
- B. Garnishments are legal proceedings imposed by a court of law upon the City requiring payment to a third party of monies earned by personnel. The City will accept legal garnishments and tax levies against wages in compliance with Federal and Utah statutes. Individual's pay will be held upon receipt of a garnishment by the City until a court order is issued indicating satisfaction of the indebtedness or until ordered to surrender the monies to the court or its

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SECTION 9. EMPLOYEE BENEFITS

1. MEDICAL INSURANCE

The City currently participates in a group medical, dental and life insurance program. These programs are available to all regular full time employees. This policy is subject to review prior to each fiscal year.

2. LEAVE

Annual Leave is designed to provide leisure time away from work and personal time for personal illness or necessary time to take care of responsibilities that require the employee to be absent from work.

Full-time employees will be awarded annual leave based on the following schedule:

Full-time City Service	Hours accumulated each calendar month:
0- <u>to 5 years</u>	<u>12</u> hours per month
<u>5 to 10</u>	<u>14 hours per month</u>
<u>10 to 15</u>	<u>16 hours per month</u>
<u>15 to 20</u>	<u>18 hours per month</u>
More than <u>20 years</u>	<u>20</u> hours per month

Any full-time employee hired to work less than a 40-hour workweek would be prorated on the above schedule.

Employees begin to be awarded annual leave during their first month and it must be awarded before it can be used.

1. Annual leave is awarded from the employee benefit date (which may or may not be the hire date).
 - a. The benefit date is the date an employee qualifies for benefits. If an employee is hired as a full-time employee, it will be the hire date. If an employee is hired as a part-time employee and later becomes a full-time employee, it is the date the employee becomes full-time.
 - b. Time may be taken as small as one-hour increments, and no more than nine (9) hours in a day.
 - c. Unused hours may be carried forward as follows:
 - i. Up to forty (60) hours may be carried forward as annual leave time and must be used before the next year expires.
 - ii. Up to forty (40) hours may be carried forward as "banked hours" by the employee. Banked hours cannot exceed 240 hours. These banked hours will be eligible to be used for personal illness and events as defined in the Family and

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- Medical Leave Act and meets the criteria defined by that act.
- iii. Up to forty (40) hours may be converted into a Health Savings Account or qualified retirement plan.

2. Unused leave will be paid by Providence City when an employee terminates.
3. Leave that has been carried forward as banked hours is forfeited when the employee terminates employment for any reason except retirement. For the purpose of receiving banked hour payout, retirement is considered: age 65 with 4 years of service from benefit date, age 62 with 10 years of service from benefit date, age 60 with 20 years of service from benefit date, or any age with 30 years of service from benefit date.
4. Leave is subject to approval by employee's supervisor. If leave will have a severe adverse effect the city operation, as determined by the employee's supervisor and City Manager, leave may be suspended until the impact can be mitigated.
5. Leave cannot be used to create over-time in a week.

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3. JURY AND COURT LEAVE

A full-time employee appearing in any court as a witness in a criminal case or as a witness in a civil case for the purpose of giving testimony as to facts related to City employment shall receive full compensation as though he or she were actually on the job during such time. Any full-time employee required to perform jury duty shall also receive full compensation as though he or she were actually on the job during such period. If, however, the employee receives any remuneration from said jury duty or appearance in court, then the City will pay the employee the difference between the remuneration and full compensation.

4. FAMILY AND MEDICAL LEAVE

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the March 8, 2013 Military Family Leave Provisions update, Providence City's Family and Medical Leave Policy allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to twenty-six (26) weeks for qualifying events connected to the Military Caregiver provisions of the law.

An "eligible employee" is defined as an employee who has been employed by Providence City for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

Family and Medical Leave will be granted to eligible employees for the following reasons:

- a) Family Leave of up to 12 weeks for the birth of the employee's child;
- b) Family Leave of up to 12 weeks for the placement of a child with the employee for adoption or foster care;
- c) Medical Leave of up to 12 weeks to care for a spouse, child, or parent with a serious health condition;
- d) Medical Leave of up to 12 weeks due to the employee's own serious health condition that makes it impossible for the employee to perform the functions of his or her own job.
- e) Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act when the employee's spouse, son, daughter, or parent is being deployed to a foreign country; or
- f) Military Caregiver Leave of up to 26 weeks to care for a covered military family member who is injured in the line of duty or who develops a serious medical condition as a result of their deployment within 5 years from the date of their discharge.

If an employee is the spouse, son, daughter or parent of a military service member on active duty, or on notice of an impending call to active duty to a foreign country, the City will grant up to 12 weeks of unpaid leave in a 12-month period based on "any qualifying exigency."

If an employee is the spouse, son, daughter, parent or "next of kin" of a military service member who is injured in the line of duty, or who develops a serious medical condition within five (5) years from his/her date of discharge, the City will grant up to 26 weeks of unpaid leave in a rolling 12-month period to care for the injured family member.

In order to qualify for leave pursuant to the new amendments, an employee still must comply with other provisions of the FMLA. Note, also, that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the amount of leave previously taken.

Amount and Timing of Leave.

An eligible employee is entitled to 12/26 weeks of unpaid FMLA leave within a 12-month period for one or more of the six reasons listed above. However, if a husband and wife are both employed by Providence City, they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, the placement of a child for adoption or foster care, or to care for a parent). Providence City calculates FMLA entitlement on a "rolling 12-month" basis. The 12-month period begins on the first day of a particular FMLA leave.

Notice and Procedures for Requesting a Leave.

Employees should make requests for medical leave by notifying their supervisor or Human Resources at least 30 days in advance of foreseeable events and as soon as possible for unforeseen events. Additional unprotected leave extending beyond the 12/26 weeks will only be granted upon further review and approval from management.

Certification for Medical Leaves.

An employee requesting FMLA leave to care for a spouse, child or parent, or due to his or her own serious health condition, must provide Providence City with a medical certification completed by a health care provider verifying the need for medical leave and the probable duration of the leave. The medical certification form may be obtained from Human Resources. Providence City will not determine if a leave falls under the FMLA guidelines until the medical certification form is received. Providence City may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.

Use of Paid Leave.

Employees must substitute accrued paid vacation, personal time or sick time-off for any type of family or medical leave. The period of time during which paid leave is substituted for unpaid leave will be counted against the 12/26-week FMLA entitlement. After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Workers' Compensation, Short-Term Disability, and Long-Term Disability time off will be counted against the employee's 12-week FMLA entitlement.

Health Care Coverage.

An employee may elect to continue coverage under Providence City's group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage is required to continue to pay his/her portion of the monthly premium. Payment arrangements can be made with Human Resources to maintain health and dental insurance benefits while the employee is on leave. Failure to make premium payments when due may result in a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave.

Reinstatement.

Upon returning from FMLA leave, an employee will be restored to their original position or be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present Providence City with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked for another Company while on FMLA leave, Providence City maintains the right to terminate employment with the employee.

5. FUNERAL LEAVE

Employees may be granted up to three (3) additional leave days to attend to funeral arrangements and services for immediate family. This leave will not be counted against annual leave and must be authorized by the employee's supervisor.

1. Immediate family means: one's parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, siblings in-law, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, and nephews.

6. PROVIDENCE CITY RETURN TO WORK PROGRAM

1. Policy: Providence City is committed to provide a safe work environment to its employees. If an employee becomes ill or is injured as a direct result of the working conditions, the City will do everything it can to help the employee heal and return to work as quickly as possible.
2. Workers Compensation Coordinator: The office specialist assigned to human resources is the Workers Compensation Coordinator (WCC). The Workers Compensation Coordinator will help injured employees and their supervisors achieve the goal of helping injured employees get healthy and back to being a contributing team member.
3. Medical Providers: If a life-threatening injury occurs, 9-1-1 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor [or their designee](#) to:
 - a. Intermountain Logan Workmed, 412 North 200 East, Logan UT 84321

- b. If the Network Provider is not available (after hours, etc.), call the Workers Compensation Coordinator, [or employees supervisor](#), to arrange medical care.
 - c. Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.
- 4. Injury Reporting: All injuries, no matter how minor, must be reported immediately to the employee's supervisor. Supervisors report these injuries to the Workers Compensation Coordinator, who begins a worker's compensation claim and helps to arrange medical care. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury. [For OSHA related injury see Section 21 for additional reporting procedures.](#)
- 5. Post Injury Procedures: After receiving medical treatment, the following steps must be taken:
 - a. Employee and his/her supervisor deliver all paper work from the medical provider to the Workers Compensation Coordinator.
 - b. WCC and the injured employee's supervisor review any restrictions given by medical provider with the injured employee's job description and determine if the employee's normal job meets the restrictions. If not, a Restricted/Light/Transitional Duty job will be assigned to accommodate the restrictions.
 - c. Injured employees must comply with the restrictions they are given. Failure to do so could void their claim and slow their recovery or cause further injury.
 - d. Employees may also be eligible for job protection under the Family and Medical Leave Act. The Employee's supervisor will work with the employee and the local HR office to determine FMLA eligibility and complete and necessary paperwork, etc.
- 6. Restricted/Light/Transitional Duty: Providence City will make a good faith effort to accommodate restricted duty jobs for workers injured on the job. The WCC will work with the supervisor to try and design a work strategy that meets the injured employee's restrictions and accomplishes Providence City's goals.
- 7. Follow Up: The injured employee's supervisor and the Workers Compensation Coordinator will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions, and

that any restricted duty assignments are helping the employee move closer to their regular job duties.

8. Interaction with Adjusters: One of the best ways to help an employee get healthy and return to work quickly is to communicate with adjusters who manage the workers compensation injury claim. They have access to resources and have a vast knowledge in how to help injured employees get better.

7. HOLIDAYS

The following have been designated Providence City holidays, and City offices will be closed, except as otherwise provided by law:

New Year's Day - January 1
Martin Luther King Day/ Human Rights Day - 3rd Monday in January
Presidents Day - 3rd Monday of February
Memorial Day - Last Monday of May
Independence Day - July 4
Pioneer Day - July 24
Labor Day - 1st Monday of September
Veteran's Day - November 11
Thanksgiving Day - 4th Thursday of November
Day After Thanksgiving
Christmas Eve - December 24
Christmas Day - December 25

If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. (Revised 12/13/2016)

8. LACTATION / BREAST FEEDING

For up to one year after a child's birth, any employee who is breastfeeding the child will be provided reasonable break times as needed to express breast milk for the baby. Providence City has designated a room located at the City Hall offices for this purpose. A refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the front desk. Additional rules for use of the room and refrigerator storage are posted in the room. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on their time record.

9. MILITARY LEAVE

A full-time employee shall be granted leave with compensation for the difference in salary for active duty in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten (10) working days in any one (1) calendar year.

SECTION 10. DISCIPLINARY ACTION

A. General Policy.

1. It is the policy of Providence City that management will inform its employees about what is expected at work, what constitutes employee misconduct, what management and the employee may do to correct any misconduct, and what the employee's rights are if disciplined.
2. It is the responsibility of all employees to observe [the cityCode of Conduct \(found in Article 18\), policies contained herein, and other direction as given by management.](#) necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
3. Disciplinary action, up to and including termination, may be imposed for misconduct.
4. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

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B. Types of Disciplinary Action.

1. Verbal Warning.
Wherever grounds for disciplinary action exist, the deficiency demonstrated will be verbally communicated to the employee by his supervisor.
2. Written Warning.
Written warning shall be given if the deficiency continues to exist following the verbal warning given by a supervisor requesting correction of behavior.
 - a. The supervisor shall furnish the employee with a written warning setting forth the reason(s).
 - b. A copy of the written warning signed by the employee shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the supervisor shall so note it

on the warning and place it in the employee file.

3. Suspension.

- a. The supervisor may suspend an employee without pay for up to, but not exceeding, three (3) working days for cause.
- b. On or before the effective date of the suspension, the supervisor shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.
- c. A copy of the Employee Suspension Notification, signed by the supervisor and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the supervisor shall so note it on the form and place it in the employee file.
- d. At the conclusion of the suspension, the employee will be either terminated or re-instated to their original position by their supervisor.

C. Causes for Disciplinary Action.

Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- Violation of the laws of the State of Utah or the United States, other than minor traffic offenses
- Incompetence or inability to perform duties
- Negligence
- Insubordination
- Inadequate performance of duties
- Unauthorized absence
- Falsification or unauthorized alteration of records
- Violation of City policies
- Falsification of employment application
- Sexual harassment and any sexual conduct/contact during business hours and or on city properties, vehicles, etc. (Resolution 042-2015, 10/27/2015)
- Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance
- Falsifying of City records
- Unauthorized possession of firearms, weapons, or explosives on City-owned property
- Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large
- Theft or removal of any City property or property of any employee from the work area premises without proper authorization
- Misusing, destroying, or damaging any City property or the property of any employees

- Deliberately restricting output
- Sleeping during working hours
- Fighting on city premises
- Any act which might endanger the safety or lives of others
- Romantic involvement including but not limited to sexual activity between supervisor and subordinate employee (Resolution 042-2015, 10/27/2015)

D. Appeal Procedures.

- Introductory employees have no appeal rights.
- Temporary and part-time employees have no appeal rights.
- Employees have no verbal warning appeal rights.
- Employees may appeal written warnings, suspension or termination
- All full-time employees can appeal a termination. If, on appeal, the action is reversed, then the [City Manager](#) may expunge the personnel records of actions.
- The City Recorder and Treasurer have no appeal rights per State Code.

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E. Appeal Process:

1. The individual will take the complaint verbally to their supervisor and, if relief is granted, the matter is resolved. If no relief is granted, they can then file a written complaint with their supervisor. If the complaint is thus resolved, it is over and the supervisor shall provide a written answer to the employee and copies to the City Manager.
2. If the complaint is not resolved at the supervisor level, then the written complaint with the written answer shall be presented to the City Manager for review. The Manager shall provide a written answer. The City Manager's decision can be appealed to a Council-approved appeal designee, or, in the case of a City Manager's appeal, to the City Council. The Council-approved appeal designee's or Council's decision will be final. (Resolution 042-2015, 10/27/2015)
3. If appealing a City Manager's decision, a written appeal must be filed with the City Recorder within 10 business days. The Council-approved appeal designee will have 10 business days to hear and act on the appeal. If the City Manager is appealing to the Council, that request must be filed within 10 business days. The City Council will have 10 business days to hear and act on the appeal. (Resolution 042-2015, 10/27/2015)
4. This procedure will apply to both discipline and grievances.

SECTION 11. TRAINING

A. Policy

It is the policy of Providence City to encourage and, at times, require employees to attend various seminars, conferences, classes, and other related job training opportunities which are consistent with all of the following rules.

1. All training opportunities shall be job related and recommended by a supervisor, the Public Works Director, and/or Director of Administrative Services, and approved by the City Manager.
2. Funds must be available in the appropriate budget to cover the anticipated costs.
3. Training opportunities should benefit both the employee and the City.
4. The City may offer tuition reimbursement for training that enhances employee skills that will benefit both the city and the employee. Tuition will be reimbursed after the class has been completed and a passing grade of B or better is demonstrated by the employee. Applications for tuition assistance will be considered by the City Manager.

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SECTION 12. RETIREMENT

A. Policy

1. Providence City will follow the Utah State Retirement Policy. There is no mandatory retirement provided the employee continues to meet the current standards of the position.
2. Employees of Providence City may elect to retire prior to their 65th birthday at their own discretion. The City has no role in determining what benefits are to be paid or when an employee is eligible for benefits, as these are entirely governed by the rules, regulations, policies and statutes related to the Utah State Retirement System.
3. All Providence City employees are covered by social security. This benefit is separate from the state retirement system.
4. All full-time employees of Providence City are covered by the Utah State Retirement System.
5. For the purposes of Utah Retirement Systems (URS) coverage, the City classifies all elected officials as part-time. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement systems. (Resolution 015-2015, 06/09/2015)
6. For the purposes of Utah Retirement Systems (URS) coverage, the City classifies the following appointed officials as full-time: City Recorder, City Treasurer, Public Works Director, Administrative Services Director and City Manager. Currently, Providence City does not compensate appointed members on the following boards and/or commissions: Appeal Authority, and Historic Preservation Commission. However, for the purposes of Utah Retirement Systems (URS) coverage, if the City

does compensate the appointed officials on the following boards and/or commissions—Appeal Authority, Historic Preservation Commission, and Planning Commission—they will be classified as part-time. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement systems. (Resolution 021-2015, 07/14/2015)

7. Providence City designates the following appointed and/or administrative officials not entitled to merit or civil service protection as: City Manager, Administrative Services Director, City Recorder, City Treasurer, and Public Works Director.
 1. The maximum number of appointed or administrative positions the City may exempt is a number equal to 10% of its retirement-eligible employees. The total number of exemptions between both retirement system tiers will be used to determine exemption compliance. At a minimum, the City may exempt one (1) position.
 2. Employees (members) receiving a monthly retirement benefit from URS are considered post-retired and may not exempt.
 3. The City will comply with all URS rules for exemptions. (Resolution 016-2019, 06/11/2019)

SECTION 13. DEATH OF AN EMPLOYEE

Upon the death of an employee the employee's designated beneficiary shall be paid for:

1. All hours worked but not paid, at the employee's current rate of pay.
2. Any annual time earned and available but not paid at the employee's current rate of pay.
3. Any banked hours at the current rate of pay.

SECTION 14. OUTSIDE EMPLOYMENT

Full-time employees must have written permission to accept secondary employment in addition to their full-time job with the City. Each request will be approved or disapproved by the City Manager. If secondary job duties interfere with or adversely affect City job performance, the City Manager may revoke permission.

SECTION 15. USE OF CITY EQUIPMENT AND MATERIALS

A. Use and Care of Equipment

The use of Providence City equipment or tools for private purposes is not authorized. The following guidelines should be followed in the use and care of

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<#>The use of City owned equipment or personnel for personal use is strictly prohibited.

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equipment.

- a. An employee must receive the proper training and explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.
- b. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. Any employee operating a motor vehicle must have a valid Utah driver's license.
- c. Operators and passengers in a Providence City vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- d. Employees shall keep Providence City vehicles, which are used by them, clean, presentable, and serviceable. They are responsible to make certain that the vehicle is serviced properly.

B. Driver Qualification Standard:

1. All employees or volunteers operating Providence City-owned vehicles, or who may operate any vehicle while conducting business for or on behalf of Providence City, must be authorized drivers. The authorization process requires an analysis of the employee's driving record to ensure compliance with the driver qualification standard as identified in this policy.
2. As part of the driver qualification process, all drivers or potential drivers' MVR (Motor Vehicle Record) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers will be qualified as "Acceptable," or "Borderline." Drivers qualified as "Borderline" may be authorized to drive on an introductory basis as determined by the [City Manager](#). Drivers whose record does not meet the driver qualification standard will not be allowed to operate any vehicle while engaged in City business.
3. All drivers must possess a valid Driver's License. Required endorsements must also be maintained. The driver qualification evaluation will be based on the driver's MVR and may also consider work related motor vehicle incidents, whether or not the incident has been recorded on the driver's MVR. All violations recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.
4. "Acceptable" or "Borderline" qualification will be determined using the following criteria. Any number of violations or accidents in excess of the "Borderline" criteria constitutes a failure to meet the driver qualification standard, resulting in revocation of driver authorization. (Note - DUI and DWI are not evaluated as a standard violation)

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5. Acceptable
 - a. Up to 2 violations recorded on the MVR, or
 - b. Up to 1 at-fault work related accident in the prior three years, or
 - c. A combination of 1 violation on the MVR and 1 at fault work related accident in the last three years
6. Borderline
 - a. 3 to 4 violations recorded on the MVR or,
 - b. 2 at-fault work related accidents in the last three years, or
 - c. DUI or DWI with in the last 2-5 years, or
 - d. Any violation for Careless, Reckless or Distracted driving
7. A single major violation recorded on the MVR, or resulting from a work related incident, *may* result in revocation of the drivers' qualification and driver authorization. Major violations include, but are not limited to:
 - a. DUI or DWI in the previous 24 months
 - b. Failure to stop/report an accident
 - c. Making a false accident report
 - d. Attempting to elude a law enforcement
 - e. Others as determined by the [City Manager](#).

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SECTION 16. COMPUTERS, PHONE, AND TECHNICAL RESOURCE

This policy defines the proper use of Providence City computers, phones, and related technical resources and the disciplinary action(s) that may be taken for violation(s) of the policies set forth in this chapter. Computers and phones are assigned to employees to facilitate effective and efficient performance of their duties. This includes tasks they perform as a direct result of their positions, related activities that promote the interests of the City, and assignments associated with professional organizations in which they participate in conjunction with their City duties.

B. Personal Use

Employees may use computers and phones assigned to them for authorized personal purposes when not working (i.e. breaks, lunch time, etc.). Use of City equipment for personal reasons is allowed as long as it only creates a de minimis additional cost or expense to the government. Generally, personal information should not be stored on City computers. If personal data is used on a City computer, it should be stored locally (i.e. CD, flash drive, local hard drive). Storing or using any file on a City computer must be in strict compliance with all laws including copyright laws. Personal files stored on a City computer are subject to monitoring (see §N.7 – Monitoring of Computers), Government

Records Access and Management Act (GRAMA) requests, and legal holds.

C. Telephone Usage

Telephones are for City Business purposes. Phone etiquette should be practiced at all times. Occasional personal use for local calls is acceptable while on personal time. In no case are personal toll calls permitted. Employees must be diligent about not giving out personal or confidential information to callers. Generally, participation in telephone surveys should be declined.

SECTION 17. AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY

A. Purpose

This policy provides Providence City employees guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property. "Public servant" means an elected official, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. "Public property" means real or personal property that is owned, held, or managed by a public entity.

This policy constitutes a "written policy of the public servant's entity" for purposes of Utah Code section 76-8-402(1)(b)(iii). For purposes of this policy, "public servants" will be referred to as "employees".

B. Policy

Employees are responsible to protect and conserve government-owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate department head or elected official.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email, instant messaging, or using telephones.

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<#>The use of Providence City equipment or tools for private purposes is not authorized. The following guidelines should be followed in the use and care of equipment. ¶
<#>An employee must receive the proper training and explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. ¶
<#>A commercial driver's license (CDL) is required for operators of commercial motor vehicles. Any employee operating a motor vehicle must have a valid Utah driver's license. ¶
<#>Operators and passengers in a Providence City vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws. ¶
<#>Employees shall keep Providence City vehicles, which are used by them, clean, presentable, and serviceable. They are responsible to make certain that the vehicle is serviced properly. ¶

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Employees who wish for their personal activities to be private should not conduct such activities using public property.

To help improve the effectiveness and efficiency of government services, incidental personal use of public property is authorized under Utah Code section 76-8-402 and is further authorized under this policy.

“Incidental Personal Use” or “De Minimis Use” means an occasional or infrequent personal use with little or no cost to the City and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical. In determining whether the use is de minimis, the frequency and the value shall always be considered.

Incidental personal use includes:

- a. Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment; and
- b. Use of public property of a personal nature when such use of the public property:
 - i. Is allowed to be used by the general public;
 - ii. Is allowed for training or skill development;
 - iii. Is provided or required to be provided to the public servant as an employee benefit or convenience, such as lunchroom, fitness, and/or nursing room facilities;
 - iv. Is allowed by state, federal, or City code, administrative rule, or policy;
 - v. Does not create more than a de minimis additional cost or expense to the government;
 - vi. Does not interfere with the mission or operations of Providence City;
 - vii. Does not interfere with the performance of any other City employee's official duties;
 - viii. Does not compromise the integrity of state property, information, or software;
 - ix. Does not involve conducting an outside business or private employment or other activities conducted for private financial gain;
 - x. Is otherwise permitted by an employee's manager or supervisor (e.g., a supervisor in the employee's organizational chain of command) in writing prior to usage; or
 - xi. Is otherwise permissible under state, federal, or City Code, administrative rule or policy.

SECTION 18. EMPLOYEE CODE OF CONDUCT

1. PROFESSIONALISM

Providence City is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are required to carry out the work assigned to them efficiently, maintain good moral conduct, and do their part in maintaining good relationships with city officials, supervisors, fellow employees, and the public.

2. PRIVILEGED INFORMATION

Employees who possess information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any of Providence City's plans or activities, this situation must be reported to the City Manager immediately. Each employee must ensure information made available to the general public is released only as permitted in the Government Records Access and Management Act.

3. CONFIDENTIALITY

Fellow employees expect all personal information about themselves and their families to be kept confidential. Every employee has an obligation to protect this confidence.

4. GIFTS AND GRATUITIES

1. Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person or organization seeking to obtain or conducting business with Providence City, or from any person or organization whose interests may be affected by the employees' performance or nonperformance of official duties except under circumstances allowed by the Utah Employee Ethics Act As used in this section, "economic benefit tantamount to a gift" includes:
 - a. A loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
 - b. Compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
2. Except as provided in Subsection (4), it is an offense for a public officer or public employee to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another, a gift of substantial value or a substantial economic benefit tantamount to a gift:

- a. that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
- b. that the public officer or public employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the public officer or public employee for official action taken; or
- c. if the public officer or public employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6.

3. Subsection (2) does not apply to:

- a. an occasional nonpecuniary gift, having a value of not in excess of \$50;
- b. an award publicly presented in recognition of public services;
- c. any bona fide loan made in the ordinary course of business; or
- d. a political campaign contribution.

4. This section does not apply to a public officer or public employee who engages in conduct that constitutes a violation of this section to the extent that the public officer or public employee is chargeable, for the same conduct, under UCA Section 63G-6a-2404 or Section 76-8-105.

5. ATTENDANCE

Regular attendance and punctuality are essential to providing high quality work and service to customers, and to avoid extra work for fellow employees. Therefore, when an employee is going to be late or will not be able to report to work, the employee must notify his/her Supervisor prior to the scheduled work time. If the employee is ill or has an emergency, he/she should notify a Supervisor (immediate Supervisor preferred) as soon as possible on each day of absence. A doctor's note must be turned in to the employee's immediate supervisor that covers each scheduled working day that exceeds three (3) scheduled working days off due to a medical condition which, per the doctor's recommendation, requires an absence of attending work.

6. APPEARANCE

Providence City expects its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

7. SMOKING

In compliance with the Utah Indoor Clean Air Act smoking is not permitted in Providence City facilities, including vehicles. It is the policy of Providence City to prohibit smoking on all company premises in order to provide and maintain a safe and healthy work environment for all employees. [The law prohibits smoking and electronic cigarette use in all enclosed indoor places of public access, prohibits smoking and vaping within 25 feet of any entranceway, exit, open window, or air intake of a building where smoking is prohibited.](#)

Deleted: The law defines smoking as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

The smoke-free workplace policy applies to:

- All areas of [City](#) buildings.
- All [city](#)-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the [city](#).
- All visitors (customers and vendors) to the [city](#) premises.
- All contractors and consultants and/or their employees working on the [city](#) premises.
- All employees, temporary employees and student interns.

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Smoking is permitted in parking lots only.

Employees who violate the smoking policy will be subject to disciplinary action up to and including immediate discharge.

8. VEHICLE USE

The purpose of this policy is to establish guidelines for the use of Providence City (City) owned vehicles. These guidelines will help maximize the life cycle of all City vehicles. This policy will be reviewed as needed to ensure optimal efficiency.

In order to operate efficiently, the City Manager and City Staff will determine how many vehicles the City needs in each department.

The purchase of new City vehicles must be coordinated with the City Manager or designee prior to the start of the budget year and will therefore be approved by City Council.

Each City owned vehicle will be assigned to an employee or a department (assignee).

- A. The assignee will be responsible for scheduling and documenting recommended servicing of the vehicle. This includes, but is not limited to; fuel, tire maintenance/replacement, oil changes, transmission

service, etc.

B. The assignee will also be responsible for cleaning and general upkeep of the vehicle. The vehicle exterior will be cleaned a minimum of 2x per month and the interior will be cleaned a minimum of 1x per month.

C. City vehicles use will follow the guidance as to authorized personal use of public property in Section 17.

D. City employees who are assigned a vehicle and live in City limits will be permitted to drive their vehicle home on a daily basis.

E. Employees required to be on-call may be required to drive a city vehicle home the days they are on-call.

F. Employees that are not on call and do not live in City limits will be required to park the assigned work vehicle at the city yard each day at the end of their shift. When an employee is not on-call, the employee will be responsible to arrange for transportation to and from work. Exceptions must be approved by the City Manager.

9. POLITICAL ACTIVITY

- An employee shall not be coerced to support a political activity.
- An employee shall not engage in political activity during work hours, unless on approved leave.
- An employee shall not use Providence City-owned equipment, supplies or resources, nor incur other attendant expenses (computer online and access charges, etc.) when engaged in political activity.
- An employee shall not use his/her title or position while engaging in political activities.

10. SOCIAL MEDIA – ACCEPTABLE USE

Below are guidelines for social media use:

- Employees should post only appropriate and respectful content.
- Employees must maintain the confidentiality of Providence City's confidential information. Internal reports, policies, procedures or other internal business-related confidential communications should never be posted or shared, unless otherwise allowed for by law.
- Employees should not create a link from personal blogs, websites or other social networking sites to Providence City's website without identifying themselves as a Providence City associate.
- Employees may express only their personal opinions. An employee may never represent themselves as a spokesperson for Providence City unless authorized by the City Manager. If Providence City is a subject of the

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content being created, employees must be clear and open about the fact that they are an associate and that their views do not represent those of Providence City, fellow associates, members, customers, suppliers or people working on behalf of Providence City. If an employee does publish a blog or post online related to the work they do or subjects associated with Providence City, they must make it clear that they are not speaking on behalf of Providence City. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Providence City.”

- Providence City monitors content out on the Internet. Policy violations may result in discipline up to and including termination of employment.
- Providence City management may perform periodic inspections of Providence City systems, including desktops, servers, and laptops. If management discovers any inappropriate material, as defined in this policy, on any Providence City systems, the responsible party will be subject to disciplinary action up to and including termination.

11. OUTSIDE EMPLOYMENT

Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with, or compromise Providence City’s interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any Providence City services on non-working time that is normally performed by Providence City. This prohibition also extends to the unauthorized use of any Providence City tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If Providence City determines that an employee’s outside work interferes with performance, the employee may be asked to terminate the outside employment.

Deleted: Employees who have accepted outside employment may not use paid sick or vacation leave to work on the outside job. Fraudulent use of this leave will result in disciplinary action, up to and including termination.

12. FITNESS FOR DUTY

Policy

The City recognizes that physical or mental ability issues may impact an employee's ability to perform his or her job duties. It is in the best interest of the City and the employee to identify factors impacting the work place.

Procedures

1. Fitness for Duty Referrals

- a. A supervisor may refer an employee for a fitness-for-duty evaluation. The supervisor will make a written request to the City Manager, Human Resource Representative or designee when referring an employee for an evaluation.
- b. The Supervisor's written request will include a copy of the employee's job description, brief work history, and work-related problems.
- c. The evaluation will be conducted by a private contracted provider.
- d. The City will notify the employee in writing of the required evaluation date, time and location.
- e. The City may place the employee on paid administrative leave during the evaluation period.
- f. Evaluation costs are paid by the city.

2. Fitness for Duty Evaluation

- a. The provider's written evaluation will include:
 - reasons for the referral;
 - a diagnosis including expected duration and required medical or psychological plan;
 - a statement indicating whether the employee can perform the job;
 - identification of any tasks the employee cannot perform; and
 - a statement indicating whether the employee needs a reasonable accommodation to perform the essential job duties and the recommended accommodation.
- b. Upon completion of the fitness for duty evaluation, the City will notify the employee of the results.
- c. The City Manager, in consultation with the employee supervisor, will determine whether the employee may return to work, be placed on qualifying leave, or be separated from employment.
- d. An employee who refuses to submit to a fitness-for-duty evaluation or fails to make progress towards completing the evaluation plan may

be disciplined.

3. Confidentiality and Records

- a. Records obtained under this policy that contain medical, psychiatric or psychological data about an employee will be classified as protected in accordance with Government Records Access and Management Act (GRAMA).
- b. Evaluation information may only be released for employment-related purposes and will be limited to persons with a work-related concern.

Fitness-for-duty evaluation records will be kept in a locked file by the City Manager or designee and will be made available only to qualified medical personnel upon written release from the employee and in accordance with applicable State or Federal laws relating to medical records.

SECTION 19. TERMINATION OF EMPLOYMENT

1. TYPES OF TERMINATION

Voluntary Resignation. When an employee wishes to leave Providence City, he or she will furnish a written Notice of Voluntary Resignation to his/her immediate supervisor. Notice should be given two weeks prior to the last date of work.

Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees at Providence City because of lack of work or lack of funds, Providence City may attempt to minimize layoffs by readjustments of personnel through reassignment of duties or other work areas, but still reserves the right to reduce workforce through permanent or temporary layoffs at the discretion of Providence City and its management.

Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.

Death. If an employee of Providence City dies, his/her estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/or sick leave) as of the date of death.

Involuntary. All employees are "at will" and may be terminated with or without cause.

2. REQUIRED NOTICE PRIOR TO TERMINATION

All employees must notify their direct supervisor and/or department head at Providence City at least two (2) weeks before retiring or voluntarily resigning to be eligible for:

- Pay of unused leave (if applicable).
- Re-hirable status

Providence City does not have a requirement to give any prior notice to an employee before terminating their employment with Providence City. When Providence City terminates employment, Providence City will determine whether any pay for unused, earned leave (if applicable) will be paid to the terminated employee.

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3. EXIT INTERVIEW

All voluntary terminating employees shall meet with the Human Resource Representative or City Manager on their final day of employment for an exit interview. The exit interview helps Providence City determine the employee's satisfaction with Providence City's policies and benefits, and what changes could be implemented to retain future or current employees. The employee is also notified about final payment of wages, leave time, or other amounts due the employee and when payment will be received, as well as COBRA, and the signing of required retirement documents. If an employee fails to schedule an exit interview with the Human Resource Representative or City Manager, notification shall be placed in the employee's file for re-hire eligibility.

4. COBRA

Any employee that is separated from Providence City is entitled to a continuation of insurance coverage per the mandate of the Consolidated Omnibus Budget Reconciliation Act of 1985, or COBRA.

SECTION 20. RECORD KEEPING

1. GENERAL

Federal law requires employers to keep certain records and information on their employees.

2. CONFIDENTIALITY

Confidentiality must be maintained at all times with access to personnel records limited to employees and those within their supervisory chain.

It is the policy of Providence City that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate reasons.

Employees have the opportunity to review their own files in the presence of the City Manager or designee, on Providence City premises during regular business hours.

3. PERSONNEL FILES REQUIREMENTS

The personnel file may contain the job application, resume, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate, and such other records as required by law and as determined by the city manager or designee.

Fair Labor Standards Act (FLSA) Minimum Wage Requirements.

Providence City should keep the following data on all employees for a period of at least two (2) years.

- Employee's sex;
- Day and time work week begins;
- Hours worked each day and total hours worked each week;
- Total daily or weekly straight-time earnings;
- Total additions to, or deductions from wages paid each pay period, including an explanation of items that make up additions and deductions;
- Date of payment and pay period covered; and
- Total overtime for each work week.

4. OTHER REQUIREMENTS

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- OSHA record of injuries.
- ERISA record of pensions.

Immigration Reform and Control Act (IRCA) requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

5. PERFORMANCE APPRAISALS

It is the policy of Providence City not to require its department heads or supervisors to conduct performance appraisals. All employees are expected to perform their assigned duties in a manner that is acceptable to their immediate supervisor and Providence City management. Any deficiencies will be noted and discussed with the employee and, if not corrected, the employee will be subject to termination consistent with the "at will" policy. Employees are required to comply with the respective processes and procedures outlined in their applicable department bylaws.

SECTION 21. OSHA REQUIREMENTS

1. GENERAL

It is the policy of Providence City to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury.

2. POSTING OSHA NOTICES

Providence City will post all required OSHA notices in conspicuous places (such as employee bulletin boards or locations where similar notices are usually posted). Employees may obtain additional information from the City Manager or Human Resources Representative when they have questions about any of the standards which are provided under OSHA.

3. INSPECTION PROCEDURES

All employees will follow the procedures listed below in the event inspector(s) from UOSHA present themselves on the job site:

- Employees are not authorized to offer any information requested by an inspector.
- Employees will inform the inspector that the employee will contact the City Manager and their department head or designee who will accompany the inspector during any inspection.
- The City Manager should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSHA inspector shows up on the job site.
- If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the City Manager or designee should ask the inspector to reveal his/her credentials and should then examine them before allowing an inspection of the job site.
- The City Manager or designee may refuse an inspection of the job site where the inspector does not have a warrant to inspect.
- If the inspector's credentials are appropriate and before beginning the inspection, the City Manager or designee should ask the inspector the reason the inspection is being conducted. If the inspection is due to an employee complaint, the City Manager or designee should request a copy of the complaint.
- The City Manager or designee should accompany the inspector during the entire inspection of the job site.
- The City Manager or designee should note every comment and observation made by those participating in the inspection but should not volunteer any unsolicited information.

4. ACCIDENT REPORTING PROCEDURES

Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the City Manager and their supervisor who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the City Manager or designee shall be subject to disciplinary action up to and including termination.

- The City Manager or designee will investigate the job-related injury to determine its cause.
- The City Manager or designee shall contact UOSHA within twelve (12) hours of the occurrence of any job-related death, disabling, serious or significant injury, and/or any occupational disease.
- The City Manager or designee shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
- The City Manager or designee shall keep a copy of the UOSHA report in its UOSHA file.
- The City Manager or designee shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work-related injury or occupational disease.
- If an employee later dies as a result of a work-related injury, the City Manager or designee shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

SECTION 22. FINANCIAL AND INFORMATION TECHNOLOGY

1. AUDIT COMMITTEE

Audit Committee Authority

The City Council of Providence City has established an audit committee to assist the City Council in the oversight of both the internal and external audit functions.

Mission

The City Council of the Providence City has established an audit committee to provide independent advice, assistance, and recommendations to the City Council in the oversight of the internal and external audit functions of the City.

Composition and Requisite Skills

The Providence City Audit Committee is comprised of a subset of City Council members. This ensures that investigations regarding the work of management, external auditors, and internal auditors remain confidential until reports are made public to the governing body. The committee shall include: The Mayor, at least one and not more than two Council Member(s), and the City Manager.

The Committee members collectively should possess the knowledge in accounting, auditing, and financial reporting needed to understand and evaluate Providence City's financial statements, the external audit, and the entity's internal audit activities. Accordingly, the Audit Committee's members, collectively, should:

- 1) Possess the requisite knowledge necessary to understand technical and complex financial reporting issues.
- 2) Have the ability to communicate with auditors, public finance officers and the governing body.
- 3) Be knowledgeable about internal controls, financial statement audits and management/operational audits.

Duties and Responsibilities

The duties and responsibilities of the Providence City Audit Committee include the following:

- 1) External Audit Focus
 - a. Provide recommendations regarding the selection of the external auditor
 - b. Meet with the external auditor prior to commencement of the audit to, among other things, review the engagement letter.
 - c. Review and discuss with the external auditor any risk assessment of the entity's fiscal operations developed as part of the auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable.
 - d. Receive and review the draft annual audit report and accompanying draft management letter, including the external auditor's assessment of the entity's system of internal controls, and, working directly with the external auditor, assist the governing body in interpreting such documents.

- e. Make a recommendation to the governing body on accepting the annual audit report.
- f. Review every corrective action plan developed by Providence City management and assist the governing body in the implementation of such plans.

2) Internal Audit Focus

- a. Make recommendations to the governing body regarding the appointment of the internal auditor.
- b. Assist in the oversight of the internal audit function, including reviewing the annual internal audit plan to ensure that high risk areas and key control activities are periodically evaluated and tested, and reviewing the results of internal audit activities.
- c. Review significant recommendations and findings of the internal auditor.
- d. Monitor management's implementation of the internal auditor's recommendations by management.
- e. Participate in the evaluation of the performance of the internal audit function.
- f. Oversee Hotline complaints received and investigated by the internal auditor.

3) Administrative Matters

- a. Review and revise the Audit Committee Charter, as necessary.

Membership

The membership duties of the Providence City Audit Committee include the following:

- 1) Good Faith – Members of the Committee shall perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the City with such care as a generally prudent person in a similar position would use under similar circumstances.
- 2) Independence – An individual may not serve on an audit committee if he or she:
 - a. Currently provides, or within the prior two years, has provided, goods or services to the entity.
 - b. Is a family member of an employee or officer.

- c. Is the owner of or has a direct and material interest in a company providing goods or services to the entity.
- 3) Confidentiality – During the exercise of duties and responsibilities, the Committee members may have access to confidential information. The Committee shall have an obligation to the City to maintain the confidentiality of such information.

Meetings and Notification

The Providence City Audit Committee shall meet a minimum of two times each year. An agenda of each meeting should be clearly determined in advance and the Audit Committee should receive supporting documents in advance, for reasonable review and consideration.

The Audit Committee shall create meeting minutes which include the meeting:

- 1) Agenda
- 2) Time, date, and location
- 3) Attendance
- 4) Findings requiring further investigation
- 5) Items to report to the governing body

Decision-Making Process

All decisions shall be reached by vote of a simple majority of the total membership of the committee. A quorum constitutes a simple majority of the total membership and meetings will not be conducted unless a quorum is present.

Reporting Requirements

The Providence City Audit Committee has the duty and responsibility to report its activities to the City Council as needed, but not less than annually. Periodic written reports of Audit Committee activities are an important communication link between the Audit Committee and the City Council on key decisions and responsibilities. The Audit Committee's reporting requirements are to:

- 1) Report on the scope and breadth of committee activities so that the City Council is kept informed of its work.
- 2) Provide minutes or a summary of minutes of meetings which clearly record the actions and recommendations of the Committee.
- 3) Report on their review of the City's draft annual audit report and accompanying management letter and their review of significant findings.

- 4) Report on suspected fraud, waste or abuse, or significant internal control findings and activities of the internal control function.
- 5) Report on indications of material or significant non-compliances with laws or City policies and regulations.
- 6) Report on any other matters that the committee believes should be disclosed to the City Council.

Charter Review

The Providence City Audit Committee shall assess and report to the City Council on the adequacy of this Charter no less than an annual basis or as necessary. Charter modifications, as recommended by the Audit Committee, should be presented to the City Council in writing for their review and action.

2. CASH RECEIPTING AND DEPOSIT

Purpose

Establish a uniform control design for all departments of Providence City that receive cash. This policy has been developed by the City Manager with input received from the Treasurer and Recorder, external auditors and approved by the City Council who ultimately is responsible for the overall design and implementation of organizational controls. Over time it is expected this policy will be adjusted for changes in systems and organizational structure at which time the City Manager will propose changes to the City Council for review and approval.

Cash Receipts at Separate Individual Locations

1. All funds received are entered into the accounting system at the time of the transaction or if the transaction occurs at a location without access to the accounting system the funds will be logged into a pre-numbered receipt book with enough detail to determine where/who the funds came from, the purpose for receiving the funds, the method of payment; cash, check, credit card etc., and designate the appropriate account. Manual receipts should have three copies; Customer copy, a Treasurer copy and a location copy.
2. At the end of each day the person responsible for receiving cash will close out their cash drawer, reconcile the system generated report to the cash in the drawer, place cash, checks and credit card receipts received along with the report in a deposit bag and either deliver it to the Treasurer's office or place it in a secure (locked) place for deposit on the next business day.
3. Void/adjusted transactions. If a transaction needs to be voided or adjusted it should be done by the City Treasurer or designee (who does not receive cash). If an office doesn't have enough employees to have adjustments made by a supervisor that doesn't receive cash, two employees will sign off on the adjustment or voided transaction explaining the circumstances causing the adjustment. If the location is using a manual receipt book all copies of the receipt should be present for any voided receipt. The system should be designed to generate a report of all adjusted/voided transactions to facilitate monitoring of this process.
4. Every effort should be made to ensure large quantities of cash are not on hand at any location overnight. If a location has a large transaction or series of transactions leaving cash on hand over \$1,000 the deposit should be made in the same day.

5. The Treasurer's office enters the deposit into the accounting system, and takes funds to the bank.
6. Providence City will install and maintain surveillance systems in offices receiving funds. Surveillance evidence will be maintained for 30 days.
7. When possible mail will be opened in the presence of two or more employees and any correspondence containing payments will be removed and processed prior to distributing mail to individual persons or departments.

Deposits with Treasurer

1. Treasurer's office employee will receive funds, count the funds, compare the amount received to the supporting documentation provided and give a receipt to the employee who turned over the funds with the amount received, date and that employees name and signature.
2. An employee from the Treasurer's office enters the information from the deposit into the Accounting system.
3. At the end of each day, the Treasurer will compile all cash and checks received, match the total to the total receipts in the accounting system, and create a deposit slip (deposit information should be sufficiently detailed to allow a reviewer to trace individual transactions from satellite locations into the deposit and verify that the funds were received by the bank.
4. Copies of deposit slips are maintained and used to reconcile bank statements to the accounting records.
5. Department heads for departments that collect cash should review the revenue recorded into the accounting system with their copy of the deposits to ensure correct recording of cash. Where practicable the system should be designed to only allow receipts for cash receipts to be recorded to accounts that pertain to that office or department.

3. CONFLICT OF INTEREST

Overview

City officers individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Officers must avoid even the appearance of impropriety to ensure and maintain public confidence in the City. Officers owe a fiduciary duty to the City and must not act in a manner that is contrary to that duty or to the interests of the City. Officers must place the interests of the City over their own personal interests with respect to the governance, policy, strategic direction and operations of the City.

Policy

It is the intent of the City Council to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer has a personal interest in a matter that is or may be in conflict with or contrary to the City's interests and objectives to such an extent that the officer is or may not be able to exercise independent and objective judgment within the context of the best interest of the City. For the purposes of this policy, an officer's "personal interest" includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

1. The following provisions shall serve as a guide to officers with respect to the affairs of the City:
 - a. City officers shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Officers are required to submit a report to the City Council and the City's Internal Auditor of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds \$50.00.
 - b. The complete confidentiality of proprietary business information must be respected at all times. Officers are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the City, or to individually conduct negotiations or make contacts or inquiries on behalf of the City unless officially designated by the City Council.
 - c. Officers are prohibited from acquiring or having a financial interest in any property that the City acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the City does business. This does not prohibit the ownership

of securities in any publicly owned company except where such ownership places the officer in a position to materially influence or affect the business relationship between the City and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the City is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to the City.

- d. If members of the immediate family of an officer have a financial interest as specified above, such interest shall be fully disclosed to the City Council which shall decide if such interest should prevent the City from entering into a particular transaction, purchase, or engagement of services. The term "immediate family" means officer's spouse, parent, dependent children, and other dependent relatives.
- e. When a conflict of interest exists, the officer shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- f. Officers may not realize, seek, or acquire a personal interest in a business that does business with the City.
- g. Officers shall complete a Conflict of Interest Disclosure Form annually by the end of January. This Form shall be signed. Completed Forms shall be submitted to the Recorder and made available to the public upon request.
- h. The Recorder shall provide copies of all completed Forms to the governing body] Chair at the end of January each year.
- i. The City Manager shall review all completed forms and consider the disclosures. The City Manager should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the City.

4. CREDIT/PURCHASE CARD

Credit Card Procedures

By requesting a Providence City Credit/Purchase Card, each applicant acknowledges that they have read and understand the Policy and Procedures, in their entirety. These procedures provide information about the process, the types of purchases that can and cannot be made, records that must be maintained and reconciled monthly and miscellaneous information about the program.

1. To Obtain a Card:

Complete a Providence City Credit/Purchase Card Acceptance Agreement (see Appendix). All requests will be processed through the City Manager or designee. The cardholder's signature on the Acceptance Agreement indicates that the cardholder understands the intent of the program and agrees to adhere to the guidelines established for Card Policy and Procedures.

Upon receipt of an approved card, it is the responsibility of the cardholder to sign the back of the issued card. Applicants are responsible for the security of the card issued and the transactions made with the card. The card is issued in the name of the applicant and it will be assumed that any purchases made with the card will have been made by the applicant. The cardholder is the only person entitled to use the card issued. Failure to comply with the guidelines established for the program may result in severe consequences, up to and including termination of employment.

2. Card Holder Responsibilities:

It is the responsibility of the cardholder to:

- a. Read and understand the Providence City's Card Policies and Procedures
- b. Sign the Card Acceptance Agreement. (See Appendix)
- c. Make only authorized purchases as prescribed by the Purchasing Policy and approved departmental budget
- d. Retain receipts for all transactions. In the absence of a receipt, a Missing Receipt Form must be completed and signed by the cardholder, and their supervisor.
- e. Reconcile the card statement upon its arrival. All reconciliations, statements, and receipts, are due to the accounting department by the 1st of the following month.
- f. Keep the card and the corresponding account information secure. Immediately report any lost or stolen credit card and/or account information to the City Manager.

- g. Report fraudulent charges or any discrepancies in the card statement in a timely manner.
- h. Failure to follow the policy may result in loss of card privileges, repayment of funds, suspension or termination.

3. Accountant Responsibilities

It is the responsibility of the Accountant to:

- a. Request and oversee the issuance of new cards through the Treasurer's Office and the City Manager. The credit limit will be determined at the discretion of the City Manager.
- b. Inform the City Manager when limit changes or cancellations are needed due to personnel changes
- c. Card reconciliations are to be completed within 15 days of payment due date
- d. Review the cardholder's reconciliation and transactions for completeness, accuracy, and compliance with Providence City policies and procedures
- e. Address the cardholder about questionable transactions for clarification purposes
- f. Report any misuses of credit cards immediately to the City Manager.
- g. Insure that the Treasurer's Office receives copies of receipts, if sales tax has been paid, to facilitate reimbursement from the State

4. Approved Card Purchases:

- a. Business related uses, subscriptions, seminars, dues, books
- b. Office supplies, furniture
- c. Small tools (purchase/rental), electrical, safety and building maintenance supplies
- d. Vehicle maintenance supplies
- e. Certain allowable travel expenditures:
 - i. Conference registrations or seminar rooms
 - ii. Entity sponsored group gatherings
 - iii. Hotel rooms

5. Prohibited Credit Card Purchases:

The following purchases are strictly prohibited from being purchased using a Providence City card:

- a. Any merchant, product, or service normally considered to be inappropriate use of Entity funds
- b. Purchase of items for personal use or consumption
- c. Purchasing in violation of the Purchasing Policy
- d. Capital equipment purchases/repair

- e. Gift cards/certificates
- f. Alcohol
- g. Fuel for fleet vehicles unless traveling outside of Utah. The Providence City gas card should be used for fuel purchases.
- h. Splitting a purchase to remain under purchasing policy limits
- i. Consultants:
 - i. Architects
 - ii. Engineers
 - iii. Attorneys and Attorney's fees
 - iv. Medical, including hospital/doctor visits

6. Built-In Restrictions:

Each card is assigned Monthly and Single-Purchase credit limits. If you find over time that these limits are too low to accommodate your monthly requirements, please contact the City Manager to review the limit given. Providence City has the ability to block, if necessary, certain supplier's Merchant Category Codes. If the City chooses to block a Merchant the card will be declined. Please refer to the Accountant regarding issues with a possible blocked card.

7. Reconciliation and Payment:

The City Credit Card Program carries City, not individual, liability. Credit Card Invoices will be paid by the accounts payable personnel as outlined. The cardholder will not be required to pay the Monthly Statement using personal funds. The program does not impact the cardholder's personal credit rating in any way.

The cardholder is required to obtain and retain all receipts for goods and services purchased when using the credit card. If purchases are made via phone, mail, e-mail or other electronic means, ask the supplier to include and itemized receipt with the goods when the product is shipped to you. This itemized receipt is the only original documentation specifying whether or not sales tax has been paid against the purchase.

Each cardholder will receive a statement identifying all transactions made against the card during the previous billing cycle. The statement must be reconciled against the receipts for accuracy. The reconciled statement is to be sent for review, and approval. The cardholder's activity may be audited at any time.

8. Disputed Transactions:

Disputes on credit cards must be identified in writing to the issuing credit card company within 60 days of the monthly statement date. If a dispute is not identified in writing within 60 days of the Monthly Statement date the issue must then be resolved between the City and the supplier.

The cardholder is responsible to identify possible disputed or fraudulent transactions on the monthly statement provided to them for reconciliation. If an audit is conducted on the cardholder's account, the cardholder must be able to produce receipts and/or proof that the transaction occurred. If an error is discovered, the cardholder is responsible for showing that the error or dispute resolution process was completed.

It is the cardholder's responsibility to immediately notify Accounts Payable personnel if there is a possible dispute on an issued credit card.

9. Employee Termination:

Upon notice of a cardholder terminating their current employment, the cardholder's supervisor is responsible to take possession of the card and any outstanding original receipts. The supervisor should immediately notify the City Treasurer so they can notify the card issuer and close the account.

5. ETHICAL BEHAVIOR

Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Providence City Business.
 - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
 - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
 - c. Fail to disqualify him or herself from acting on any transaction which involves Providence City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
 - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Providence City or any City agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Providence City or City agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
 - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Providence City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
 - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
 - c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position

- with the City; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
- d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Providence City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.
- a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
 - i. Unsolicited flowers, plants, and floral arrangements;
 - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
 - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
 - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the City;
 - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
 - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
 - viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the City;
 - ix. Travel costs, lodging, and tuition costs associated with City sanctioned training or education when not provided by a private entity under contract with the City;
 - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
 - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;

- xii. Campaign contributions; and
 - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
- 4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.
- 5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Providence City. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Providence City.
- 6. Nepotism.
 - a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.
- 7. Misuse of Public Resources or Property.
 - a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.
- 8. Outside Employment.
 - a. Retain secondary employment outside of Providence City employment, which, as determined by City Council, and according to Utah Administrative Code R477-9-2:
 - i. Interferes with an employee's performance.
 - ii. Conflicts with the interests of Providence City or the State of Utah.
 - iii. Gives reason for criticism or suspicion of conflicting interests or duties.
- 9. Political Activity.
 - a. Except as otherwise provided by law:
 - i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Providence City may not provide a basis for denying employment to the applicant.
 - ii. A Providence City officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the

- basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
- iii. A Providence City employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - iv. A Providence City officer or employee may not use City equipment while engaged in campaigning or other political activity.
 - v. A Providence City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
 - vi. A Providence City officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
- b. A Providence City employee who has filed a declaration of candidacy may:
 - i. be given a leave of absence for the period between the primary election and the general election; and
 - ii. Use any vacation or other leave available to engage in campaign activities.
 - c. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
 - d. Nothing in this chapter shall be construed to:
 - i. prohibit a Providence City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - ii. Permit a Providence City officer or employee partisan political activity that is prohibited under federal law.
 - e. No Providence City officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Providence City property.
 - f. No Providence City officer or employee shall promise any appointment to any position with Providence City as a reward for any political activity.

- g. A Providence City employee who is elected to an office with Providence City shall terminate City employment prior to being sworn into the elected office.
- 10. Fair and Equal Treatment.
 - a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
 - b. No Providence City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- 11. Prohibited Conduct After Leaving Providence City:
 - a. No former employee shall, during the period of one (1) year after leaving Providence City office or employment:
 - i. Disclose or use any privileged or proprietary information gained by reason of his/her City employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 - ii. Assist any person in proceedings involving an agency of Providence City with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
 - iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Providence City employee;
 - iv. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

6. INTERNAL AUDIT CHARTER

Purpose

The purpose of Internal Audit is to provide an independent, objective assurance and consulting activity designed to add value and improve Providence City's risk management efforts. It helps the city and its council accomplish their objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of processes and controls designed to manage risk.

Independence

To help ensure independence and objectivity, Internal Audit reports to the Audit Committee. If a formal Audit Committee has not been established, the governing board is, by default, the Audit Committee. The Audit Committee appoints the Director of Internal Audit, who controls and supervises the Office of Internal Audit. Administratively, Internal Audit reports to the Chief Administrative Officer.

Authority

Internal Auditors are authorized, under the direction of the Director of Internal Audit, to:

- Have full, free and unrestricted access to the records, property and personnel of all Entity departments, boards and commissions, in order to conduct internal audits.
- Have access to all documents and records of organizations receiving funds originating or passed through by the Entity to ensure that adequate internal controls are in place and operating effectively, regarding the expenditure of those funds relating to the Entity.
- Have full and free access to the Audit Committee.
- Obtain the necessary assistance of personnel in departments of the City where they perform audits, as well as other specialized services from within or outside the City.

To maintain an independent status, Internal Auditors are not authorized to:

- Perform any operational duties for the Entity or its boards and committees.
- Initiate or approve accounting policies and procedures or transactions external to the Internal Audit department.

- Direct activities of any City employees not employed by Internal Audit department, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.

Scope and Responsibilities

The Internal Auditor will:

1. Develop an annual audit plan using appropriate risk-based methodology and considering risks or concerns identified by management to be submitted to the Audit Committee for approval. The annual audit plan shall include at a minimum, the following information:
 - a. The scope of each proposed audit, including a summary of the nature, records, and time period covered by each audit to be conducted.
 - b. Identification of the department, board, service, program, function, or policy to be audited.
 - c. Each potential audit objective to be addressed.
2. Implement the annual audit plan as approved, including any requested special projects as approved by the Audit Committee.
3. Conduct investigations of alleged or suspected impropriety, fraud, misappropriation, or other misuse of City funds, and seek advice from the City attorney as appropriate and provide required reports to appropriate authorities.
4. Coordinate with external auditors and monitor the implementation of corrective actions recommended by external auditors as appropriate.
5. Submit reports to the Audit Committee indicating audits completed, major findings, corrective actions taken by management, and significant findings which have not been fully addressed by management.
6. Maintain a qualified, competent audit staff having the necessary knowledge, skills and disciplines to perform this function.
7. Request adequate resources necessary to accomplish audit objectives.
8. Coordinate with the State Auditor and external auditors to minimize duplication of efforts and maximize efficient audit coverage.
9. Receive, track, and report hotline complaints to the audit committee.

The Internal Auditor may:

1. Subject to the approval of the Audit Committee, conduct special reviews and programmatic reviews at the request of the governing board, finance officer, department heads, boards and committees.
2. Subject to the approval of the Audit Committee, provide assistance to departments, boards and committees for evaluation of financial controls and other audit related matters.
3. Amend the annual audit plan, subject to the approval of the Audit Committee.
4. Initiate, conduct, or expand the scope of an audit or investigation if a finding requires expansion of the scope, or if a determination has been made that fraud, abuse, or an unlawful act may have occurred.

7. IT AND COMPUTER SECURITY

Statement

Providence City furnishes computers for employees' use in conducting City business.

This includes access to e-mail and the Internet. The internet contains many useful features, including email to non-City resources, access to research materials, and information exchange. The purpose of this policy is to establish basic rules for employees' use of the City's computer system, including the Internet and email.

Computer System, Internet and E-mail Use Policies

The Internet can be misused in a variety of ways, including but not limited to:

1. Downloading files that contain viruses, thereby endangering City information services;
2. Accessing objectionable material;
3. Wasting work time by performing unauthorized research or accessing non business related information and people or for computer games, or online games.

Individual Responsibilities:

Internet users are responsible for complying with this and all other City policies when using the City's resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination.

General Policies for Use of the Entity's Computer System, Including the Internet:

An employee does not have a right to privacy when using the Internet via Entity resources and employees should not expect or assume any privacy regarding the content of email communications. The Entity reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including emails) downloaded or sent via the Internet using City resources are the City's records and property of the City; such records are subject to potential review and disclosure under the public disclosure law of the State of Utah. Even after an email message has been "deleted," it may still be possible to retrieve it.

The City Council has the right to restrict or prohibit any employee from Internet access for violation of the policy. Violations may also result in disciplinary action, up to and including termination.

Internet use via City resources is for City business. Except as outlined here, use of City's computer, Internet and email services are for City business only. Some limited personal use is permitted, so long as it does not result in cost to the City, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of City business and does not compromise the security or integrity of City information or software. Such limited use shall not occur on "paid time," but is permitted immediately before or after work hours and during an employee's breaks. Examples of allowable personal use include accessing a weather report or news item on the Internet, or transmitting email to a family member to assure safe arrival at home. Any personal use of Providence City's computer, Internet and email services must comply with all applicable laws and Providence City policies, including anti-discrimination policies and Internet usage policy.

Internet use must comply with applicable laws and City policies including but not limited to all federal and state laws, and City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of City resources, information and data security.

All Internet use must be consistent with the City's Personnel Policies Manual. Providence City's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of City business. Employees are prohibited from gaining unauthorized access to another employee's email messages, or sending messages using another employee's password.

In order to prevent potential City liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of Providence City.

Providence City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The City may disclose all such information to any party (inside or outside the Entity) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system—with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of the City for any purpose, as well as the public if a proper request is made for public records.

Good judgment should always be employed in using the City's email and

Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Email inconsistent with the City's policies must be avoided. For example, it is prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with the City's policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.

Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the Entity. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

The safety and security of the City's network and resources must be considered at all times when using the Internet. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from the City Manager or designate and without being properly scanned for viruses. Employees are not to share or reveal individual passwords to anyone.

There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that the City has no control over available information on the Internet and cannot be responsible for the content of information.

Prohibited Uses of the Internet:

The following is a non-exclusive list of prohibited uses of the Internet and email:

- Commercial use – any form of commercial use of the Internet is prohibited;
- Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;
- Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
- Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully

discriminatory to employees, citizens, vendors or customers is prohibited;

- Political – the use of the Internet for political purposes is prohibited;
- Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description, or position with the City is prohibited;
- Social networking sites – the accessing and/or creation of social networking sites, such as Facebook, Twitter, Instagram, Blogs and similar sites is prohibited for non-entity business purposes;
- Instant messaging;
- Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding City business is prohibited;
- Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-City related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
- Unauthorized attempts to access another's network or e-mail account;
- Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
- Spamming email accounts from the City's email services or City machines.

Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.

8. PERSONAL USE OF ENTITY ASSETS

Personal use of entities computers

Personal use of Providence City computer software and applications must comply with the Providence City Acceptable Computer Use Policy, which prohibits the use of City resources for personal for-profit business, religious, or political activities, or for personal financial benefit outside of employment. Offensive (i.e. pornographic), harassing, discriminatory, or illegal (i.e. gambling) activities are prohibited. Personal use of software and applications which disrupts or distracts the conduct of Providence City business due to volume, timing, or frequency is considered an unacceptable use of Providence City resources.

Costs associated with applications downloaded to Providence City cell phones is the financial responsibility of the user assigned to the cell phone.

Downloaded applications should not be offensive, harassing, discriminatory or illegal (i.e. gambling) in content. Applications with security vulnerabilities should be uninstalled.

The personal use of social networking applications (e.g. Facebook, Twitter, Instagram, and LinkedIn) is not permitted during work time. Office computers may be used at home by the employee since use of authorized software increases the employee's knowledge of the software. Unauthorized software may not be installed or used on the computer. Personal use must comply with the Acceptable Computer Use Policy which does not allow for personal for-profit business, religious, or political activities, or for personal financial benefit outside of employment. The computer is only to be used by Providence City employees. Installation of employee personal printers must be pre-authorized.

Personal Use of Printers, Photocopy and Fax Machines

Photocopiers and printers are primarily reserved for City use; however, personal copies and printed materials can be made at a cost of 5 cents per page, paid to the receptionist or other responsible employee. Long distance charges incurred as a result of a personal fax transmission shall be the financial responsibility of the employee and reimbursed to Providence City.

Non-Entity use of equipment

Providence City equipment may only be used for official purposes except when rented for personal use. Certain equipment of Providence City may be rented after hours and on weekends and government holidays for personal use by employees and the public based upon the fee schedule set by the City Council. Equipment may not be rented for commercial uses. The availability of equipment is subject to the discretion of the department head who is responsible for the equipment. Renters of Providence City equipment must abide by the terms of the rental agreement.

Use of Providence City Vehicles

Providence City vehicles are provided to enable employees to complete required tasks efficiently and effectively. As a general rule, vehicles should remain locked in a secure location when not in use. City vehicles should not be used for non-City purposes. Personal use of vehicles, including commuting to and from work, will be treated as a taxable fringe benefit consistent with IRS Publication 15-B.

Deleted: or to transport non-City persons unless the reason is documented and approved by City Council

Entity issued credit or purchasing card

An entity credit or purchasing card may be issued to certain employees to assist in handling Providence City purchases or travel costs. These cards are

to be used for City-related purchases only. Personal use of these cards is not allowed. All charges made to an entity card must be paid upon receipt of the statement. See City policy on credit/purchasing cards.

Administrative or staff time

Employees should not ask administrative or clerical staff to use City time to work on assignments or perform tasks which are not City-related or are for personal use or gain.

9. PROCUREMENT POLICY

Providence City prescribing the manner it shall procure goods and services.

General Provisions

1. Purchasing Agent Designated. The City Manager is hereby appointed and designated as the Providence City purchasing agent. The Purchasing Agent may from time to time appoint another person to undertake all or some of the duties of the Purchasing Agent set forth herein or appointed to him or her.
2. Authority to Enter into and Execute Contracts. All contracts are to be approved by the City Council. No department, office, advisory or policy board or other organization of City, nor any officer or employee thereof, shall be empowered to execute any purchase order or contract except as specifically authorized or by other applicable law. All contracts in violation of this provision are considered void and may result in the personal obligation and liability of persons at fault for such violations.
3. Conflict of Interests Prohibited. No officer, employee, agent, representative or member of any committee of the City shall have a financial interest in any contract, bid, or proposal; receive any compensation or gift from any bidder or proposer; or have any other conflict of interest (See Utah Code 67-16 and 17-16a).
4. Competitive Procurement. Unless exempted by this policy, all purchases and contracts shall be awarded on a competitive basis, as required by applicable City, State and Federal law.
5. Participation in State Procurement Unit Agreement and Contracts. Pursuant to Utah Code 63G-6a-2105, Providence City may make purchases from or participate in state public procurement unit agreements and contracts, pursuant to the terms of said agreements and contracts without soliciting additional procurement options.
6. Unethical Purchasing Practices. Failure of any agent, officer or employee to comply with ethical purchasing requirements may result in suspension, termination, being personally liable for the purchase and/or criminal prosecution. All agents, officers and employees engaged in the

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procurement process for Providence City will maintain high ethical behavior in agreement with Utah Code 67-16, Utah Public Officers' and Employees' Ethics Act and avoid the following practices:

- a. Dividing a procurement to avoid following policy (see Utah Code 63G-6a-2404.3)
 - b. Kickbacks and Gratuities (see Utah Code 63G-6a-2404, 67-16-5 through 67-16-6)
 - c. Failure to Disclose conflicts (see Utah Code 63G-6a-1205 & 67-16-9)
 - d. Cost-plus-a-percentage-of-cost contracts (see Utah Code 63G-6a-1205)
7. Providence City purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-712G Exemption Certificate for Governments and Schools may be obtained from Accounts Payable personnel .
 8. When a procurement involves the expenditure of State or Federal funds, Providence City shall comply with the applicable State and Federal laws and regulations.

Authorization Requirements for Purchases

1. Purchases up to \$1,000. All procurements of services and goods in an amount less than \$1,000 may be approved by the Department Head, provided such procurements have been budgeted for within the department and are in line with the budgeted purposes and responsibilities of said department.
2. Purchases over \$1,000. All procurements of services and goods in an amount over \$1,000 must have a purchase order approved by the Department Head, and City Manager prior to initiating the purchase. Descriptions of items or services will use sufficient and descriptive terminology to allow the reviewer to understand what is being purchased and why, part numbers by themselves are not sufficient.
3. Purchases over \$25,000. All procurements of services and goods in an amount over \$25,000 must have a purchase order approved by the Department Head, and City Manager. Documentation of the solicitation of three quotes or reference to the exemption of those requirements must be attached..
4. Purchases over \$50,000. All procurements of services and goods in an amount over \$50,000 must be put out for competitive bid to be prepared and approved by the Department Head, and City Manager (See section of Competitive Bids for requirements). Purchases over \$50,000 require a written contract to be approved in an open meeting.
5. Avoidance of approval and written contract requirements. Purchases shall not be divided into smaller purchases for the purpose of evading

the approval process required by this policy, or for the purpose of avoiding the need to obtain a written contract.

6. Competitive Sealed Bids – When Required

- a. All procurements of goods which are reasonably anticipated to exceed \$50,000 shall be obtained by competitive sealed bidding. The City Council may also require competitive sealed bidding for the procurement of goods and services for any amount.
- b. In the event that bids exceed available funds and the lowest responsive and responsible bid does not exceed funds available by more than 15 percent, the City Manager may, where time or economic considerations preclude re-solicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds.
- c. Content of Invitation for Bids. An invitation for bids shall:
 - i. State that Providence City is seeking bids for a procurement;
 - ii. Contain information on how to contact the person with the most knowledge about the procurement;
 - iii. State the period of time during which bids will be accepted;
 - iv. Describe the manner in which a bid shall be submitted;
 - v. State the address at which a bid may be submitted, and the person to whom the bid should be submitted;
 - vi. Describe the goods or services sought to be procured;
 - vii. List or refer to the objective criteria that will be used to evaluate the bids.
 - viii. To the extent possible, include or reference significant contractual terms and conditions.
 - ix. State the date, time and place for the public opening of all bids.
 - x. An invitation to bid may require attendance at a pre-bid meeting for the purpose of obtaining additional information relevant to the bid. The invitation shall list the time, date and place of any pre-bid meeting that will take place.
 - xi. An invitation to bid may require that a bidder obtain additional specifications and objective criteria too lengthy to publish in the invitation for bids. The invitation to bid shall indicate where such information may be obtained.
- d. All invitations for sealed bids shall be published at 2 weeks in a newspaper of general circulation at least 15 days prior to the deadline for submission of a bid.
- e. All sealed bids shall be opened by the City Manager or designated representative in an open public meeting, before one or more witnesses, at the time and place indicated in the invitation for bids.

- The name of the bidder and the amount of each bid shall be recorded and made available to the public. Bids shall not be accepted after the time for submission of a bid has expired.
- f. The City Council shall reject bids from further evaluation that are: incomplete, illegible, conditional, modify bid requirements, contain additional terms or conditions, divide bid into parts, failed to attend required pre-bid meetings, fail to confirm requirements or specifications, the bidder has a pending dispute with Providence City on a previous project or where the City Council reasonably concludes that the bidder is unable to satisfactorily fulfill the bid requirements or has engaged in unlawful or unethical conduct in attempting to secure the bid. Any bidder whose bid has been rejected may obtain from the City Recorder a written finding stating the specific reason the bid was rejected.
 - g. The City Council shall award the bid/contract to the lowest qualified bidder or the bidder who best satisfies the objective criteria described in the invitation for bids which may include: Experience, performance ratings, inspection of workmanship, suitability, quality, likely compatibility with existing assets or practices, availability, warrantee, references, licensure, proximity or other criteria reasonably specified in the invitation to bid.
 - h. Tied bids may be resolved using any reasonable criteria and at the sole discretion of the City Council.
 - i. Providence City may cancel the bid process or reject all bids in whole or in part if it determines that; no bids met bid requirements, there are insufficient funds, the item is no longer needed or the specifications or timing does not meet Providence City's current needs or long term plans. In the event of a bid cancellation the City Council shall publicly state the reason for the cancellation and make that information available for public inspection.
 - j. Exemptions from competitive bid requirements may include the following: Sole source providers, service contracts with professionals or specialists, emergency purchases. The purchasing agent shall sufficiently document the reason for not competitively bidding the procurement and have it approved by the City Council.
 - k. Protests to the bidding process shall be submitted to the City Manager or designee in writing within 5 days. The purchasing agent will respond to the protest within 15 days of receiving the complaint. The purchasing agent's decision may be appealed to the City Council in writing within 5 days. The City Council may address the appeal at its next regularly scheduled meeting or hold a special meeting to evaluate the merits of the protest appeal.

10. REPORTING FRAUD OR ABUSE

Definition

"Improper governmental action" means any action by a Providence City employee:

- 1) That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
- 2) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

Reporting Fraud or Abuse

Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the City Manager or such other person as may be designated by the City Manager to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate department with responsibility for investigating the improper action.

The City Manager or designee shall take prompt action to assist Providence City in properly investigating the report of improper governmental action. Providence City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Providence City employees may report information about improper governmental action directly to the Human Resource Representative or City Manager if the employee reasonably believes that an adequate investigation was not undertaken to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Providence City employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by Providence City in these procedures.

Complaints, Investigations, Review and Enforcement

- A. Any person may file a complaint alleging a violation of this policy.
- B. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the City Manager or designee who shall provide a copy to the person charged with a violation. The complainant shall provide the City Manager or designee with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
- C. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of Providence City employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. Providence City is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under Providence City policy. A thorough investigation of complaints is Providence City's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, Providence City reserves the right to decline to investigate any complaint that is provided anonymously.

If a complaint is received anonymously it shall be directed to Internal Audit committee for a recommendation on the processing of the

complaint. Upon review of the complaint, the Internal Auditor will recommend to the Audit Committee either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the Internal Auditor's recommendation the Audit Committee shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.

- D. Within thirty (30) days after receipt of a complaint, the Internal Auditor or another person appointed by the Audit Committee shall conduct a preliminary investigation. If the Internal Auditor or a member of the Audit Committee or the governing board are implicated in the complaint, the Audit Committee will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.
- E. If the Internal Auditor determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Internal Auditor shall advise the Audit Committee to dismiss the complaint. If the Audit Committee does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the governing board.

Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.

11. HOTLINE

Introduction

The Providence City Hotline provides an avenue for citizens, including public employees and contractors, to report improper governmental activities including:

- Waste or misuse of public funds, property, or manpower
- Violations of a law, rule, or regulation applicable to the government
- Gross mismanagement

- Abuse of authority
- Unethical conduct

Filing a Complaint

Complaints should be submitted in writing using the attached form. Complainants should also submit any evidence that supports the complaint. Essential information includes specifics on 'who, what, where, when' as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence. Due to limited resources Providence City is unable to accept complaints that are not supported by evidence or provide a means for us to investigate the problem further. At a minimum, please use the form as a guide to ensure the necessary information is provided. Submit complaints via the following methods:

Email: info@fraudhl.com

US Mail: Fraud Hotline, LLC
Post Office Box 22024
Santa Barbara, CA 93121

Complainants may call the hotline at 1-855-FRAUD-HL for more information.

Entity Processing of a Hotline Complaint

1. After receipt of the complaint, the Internal Auditor (someone designated by the City Manager) will review the allegation and any evidence provided by the complainant. The list below represents some of the factors that are considered during the screening and prioritization process.
 - a. Does the complaint involve actions by a person subject to Providence City's authority?
 - b. Does the complaint pertain to improper governmental activities? Disagreements with management decisions or actions taken by elected officials that are within the law will not be investigated.
 - c. Has the complainant taken appropriate steps to resolve the issue with the entity? If the entity is not responsive, the concern relates to top management, or the complainant desires anonymity, consideration will be increased.
 - d. What is the timing and frequency of alleged improper activity? Allegations of improper activities that are recent and/or on-going may receive a higher priority.
 - e. Should the allegation be investigated by another entity? Are there other agencies that have oversight of the complaint? Is a member of the governing body or the audit committee being accused?

- f. Can the complaint be efficiently and effectively investigated? Overly broad or vague complaints or complaints where evidence is unavailable may be declined or receive a low priority.
2. The Internal Auditor communicates to the Audit Committee:
 - a. The allegation of the complaint
 - b. Any facts supporting or refuting the complaint
 - c. A recommendation based upon preliminary inquiry
3. Audit Committee decides the appropriate next action (if a member of the Audit Committee is the subject of the complaint they may not be included in this process):
 - a. Discontinue the investigation
 - b. Continue with the investigation
 - c. Refer the investigation to another agency
4. If the investigation proceeds, the audit committee sets the following:
 - a. Time and resource budget
 - b. Scope of the audit
5. Internal Auditor completes the audit
6. Internal Auditor creates a report outlining the work performed and conclusions
7. Internal Auditor provides the report to the Audit Committee
8. Audit Committee reports investigation results to the whole governing body (if a separate audit committee exists).
9. Governing body addresses any findings noted in the report

Confidentiality

The identity of the complainant is considered protected information under the Utah Government Records Access and Management Act (GRAMA) and will be kept confidential if requested by the complainant. (See *Utah Code* Section [67-3-1](#)(15)).

Complaints may be submitted anonymously to the Hotline. However, it is preferable that the complainant provide their name and contact information to allow for follow-up questions and reporting the results back to the complainant. Whistleblower protections do not apply to anonymous complaints.

12. TRAVEL

1. General Policy - All travel expenses incurred while conducting Providence City business outside Cache County shall be paid by Providence City.
2. Pre-Approval - Approval from employee's supervisor is required prior to incurring travel-related expenses.
3. Documentation - After travel expenses have been incurred, the employee must submit a Travel Reimbursement Form which details the reason for the trip and the specific travel expenses. Travel Reimbursement Forms must be signed by the employee and approved.
4. Travel-related expenses include:
 - a. Costs to travel to and from the business destination.
 - b. Transportation costs while at the business destination.
 - c. Lodging, meals, and incidental expenses.
5. Transportation
 - a. Providence City Vehicles – Providence City vehicles may be used for travel associated with official business.
 - b. Personal Vehicle Use - An employee who uses his or her personal vehicle for Providence City business will be reimbursed for mileage in accordance with the rate currently authorized by the IRS.
 - c. Alternative Travel Arrangements - Employees may structure alternative travel and lodging to reduce costs or to accommodate personal preferences if the alternatives provide a documented cost savings to Providence City or the employee pays the increased costs. If an employee chooses to drive rather than fly for out-of-state travel, Providence City will reimburse the employee based on the least expensive method of travel, rather than actual mileage.
 - d. Rental Cars - Employees may obtain a rental car with prior approval or in cases of documented need. Groups of employees at the same location shall share rental vehicles where practical. When a rental car is used, rental agency liability and collision/loss damage coverage is required, at Providence City expense.
6. Travel Related Meals
 - a. Meal Per Diems - Employees shall be paid for meals (including tax, tips, and other meal related expenses) at the current State of Utah meal per diem rate (Utah Administrative Code R25-7), including all

- rules contained therein. Per diem may be paid to employees prior to leaving for the travel destination.
- b. Direct charge on Providence City credit/purchase card – Employees who have been issued a Providence City credit/purchase card, may use it to pay for approved travel related meals. Employees must retain all receipts related to such purchases. In the event that the daily total expense for meals is greater than the allowable per diem amount, the difference will be repaid by the traveling employee or reported as taxable wages on the employees W-2.
 - c. Direct charge on employee personal credit card – Employees may use personal credit cards to pay for approved travel related meals. Employees must retain all receipts related to such purchases and submit them with the Travel Reimbursement Form. In the event that the daily total expense for meals is greater than the allowable per diem amount, the employee will only be reimbursed up to the allowable per diem amount.
7. Incidental Expenses - Incidental expenses are not considered part of a meal per diem reimbursement and, therefore, substantiation is required. Incidental expenses include ground transportation, parking, and related tips; fax, telephone, internet, or copy charges; and other business related expenses. Other tips are not reimbursable.
8. Lodging - Travel that requires an overnight stay must pre-approved by their supervisor. Providence City will pay for lodging up to conference rates per night with applicable taxes. Detailed receipts are required to be submitted in order to claim refunds for taxes paid.
9. Personal Expenses - Personal expenses, including entertainment or alcohol, are the responsibility of the employee and will not be reimbursed by Providence City.
10. Employee expenses paid by other entities – Providence City employees that provide services to other entities either formally or informally may represent the interest of those entities as well as Providence City while traveling on official Providence City business. Where possible, the shared benefit of the employee activities while traveling should be determined and costs of that travel proportionally split between the benefiting entities.

If any employee travel-related expenses are paid directly by another entity, those payments must be documented and disclosed to Providence City. Any travel-related expenses that are paid by another entity must not be submitted to Providence City for reimbursement to

the employee. In such circumstances Providence City will reimburse the employees for travel related costs and then bill the other entity the proportional share of those travel-related costs, or the other entity will bill Providence City for its proportional share of the travel-related costs paid by the other entity.

11. In the event that an employee receives a per diem allowance prior to traveling and is not able to travel, the employee will return those funds to Providence City. If upon review of travel expenses inappropriate or fraudulent expenses have been incurred the employee may be subject to disciplinary action including; recovery of funds, inability to travel, suspension or termination.

Appendix A

1. CREDIT CARD HOLDER ACCEPTANCE AGREEMENT

The following Credit Card Acceptance Agreement must be signed by all Providence City employees with access to a credit card.

I understand that Providence City has authorized my use of a credit card for authorized expenditures on its behalf. In accepting and/or using the card, I agree to be bound by the terms and conditions which follow.

1. I will use the card issued to me for the payment of authorized expenses consistent with my organizational responsibilities and to satisfy the needs of my department and Providence City
2. I will not use the card to obtain cash advances
3. I understand that I am the only authorized card user and accept the responsibility and accountability for the protection and proper use of the card
4. I will not use the card for personal use or for any other non-Entity purposes
5. I understand that all purchases shall be made in accordance with applicable purchasing and credit card policies and procedures approved by the City Council
6. I understand that I will be responsible for the timely reconciliation of all credit card transactions charged to my assigned card
7. I understand that I am responsible to provide appropriate documentation/receipts for credit card transactions charged to my assigned card
8. I will surrender my assigned card to the City Treasure in the event of my separation from Providence City
9. I understand that any charges against my assigned card that are not properly identified or not allowed by Providence City shall be paid by me by check, United States currency or salary deduction. I further understand that any employee who has been issued a card shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the City Manager
10. I will immediately report any stolen or lost card to the City Manager or designee

I understand that any variance and/or violation of the above conditions will result in cancellation of my assigned credit card. Misuse of the card could result in disciplinary action and/or personal liability for unapproved charges. All Entity credit cards are subject to examination by external and internal auditors.

I HAVE READ AND I UNDERSTAND THE ABOVE CONDITIONS.

Name: _____ Department: _____
Signature: _____ Credit Card #: _____

2. CONFLICT OF INTEREST DISCLOSURE FORM

Annual Conflict of Interest Disclosure Form

The following disclosures are required to be made annually by all officers of Providence City pursuant to Utah Code Annotated 17-16a-6, 7, and 8. If additional space is needed, please use a separate sheet of paper. Per statute, the information provided shall be kept on file with the City Council and may be subject to disclosure to the public.

I, _____ am the duly
elected/appointed _____
_____ of Providence City.

- 1) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which are subject to the regulation of Providence City, and within such business entities, I hold the following positions:

Business Entity Name: _____ Position within Business Entity: _____

Ownership of a substantial interest is defined in U.C.A. 17-16a-3(8) as an interest of 10% or more of the shares of a corporation, or a 10% or more ownership interest in other entities, legally or equitably held or owned by the officer, the officer's spouse, or the officer's children.

*Note: There is no case law or statutory guidance as to what constitutes a business entity "subject to regulation of the County." A business which is simply issued a business license by the County may or may not be deemed by a court, administrative agency, an auditor, or member of the public to be an entity regulated by the County. Businesses regulated by interlocal agencies of which the County is a member may or may not be deemed to be a business regulated by the County (i.e., a restaurant subject to regulations imposed by an interlocal agency).

A business entity which requires a conditional use permit to operate may more likely be deemed to be a business entity regulated by the City than a business that simply receives a business license from the County.

- 2) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which do business with or anticipate doing business with Providence City:

Business Entity Name: _____ Position within Business Entity: _____

Please note that pursuant to U.C.A. §17-16a-7, an officer must disclose his or her interest or involvement in such an entity immediately prior to any discussion in an open and public meeting pertaining to business that the City may do with any such entity, regardless of whether a disclosure of interest or involvement in the business was made in this document.

- 3) The following personal interests or investments of mine create a potential or actual conflict between my personal interest and my public duties:

* * * OPTIONAL DISCLOSURES * * *

- 4) The following disclosures of other business interests, investments, and other matters are not required to be made by law, but are made with the intent to more fully disclose other interests that may be deemed relevant to the administration of public duties, or in furtherance of my intent to provide a more complete disclosure of my economic or personal activities, or for other reasons:

DATED THIS _____ DAY OF _____ [year]

By: _____

Title/Office: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ [year]

NOTARY PUBLIC

3. ETHICAL BEHAVIOR PLEDGE FORM

Annual Ethics Pledge

The following pledge is required to be made annually by all officers and employees of Providence City:

I, _____ am the duly
elected/appointed

_____ of Providence City.

I pledge to adhere to the code of ethics as approved by the City Council. These topics include, but are not limited to: improper use of official position, accepting gifts or loans, disclosing privileged information, retaining a financial or beneficial interest in a transaction, nepotism, misuse of public resources or property, outside employment, political activity, fair and equal treatment, and conduct after leaving office or employment. Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that state statute and City [ordinance] provide for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable statutes and ordinances, as well as the Providence City code of ethics.

DATED THIS _____ DAY OF _____ [year]

By: _____

Title/Office: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ [year]

NOTARY PUBLIC

4. HOTLINE REPORTING FORM

Email completed form to:

[hotline email address]

or Mail to:

Providence City

Attn: [Internal Audit]

[Entity mailing address]

Complainant Information:

Complainant to remain anonymous? Yes No		
Complainant would like a response? Yes No		
Complainant Name	Check One ☐ Elected Official ☐ Entity Employee ☐ Citizen/Contractor	Date Submitted
Home Address		
Phone/cell/email		
Work Address and information (if applicable)		

Information Concerning the Complaint (Please complete one form for each separate complaint)

Each improper action should be noted separately and supported with reliable and sufficient evidence. Supplying detailed information contributes to a thorough and efficient investigation. This form is designed to help you supply the needed information.

Who is the person(s) the complaint is against? (Please provide name, position, agency, division, and phone #)
--

Who is the above person's supervisor? (Please provide name, position, and phone#)
What is the assertion of improper governmental activity? Please describe in detail.
When did the event(s) take place? Please include dates, time, and frequency.
Where did the event(s) occur?
Are there any other persons who might provide information or who witnessed the event? If so, what are their names, positions, agencies, divisions, and their contact information?
Is there evidence that can be examined or documentation that can be reviewed? (Please provide any available documentation)

How do you know about the improper action? Did you see it occur? Did you see documentation indicating it occurred? Did you hear about it from someone else?

What specific law or state regulation has been violated?

Please attach to the email supporting documentation, details and ANY and ALL other information available to support the complaints or concerns.

5. QUOTE SHEET

Product or Service Requested: (Include specific project requirements such as required completion date etc.)

Vendor #1:

Company Name: _____

Person Contacted: _____ Date Contacted: _____

Method of Contact: ☐ Phone ☐ E-mail ☐ In-person ☐ Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid)

Vendor #2:

Company Name: _____

Person Contacted: _____ Date Contacted: _____

Method of Contact: ☐ Phone ☐ E-mail ☐ In-person ☐ Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid)

Vendor #3:

Company Name: _____

Person Contacted: _____ Date Contacted: _____

Method of Contact: ☐ Phone ☐ E-mail ☐ In-person ☐ Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid)

1
2
3 **Ordinance No. 2020-008**

4 AN ORDINANCE CHANGING THE ZONE OF PARCEL NO.S 02-212-0004, 02-212-0005, AND 02-171-0001
5 FROM COMMERCIAL GENERAL DISTRICT (CGD) TO MIXED USE DISTRICT (MXD), LOCATED IN THE GENERAL
6 AREA OF 265 N GATEWAY DR AND 565 W 100 N, CONTAINING APPROXIMATELY 7.89 ACRES.

7 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules
8 and may enter into other forms of land use controls . . .” and
9

10 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the
11 prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its
12 present and future inhabitants and businesses, to protect the tax base, to secure economy in
13 governmental expenditures, to foster the state's agricultural and other industries, to protect both urban
14 and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide
15 fundamental fairness in land use regulation, and to protect property values in areas that may be
16 considered sensitive, including but not limited to fire danger, slope, soil content.

- 17
- 18 • UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a
19 proposed land use ordinance or zoning map; and prepare and recommend to the legislative body
20 a proposed land use ordinance and zoning map that represent the planning commission's
21 recommendation.
 - 22 • Planning Commission studied the proposed amendment and held a public hearing on August 26,
23 2020 prior to making a recommendation.
 - 24 • The Planning Commission considered the following:
 - 25 ○ The vision and key initiatives of the Providence City General Plan 2020; and

26 **FINDINGS OF FACT:**

- 27
- 28 1. Utah Code (UCA) 10-9a-505: The legislative body may divide the territory over
29 which it has jurisdiction into zoning districts of a number, shape, and area that it
30 considers appropriate to carry out the purposes of Utah Code Title 10 Chapter 9a.
 - 31 2. UCA 10-9a-302(1)(b)(ii): The planning commission shall review and make a
32 recommendation to the legislative body for amendments to existing land use
33 regulations.
 - 34 3. UCA 10-9a-302(2): Before making a recommendation to a legislative body on an
35 item described in Subsection (1)(a) or (b), the planning commission shall hold a
36 public hearing in accordance with Section 10-9a-404.
 - 37 4. Providence City Code (PCC) 10-4-1 established the City's zoning districts.
 - 38 5. The Providence City General Plan 2020 and current and anticipated development in
39 the immediately surrounding area, were considered in the review of the
40 application.
 - 41 6. PCC 10-5 defines and lists the regulations for sensitive areas.
 - 42 7. PCC 10-6-1 lists the uses designated in each zone.
 - 43 8. PCC 10-8-1 lists the area regulations designated in each zone.

44 **CONCLUSIONS OF LAW:**

- 45
- 46 1. Providence City has divided the city into zoning districts.
 - 47 2. The Planning Commission will need to hold a public hearing prior to making a
48 recommendation on this request to amend an existing land use regulation.
 - 49 3. The City's zoning districts include the Commercial General district (CGD) and the
50 Mixed Use District (MXD).
 - 51 4. The General Plan vision and key initiatives are listed above the Findings of Facts in
52 this report. This property is currently zoned CGD. The General Plan map Future Re-
Zoning of Existing Districts & Annexed Area does not anticipate this property zone
changing from CGD.
 5. *PCC 10-5-2:A. lists the following areas as non-developable:

- jurisdictional wetlands as defined by the US Army Corps of Engineers,
 - steep slopes where the rise or fall of the land is equal to or exceeds 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - natural waterways or open water, including but not limited to rivers, creeks or streams.
6. *PCC 10-5-2:A. lists the following areas as potentially developable:
- a. steep slopes where the rise or fall of the land is between 20% and 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - b. floodplains as defined in PCC 10-16-3
 - c. crucial wildlife habitat areas as identified by the State Division of Wildlife Resources
 - d. geological hazard area earthquake fault lines or area prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS)
 - e. wildfire hazard areas of the city designated as having moderate to extreme potential for wildfire
7. *PCC 10-5-2:B.2.&3. The lands within potentially developable sensitive areas may be developed and built upon, subject to the requirements if this section and other applicable city, state, and federal requirement; and may be considered for development density at the discretion of the Providence City Planning Commission based on recommendations from professional(s) with expertise in the filed being discussed.
- *The Cache County GIS Parcel Survey does not confirm sensitive areas exist, it only lists areas that may require further analysis.
8. The abbreviated tables from PCC 10-6-1 and 10-8-1 compare the uses and area regulations for the MFH and CGD districts.

CONDITIONS:

1. The applicant shall meet all applicable City, state and federal laws, codes, rules. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- Providence City Planning Commission took the following action on August 26, 2020:
Legislative – Action Item(s):
Legislative – Action Item(s):
Item No. 1. 6:00 PM: Rezone: *The Planning Commission will consider a recommendation to the City Council for the proposed zone change for Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr. and 565 W 100 N, containing approximately 7.89 acres*
Motion to recommend to the City Council to rezone Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr. and 565 W 100 N, containing approximately 7.89 acres
— R Cecil, second — B Perry
Vote:
Yea: K Alder, R Cecil, B Perry
Nay:
Abstained: J Chambers
Excused: L Banda, M Fortune

THEREFORE be it ordained by the Providence City Council

- The zone for Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 shall be changed from CGD to MFH based on the recommendation of the Planning Commission and the findings of fact,

- 1 conclusions of law, and conditions listed above.
- 2 • This ordinance shall become effective immediately upon passage and posting or 30 days after
- 3 final passage, whichever is closer to the date of final passage.
- 4

5 Passed by vote of the Providence City Council this 16 day of September 2020.

6

7 Council Vote:

8 Eck, Kristina	() Yes	() No	() Excused	() Abstained	() Absent
9 Kirk, Carrie	() Yes	() No	() Excused	() Abstained	() Absent
10 Paulsen, Joshua	() Yes	() No	() Excused	() Abstained	() Absent
11 Sealy, Jeanell	() Yes	() No	() Excused	() Abstained	() Absent
12 Speth, Brent	() Yes	() No	() Excused	() Abstained	() Absent

13

14 Signed by Mayor John Drew this day of September 2020.

15

16 Providence City

17

18 _____

19 John Drew, Mayor

20

21 Attest:

22

23 _____

24 Skarlet Bankhead, Recorder

25



**PROVIDENCE CITY
APPLICATION FOR A REZONE OF PROPERTY**

FOR OFFICE USE ONLY

Date _____
Payment Form _____
Amount _____
Receipt # _____
Clerk _____

Please Note: City Staff will **NOT** accept the application and fee payment if they are incomplete. Incomplete applications will **NOT** be processed or scheduled for review by the City. Application fees do not include professional firm fees, which will be billed separately.

Initial DR Name Doug Rich

Date 7/1/20

SUBMITTAL REQUIREMENTS

- \$100 application fee
- Cache County Recorder's parcel map(s) of areas proposed for rezone
- Names/addresses of affected entities, as defined by UCA 10-9a-103
- Names/addresses of adjacent property owner(s)
- Property owner's consent for the rezone to be pursued¹
- An 11"x17" map showing the area(s) proposed for rezone
- Combined legal description of the area(s) proposed for rezone
- A written statement of the purpose for the rezone request
- An electronic copy of **ALL** submittals (flash drive or emailed is acceptable)

Staff Check

Applicant Information (all information MUST be provided)

Name Rich Development INC.
Address 1166 W 2615 S Syracuse, UT 84075
Phone 801-510-7007 Email bbidrich5@gmail.com

Party Responsible for Payment (if different than applicant)- the individual/firm to whom any and all professional services invoices (attorney/engineer/etc.) will be sent and who will be responsible for payment of such invoices.

Name SAA
Address _____
Phone _____ Email _____

Property Information (Information must be provided for ALL parcels requesting rezoning. Attach additional sheets if necessary)

Parcel 1

Owner of record JONATHAN H. TR. PROFIT SHARING DAINES
Owner address 4642 S Hollow Rd Nibley UT 84321
Owner phone 435-245-4028 Owner email drjdaines@gmail.com
Parcel address Not recorded on county records
Parcel Tax I.D. 02-171-0001
Current zoning Commercial General District Requested zoning Mixed Use District

¹ Not required if owner of record is the same as the applicant. If more than one parcel is proposed for rezone, the application must include written consent from the owners of ALL parcels proposed for rezone.

Parcel 2Owner of record ELAINE S & JONATHAN H TRS DAINESOwner address 4642 S Hollow Rd Nibley UT 84321Owner phone 435-245-4028Owner email esdaines@gmail.comParcel address 565 W 100 N Providence, UT 84332Parcel Tax I.D. 02-212-0005Current zoning Commercial General DistrictRequested zoning Mixed Use District**Written Statement of Request** (attach additional sheets if necessary)

Rich Development Inc. has entered a purchase agreement with the owners of parcels 02-171-0001, 02-212-0004, and 02-212-0005. This agreement is contingent upon the ability to rezone these parcels from Commercial General District to Mixed Use District. At this time Rich Development Inc. on behalf of the owners is requesting a Rezone of noted parcels. We believe due to the location of this property the best use for it is in the Mixed Use District. The location and the limited frontage of all properties is not conducive to a commercial district. The proximity to existing commercial, civic, school and religious facilities makes these parcel's ideal for Mixed Use.

Property owner and contractor shall have responsibility to determine grades, and final placement and elevations of footings/foundations. Property owner and contractor shall be responsible for compliance with all state, national and local building codes and ordinances. Initial DR Name Doug Rich

Approval by the city of any application submittal or paperwork does not alleviate the owners from their responsibility to understand and conform to local, state and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated. Initial DR

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I declare under penalty of perjury that I am making this application of my own free will and choice and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Doug Rich
Signature of Applicant

Doug Rich
Printed Name

7-1-20
Date

Parcel 3

Owner of record Black Sheep Treatment LLC
Owner address 2745 Juniper CIR North Logan, UT 84341-8322
Owner phone 435-757-3070 Owner email mattnielson@yahoo.com
Parcel address 565 W 100 N Providence, UT 84332
Parcel Tax I.D. 02-212-0005
Current zoning Commercial General District Requested zoning Multi Family High Density

Written Statement of Request (attach additional sheets if necessary)

Rich Development Inc. has entered a purchase agreement with the owners of parcels 02-171-0001, 02-212-0004, and 02-212-0005. This agreement is contingent upon the ability to rezone these parcels from Commercial General District to Mixed Use District. At this time Rich Development Inc. on behalf of the owners is requesting a Rezone of noted parcels. We believe due to the location of this property the best use for it is in the Mixed Use District. The location and the limited frontage of all properties is not conducive to a commercial district. The proximity to existing commercial, civic, school and religious facilities makes these parcel's ideal for Mixed Use.

Property owner and contractor shall have responsibility to determine grades, and final placement and elevations of footings/foundations. Property owner and contractor shall be responsible for compliance with all state, national and local building codes and ordinances. Initial DR Name Doug Rich

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I declare under penalty of perjury that I am making this application of my own free will and choice and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

<u>Doug Rich</u>	Doug Rich	7/1/20
Signature of Applicant	Printed Name	Date

The following is a general summary of which body reviews each land use application in Providence City. Public hearings may be required by the Planning Commission and City Council, as shown below. This matrix does not include zoning clearance/permits for new single-home construction or for business licenses, both of which are reviewed and approved by city staff.

Application	Executive Staff	Land Use Authority	Planning Commission	Public Hearing	City Council	Public Hearing	Appeal Authority	Filing Fee ²
Code Amendment	✓	----	✓	✓ ³	✓	----	----	\$100
Annexation	✓	----		----	✓	✓	----	\$150
Rezone	✓	----	✓	✓	✓	----	----	\$100
Conditional Use	✓	✓		----	----	----	----	\$100
Subdivision Concept Plan	✓	----	----	----	----	----	----	\$300
Preliminary Subdivision Plat	✓	----	✓	----	----	----	----	\$400
Final/Amended Subdivision Plat ⁴	✓	----	✓	----	✓ ⁵	----	----	\$600
Site Plan	✓	✓	----	----	----	----	----	\$50
Lot Consolidation ⁶	✓	----	✓	----	----	----	----	\$50
Exception to Title ⁷	✓	----	✓	----	✓	----	----	\$100
General Plan Amendment	✓	----	✓	✓	✓	----	----	\$100
Right-of-Way Vacation	✓	----	✓	----	✓	✓	----	\$100
Variance/ Appeal	----	----	----	----	----	----	✓	\$100

² Filing Fees do **not** include professional firm review fees. Those will be billed to the applicant separately.

³ Public Hearing required at Planning Commission only when the proposed code amendment is related to land use.

⁴ Construction drawings are reviewed/approved by the City Engineer and Public Works Director.

⁵ The City Council does not review the final plat itself, but rather reviews and approves the development agreement associated with the final plat.

⁶ Lot consolidations are only required to have City approval when they are in a platted/recorded subdivision.

⁷ Developers may ask for an exception from the requirements of the Providence City Subdivision Code (Title 11) through this process. All other variance/exception requests shall be handled by the Appeal Authority.



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Ordinance No. 2020-009

AN ORDINANCE CHANGING THE ZONE FOR THE SOUTHEAST PORTION OF PARCEL NO. 02-101-0001 FROM SINGLE-FAMILY LARGE (SFL) TO SINGLE-FAMILY TRADITIONAL (SFT), LOCATED IN THE GENERAL AREA OF 80 N SHERWOOD DR. (800 E), CONTAINING APPROXIMATELY 6.10 ACRES.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
- Planning Commission studied the proposed amendment and held a public hearing on August 26, 2020 prior to making a recommendation.
- The Planning Commission considered the following:
 - The vision and key initiatives of the Providence City General Plan 2020; and

FINDINGS OF FACT:

1. Utah Code (UCA) 10-9a-505: The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of Utah Code Title 10 Chapter 9a.
2. UCA 10-9a-302(1)(b)(ii): The planning commission shall review and make a recommendation to the legislative body for amendments to existing land use regulations.
3. UCA 10-9a-302(2): Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.
4. Providence City Code (PCC) 10-4-1 established the City's zoning districts.
5. The Providence City General Plan 2020 and current and anticipated development in the immediately surrounding area, were considered in the review of the application.
6. PCC 10-5 defines and lists the regulations for sensitive areas.
7. PCC 10-6-1 lists the uses designated in each zone.
8. PCC 10-8-1 lists the area regulations designated in each zone.

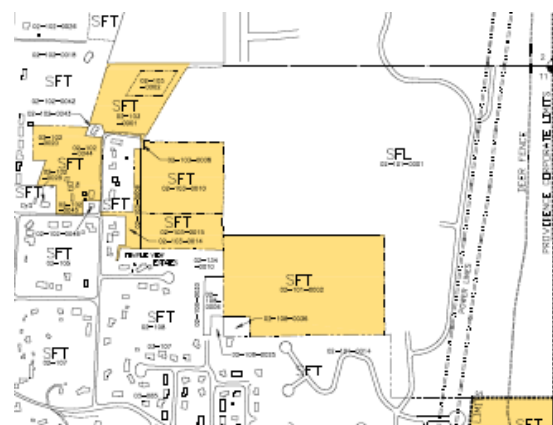
CONCLUSIONS:

1. Providence City has divided the city into zoning districts.
2. The Planning Commission is holding a public hearing prior to making a recommendation on this request to amend an existing land use regulation.
3. The City's zoning districts include the SFL and the SFT districts.
4. The General Plan vision and key initiatives are listed above the Findings of Facts in this report. This property is currently zoned SFL (see Illustration A). The General Plan map Future Re-Zoning of Existing Districts & Annexed Area does not anticipate this property zone changing from SFL (see Illustration B. In this illustration, white represents no change).

Illustration A – Current Zoning



Illustration B – Future Zoning



5. *PCC 10-5-2:A. lists the following areas as potentially developable:
 - a. steep slopes where the rise or fall of the land is between 20% and 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - b. floodplains as defined in PCC 10-16-3
 - c. crucial wildlife habitat areas as identified by the State Division of Wildlife Resources
 - d. geological hazard area earthquake fault lines or area prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS)
 - e. wildfire hazard areas of the city designated as having moderate to extreme potential for wildfire
6. *PCC 10-5-2:B.2.&3. The lands within potentially developable sensitive areas may be developed and built upon, subject to the requirements if this section and other applicable city, state, and federal requirement; and may be considered for development density at the discretion of the Providence City Planning Commission based on recommendations from professional(s) with expertise in the filed being discussed.
 *The Cache County GIS Parcel Survey does not confirm sensitive areas exist, it only lists areas that may require further analysis.



CONDITIONS:

1. The applicant shall meet all applicable City, state and federal laws, codes, rules. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- Providence City Planning Commission took the following action on May 27, 2020:
Legislative – Action Item(s):
Item No. 2. Rezone: *The Planning Commission will consider a recommendation to the City Council for the proposed zone change for the southeast portion of Parcel No. 2-101-0001 from Single-Family Large (SFL) to Single-Family Traditional (SFT), located in the general area of 80 N Sherwood Dr. (800 E), containing approximately 6.10 acres*
Motion that the Planning Commission consider a recommendation to the City Council for the proposed zone change for the southeast portion of Parcel No. 2-101-0001 from Single Family Large to Single Family Traditional: — B Perry, second — R Cecil
 Vote:
 Yea: K Alder, R Cecil, B Perry
 Nay:

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Abstained: J Chambers
Excused: L Banda, M Fortune

- THEREFORE be it ordained by the Providence City Council
- The zone for Parcel No. 02-101-0001 shall be changed from SFL to SFT based on the recommendation of the Planning Commission and the findings of fact, conclusions of law, and conditions listed above.
 - This ordinance shall become effective immediately upon passage and posting or 30 days after final passage, whichever is closer to the date of final passage.

Passed by vote of the Providence City Council this 16 day of September 2020.

Council Vote:				
Eck, Kristina	() Yes	() No	() Excused	() Abstained () Absent
Kirk, Carrie	() Yes	() No	() Excused	() Abstained () Absent
Paulsen, Joshua	() Yes	() No	() Excused	() Abstained () Absent
Sealy, Jeanell	() Yes	() No	() Excused	() Abstained () Absent
Speth, Brent	() Yes	() No	() Excused	() Abstained () Absent

Signed by Mayor John Drew this day of September 2020.

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder



**PROVIDENCE CITY
APPLICATION FOR A REZONE OF PROPERTY**

FOR OFFICE USE ONLY

Date _____
Payment Form _____
Amount _____
Receipt # _____
Clerk _____

Please Note: City Staff will NOT accept the application and fee payment if they are incomplete. Incomplete applications will NOT be processed or scheduled for review by the City. Application fees do not include professional firm fees, which will be billed separately.

Date August 7, 2020

Initial DM Name Danny Macfarlane

SUBMITTAL REQUIREMENTS

- \$100 application fee
- Cache County Recorder's parcel map(s) of areas proposed for rezone
- Names/addresses of affected entities, as defined by UCA 10-9a-103
- Names/addresses of adjacent property owner(s)
- Property owner's consent for the rezone to be pursued¹
- An 11"x17" map showing the area(s) proposed for rezone
- Combined legal description of the area(s) proposed for rezone
- A written statement of the purpose for the rezone request
- An electronic copy of **ALL** submittals (flash drive or emailed is acceptable)

Staff Check

Applicant Information (all information MUST be provided)

Name 500 North LLC

Address 540 West Golf Course Road Suite B1

Phone 4357607488

Email danny@csg.work

Party Responsible for Payment (if different than applicant)- the individual/firm to whom any and all professional services invoices (attorney/engineer/etc.) will be sent and who will be responsible for payment of such invoices.

Name Same

Address _____

Phone _____

Email _____

Property Information (Information must be provided for ALL parcels requesting rezoning. Attach additional sheets if necessary)

Parcel 1

Owner of record Stan Checketts Properties LC

Owner address PO Box 55 Providence, UT 84332

Owner phone 435.757.4282

Owner email sschecketts@gmail.com

Parcel address 800 East Eagle View Drive Providence, UT

Parcel Tax I.D. 02-101-0001

Current zoning SFL

Requested zoning SFT

¹ Not required if owner of record is the same as the applicant. If more than one parcel is proposed for rezone, the application must include written consent from the owners of ALL parcels proposed for rezone.

Parcel 2

Owner of record _____
Owner address _____
Owner phone _____ Owner email _____
Parcel address _____
Parcel Tax I.D. _____
Current zoning _____ Requested zoning _____

Written Statement of Request (attach additional sheets if necessary)

It is requested that a portion of parcel 02-101-0001 be rezoned from SFL to SFT. The requested section is only 335' on average from east to west. Subtracting out a road cross section of 66' leaves 269' of distance from east to west, which split on each side of 800 East is 134.5' of lot depth. With the SFL zoning the lot width to get a 20,000 sf lot requires so much frontage that the development costs are extremely high per lot. This area is adjacent to SFT to the west and south and the overall parcel has SFT to the north and west. Most people want and can only afford quarter acre lots with the recent increase in building costs and land costs.

Property owner and contractor shall have responsibility to determine grades, and final placement and elevations of footings/foundations. Property owner and contractor shall be responsible for compliance with all state, national and local building codes and ordinances. Initial DM Name Danny Macfarlane

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I declare under penalty of perjury that I am making this application of my own free will and choice and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.



Signature of Applicant

Daniel Macfarlane

Printed Name

8.07.20

Date

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Annexation	✓	---	---	---	✓	✓	---	\$150
Rezone	✓	---	✓	✓	✓	---	---	\$100
Conditional Use	✓	✓	---	---	---	---	---	\$100
Subdivision	✓	---	---	---	---	---	---	\$300
Concept Plan	✓	---	---	---	---	---	---	---
Preliminary Subdivision Plat	✓	---	✓	---	---	---	---	\$400
Final/Amended Subdivision Plat ⁴	✓	---	✓	---	✓ ⁵	---	---	\$600
Site Plan	✓	✓	---	---	---	---	---	\$50
Lot Consolidation ⁶	✓	---	✓	---	---	---	---	\$50
Exception to Title ⁷	✓	---	✓	---	✓	---	---	\$100
General Plan Amendment	✓	---	✓	✓	✓	---	---	\$100
Right-of-Way Vacation	✓	---	✓	---	✓	✓	---	\$100
Variance/ Appeal	---	---	---	---	---	---	✓	\$100

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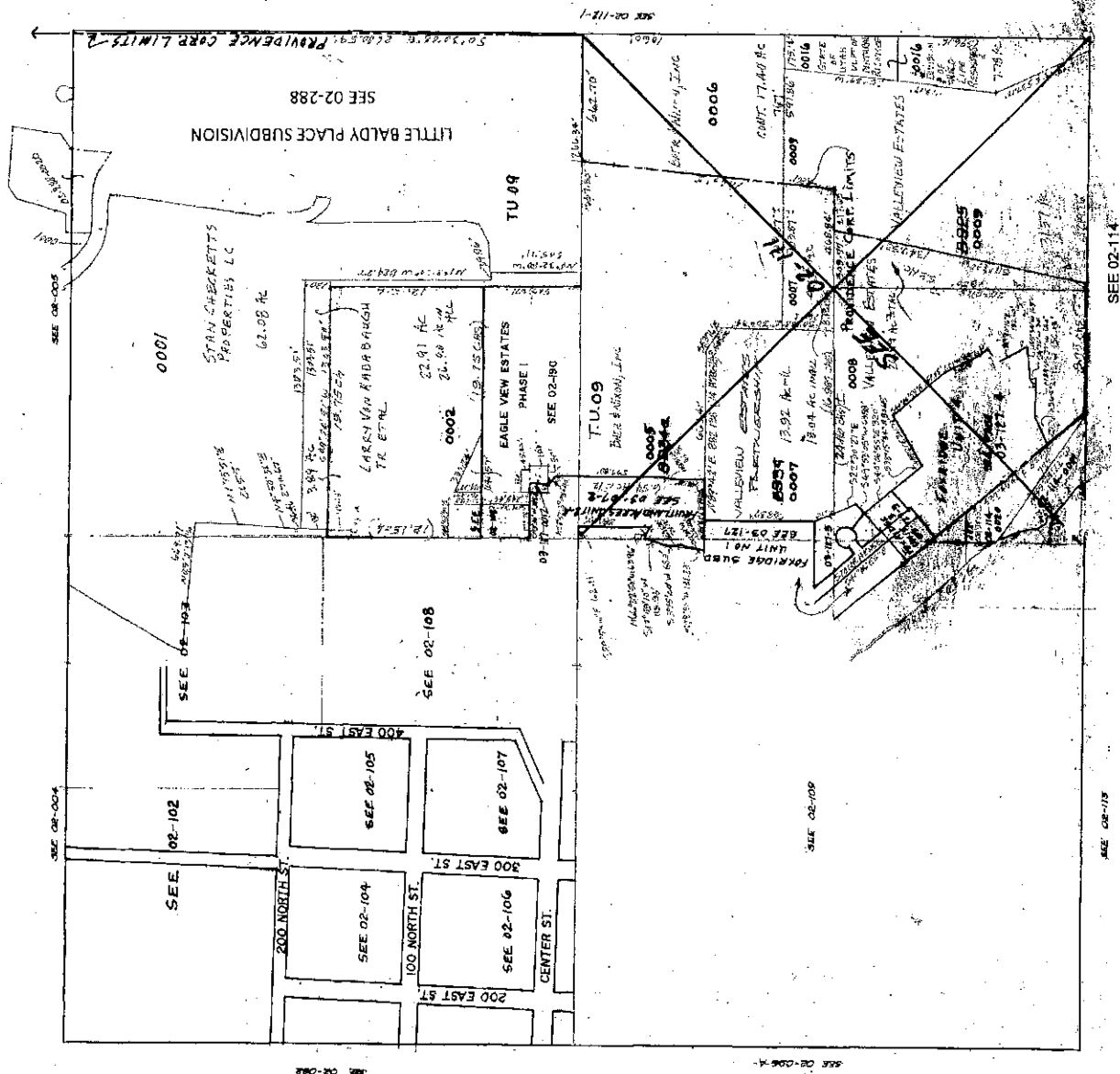
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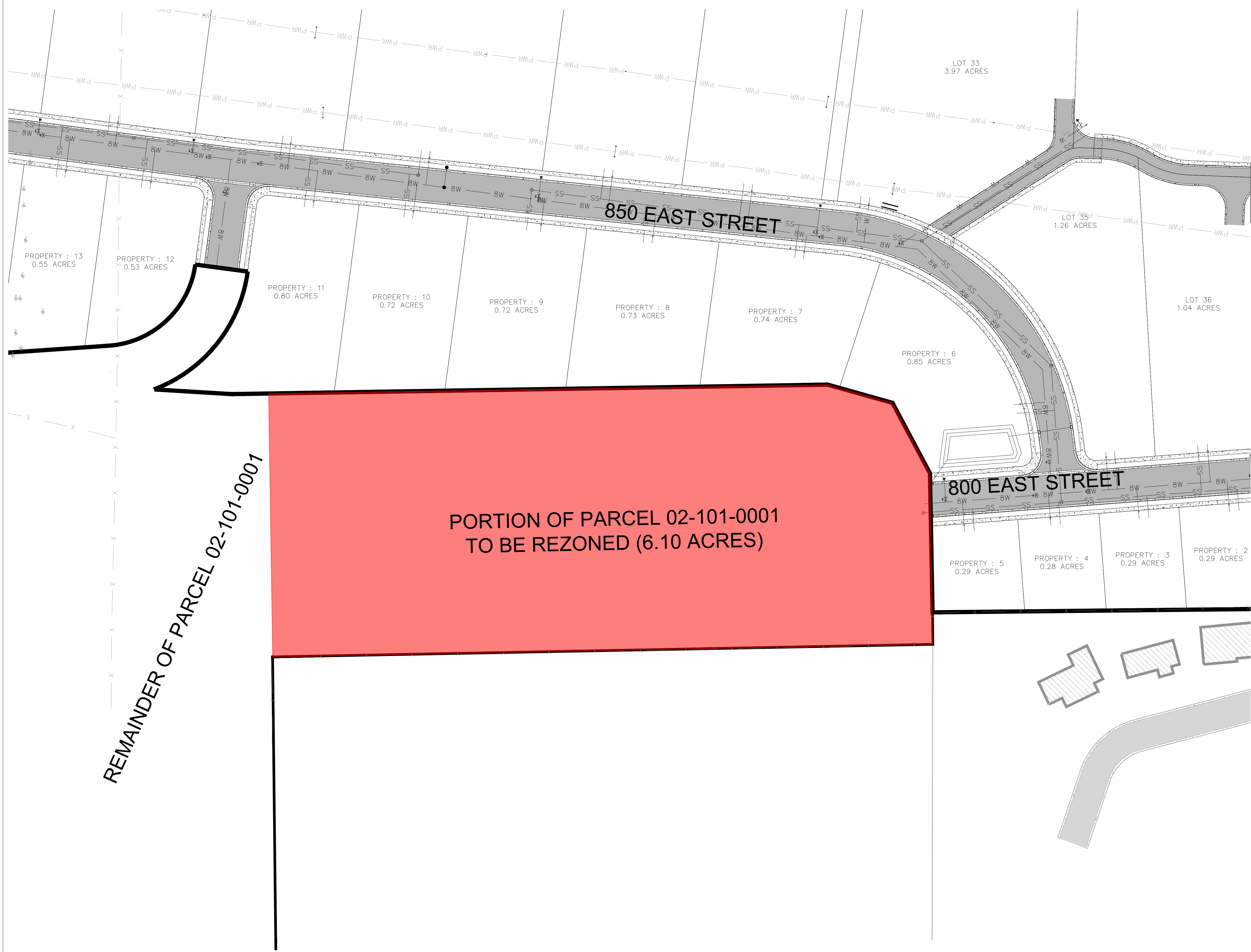
SCALE 1 INCH = 6 CH.



I Stan Checketts, as the property owner give permission for a rezone application to be submitted on parcel 02-101-0001.

Signature _____

STAN CHECKETTS PROPERTIES, LC
REZONE MAP



REZONE LEGAL DESCRIPTION:

A PART OF THE NORTH HALF OF SECTION 11, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 11, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, SAID POINT BEING MONUMENTED WITH A CACHE COUNTY SURVEYOR'S ALUMINUM CAP, THENCE S 89° 47' 21" W 1,266.34 FEET ALONG THE SOUTH LINE OF THE LITTLE BALDY SUBDIVISION, THENCE N 00° 35' 29" W 505.71 FEET TO THE TRUE POINT OF BEGINNING:

THENCE FOLLOWING COURSES ALONG THE REZONE BOUNDARY:

S 89° 23' 10" W 39.36 FEET;
N 01° 04' 38" W 825.49 FEET ALONG EXISTING FENCE LINE;
S 89° 05' 34" E 328.60 FEET TO THE WEST BOUNDARY OF LOT 11 IN LITTLE BALDY SUBDIVISION;
S 00° 54' 26" E 699.37 FEET;
S 15° 41' 30" W 83.95 FEET;
S 61° 58' 23" E 99.58 FEET;
S 88° 56' 19" W 173.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.11 ACRES MORE OR LESS.

civilsolutionsgroup inc.

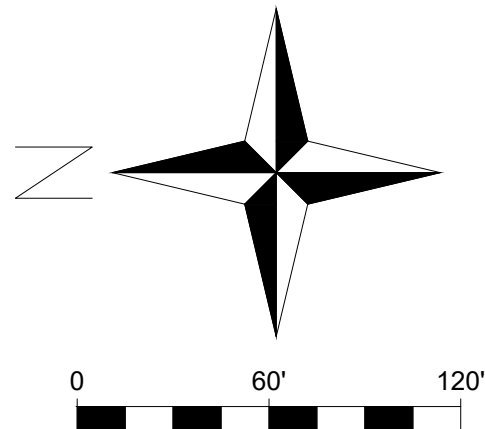


PROVIDENCE | P: 435.213.3762
SALT LAKE CITY | P: 801.216.3192
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

STAN CHECKETTS
PROPERTIES, LC
REZONE MAP
PROVIDENCE, UT 84332

MARK:	DATE:	DESCRIPTION:
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PROJECT #: 20-203
REVIEWER: D. MACFARLANE
PROJECT MANAGER: M. TAYLOR
DESIGNED BY: M. TAYLOR
ISSUED: 08.06.20



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