

SOUTH WEBER CITY COUNCIL AGENDA

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<https://www.youtube.com/c/southwebercityut>

PUBLIC NOTICE is hereby given that the City Council of SOUTH WEBER CITY, Utah, will meet in a regular public meeting commencing at 6:00 p.m. on Tuesday, March 22, 2022, in the Council Chambers at 1600 E. South Weber Dr. You may also email publiccomment@southwebercity.com for inclusion with the minutes.

OPEN (Agenda items may be moved in order or sequence to meet the needs of the Council.)

1. Pledge of Allegiance: Mayor Westbrook
2. Prayer: Councilman Dills
3. **Public Comment:** Please respectfully follow these guidelines.
 - a. Individuals may speak once for 3 minutes or less: Do not remark from the audience.
 - b. State your name & address and direct comments to the entire Council (They will not respond).

PRESENTATION

4. New Employee Kelli Bybee

ACTION ITEMS

5. Consent Agenda
 - a. March 1 Minutes
 - b. January Budget to Actual
6. **Public Hearing Ordinance 2022-01: 1-9 General Criminal Penalty, 1-10 Administrative Code Enforcement, and 10-2-8 Administration and Enforcement**
7. Ordinance 2022-01: 1-9 General Criminal Penalty, 1-10 Administrative Code Enforcement, and 10-2-8 Administration and Enforcement Public Hearing Easement Vacation
8. **Public Hearing Ordinance 2022-05: 1-4-10 Ethics and Disclosure**
9. Ordinance 2022-05: 1-4-10 Ethics and Disclosure
10. Resolution 22-09: Policies and Procedures Amended
11. Resolution 22-12: Accepting the HAFB Compatible Use Plan
12. Resolution 22-13: Endorsing the HAFB Compatible Use Plan Implementation Committee
13. Resolution 22-14: Multi-Hazard Mitigation Plan Project Award
14. ARPA Fund Reallocation

REPORTS

15. New Business
16. Council & Staff

CLOSED SESSION held pursuant to the provision of UCA section 52-4-205 (1)(d)

17. Discuss the purchase, exchange, or lease of real property
18. Return to Open Meeting and Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

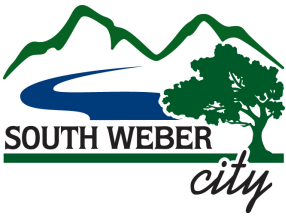
The undersigned City Recorder for the municipality of South Weber City hereby certifies that a copy of the foregoing notice was mailed/emailed/posted to: City Office building, Family Activity Center,

City Website <http://southwebercity.com/>, Utah Public Notice website <https://www.utah.gov/pmnl/index.html>, Mayor and Council, and others on the agenda.

DATE: 03-16-2022

CITY RECORDER: Lisa Smith

A handwritten signature in black ink that reads "Lisa Smith". The signature is written in a cursive, flowing style.



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

Mark McRae
Finance Director

ITEM TYPE

Administrative

ATTACHMENTS

NA

PRIOR DISCUSSION DATES

AGENDA ITEM

New Employee Introduction – Kelli Bybee

PURPOSE

Introduce Kelli Bybee. Kelli has been hired to work in the front office in Accounts Payable/ Customer Service

RECOMMENDATION

NA

BACKGROUND

Kelli Bybee comes to us from Clearfield City. We are excited to have Kelli join our team. Kelli brings a bubbly personality along with skills and experience from her years in banking and two other municipalities. Kelli is our second part-time employee in the front office, and her primary assignment is accounts payable and customer service. Kelli is proving to be a great ambassador for the City in her role, along with our other customer service ambassador Marcela.

ANALYSIS

NA

SOUTH WEBER CITY CITY COUNCIL WORK MEETING

DATE OF MEETING: 1 March 2022

TIME COMMENCED: 4:07 p.m.

LOCATION: Weber Basin Water Conservancy District WERC building at 2837 E Highway 193, Layton.

PRESENT: MAYOR: Rod Westbroek

COUNCIL MEMBERS: Hayley Alberts
Joel Dills
Blair Halverson
Angie Petty
Quin Soderquist

COMMUNITY DIRECTOR: Trevor Cahoon

CITY MANAGER: David Larson

CITY ENGINEER: Brandon Jones

PR ASSISTANT: Shaelee King

RECREATION DIRECTOR: Curtis Brown

FIRE CHIEF: Derek Tolman

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, and Michael Grant.

Mayor Westbroek called the meeting to order and welcomed those in attendance.

1. Pledge of Allegiance: Councilman Soderquist

2. Prayer: Councilwoman Alberts

Mayor Westbroek announced Weber Central Sewer District is not moving forward with their infrastructure project. Mayor Westbroek, Brandon Jones, and David Larsen, met with UDOT concerning the no turn on red sign located at the intersection of 2700 E South Weber Drive. To be able to remove the “no turn on red” sign, the only option is to move the city welcome sign. After inspecting the city welcome sign, Mayor Westbroek estimated it would need to be shifted two to three feet.

RETREAT BUSINESS

3. 2022 Strategic Plan Continued

Vision Statement: A family-driven community of neighbors with heritage, safety, and charm in its heart.

Mission Directive: South Weber’s mission is to facilitate neighborhood connection, honor our heritage, ensure a safe haven for families, provide sustainable municipal services, and develop a community with heart.

Mayor Westbrook requested adding gas lines going through the city to the Strengths Challenges Opportunities and Threats section of the Strategic Plan. Trevor reported he will make that addition.

Trevor asked each individual to write down their answers to the following questions:

- What do we have to get right in order to move the organization towards our vision?
- What are the broad, high-level (big bucket) areas we need to focus on?

Some answers were: safety, city master plan, economic development, community engagement, infrastructure, fiscal sustainability, smart growth/planning, financial value & sustainability, operational excellence, neighborhood quality, and level of service.

Following a general discussion below is the list of **Strategic Directives**:

- Safety
- Community Engagement
- Financial Value & Sustainability
- Smart Growth/Planning
- Infrastructure
- Employees

Trevor asked for further explanation/definition on the identified strategic directives.

SAFETY

Some answers were:

- Protect and insure people & property from incident, fire department, policing, community awareness, see something say something, code enforcement.

COMMUNITY ENGAGEMENT

- Community Engagement, Create Connection, Community Outreach, and Facilitation.

FISCAL SUSTAINABILITY

- Ensure the ability of the city to provide quality public services through careful long-range planning and evaluation of current decisions in the context of future fiscal impacts.

SMART GROWTH & PLANNING

- Community involvement resources, unified family, master plan centered, vision, and type of housing (high? mid? low?), parks (open space? amenities? trails?), connectivity? and commercial? plan for build out (retirement).

INFRASTRUCTURE

- Invest in the upkeep and maintenance of existing infrastructure (i.e., utilities, parks, roads, etc.) and plan for new infrastructure development needs and opportunities to support the growth of our community.

EMPLOYEES

- Create a positive culture, fair and appropriate pay, growth opportunities, environment, benefits, and wages.

Trevor asked what success looks like for each directive.

Some answers were:

- Safety - More proactive efforts versus reactive, increase community outreach, quick response time, reduce crime rate, reduce accidents and speeding.
- Community Engagement – active community, lots of interest in opportunities, strong social media, increase public involvement, increase volunteerism, and engaging public satisfaction.
- Fiscal Sustainability - Maintain balanced budget, project future needs, reserve funding, vehicle replacement, maintain operations and maintenance, look 10 years down the road,
- Smart Growth & Planning – get to where we do not have to apologize for everything, plan with a mission, implementing a General Plan with a mission statement.
- Infrastructure – ongoing maintenance, plan for repair and replace, Capital Facilities Plan
- Employees – low turnover rate, employee satisfaction, culture, and comradery.

Trevor expressed the importance of strategic directives being well defined, action items. In most cases, they should begin with a verb (i.e., reduce, improve, increase etc.).

Safety – install more sidewalks, long-term sheriff contract, reduce speeding, reduce crime, increased police presence and engagement, Community Emergency Response Team (CERT), crosswalks on South Weber Drive, sidewalk top of 1900 East, sidewalk on west end of South Weber Drive, options/cost for city sign, establish long term law enforcement solution, dust mitigation equipment, increase community outreach, more proactive efforts than reactive, low crime rates, and quick response times.

Community Engagement – communicate more information on more topics to citizens, conduct town hall meetings, email options, install television at Family Activity Center to promote FAC and city events, get residents to explore more of the city, subscribe to a texting service, plan two big city functions, updates to website should include protocol/criteria for when /where for how long, two town hall meetings per year, city Christmas tree and stroll, quarterly gravel pit reports, fugitive dust page on website, develop a trusting relationship between city and residents, provide a trustworthy source of information, create a survey for interest in public involvement, strong social media presence, need to increase involvement, and increase the number of community events.

Fiscal Sustainability – maintain a balanced budget, project future needs, plan for foreseeable expenditures (vehicle replacement, able to maintain operations and maintenance of vehicles), reserve funds, ongoing revenue philosophies, develop a long-term plan for funding and sustaining upkeep of city parks, increase rainy day fund 1% every year, encourage preferred businesses to consider locating in the city, and visual budget model.

Smart Growth & Planning – reduce dust issues, plant more trees, understand cost to citizens at “build out” based off all residential verses commercial in undeveloped areas, identify future location for city hall, implement mission statement in city’s general plan, general plan update for clarity, define “City Center” concept, update land use development process in city code, and improve and simplify the revision/update process for the general plan.

Infrastructure – finalize Canyon Meadows Park master plan, ongoing maintenance, CFP, plans to repair/replace, implement train club agreement, implement street light replacement plan, fix cracked and raised sidewalks, and create a new park amenity every two years.

Employees – summarize and communicate “total” pay for employees, project build out staffing needs for all departments, pay more to attract and keep employees, improve facilities that house employees

In conclusion, the information received from the city retreat will be added to the Action software where reports will be generated. Trevor expressed those items need to be prioritized. It is critical for the various committees to align with the strategic directives identified. Reporting on these items should be done in a public meeting. It was decided the reporting will take place at least quarterly. Council will give feedback and report in Council meetings.

ADJOURN: Councilman Dills moved to adjourn the Council Meeting at 8:03 p.m. Councilwoman Petty seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

APPROVED: _____

Date 03-22-22

Mayor: Rod Westbrook

Transcriber: Michelle Clark

Attest: _____

City Recorder: Lisa Smith

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
10-31-100	153,845.14	775,609.59	933,000.00	157,390.41	83.1
10-31-120	.00	3,361.88	10,000.00	6,638.12	33.6
10-31-200	5,028.38	17,363.56	30,000.00	12,636.44	57.9
10-31-300	123,581.17	481,904.47	900,000.00	418,095.53	53.5
10-31-305	.00	.00	.00	.00	.0
10-31-309	.00	.00	.00	.00	.0
10-31-310	17,823.44	66,112.12	412,000.00	345,887.88	16.1
	<u>300,278.13</u>	<u>1,344,351.62</u>	<u>2,285,000.00</u>	<u>940,648.38</u>	<u>58.8</u>
<u>LICENSES AND PERMITS</u>					
10-32-100	660.00	8,334.00	8,000.00	(334.00)	104.2
10-32-210	8,755.88	113,406.67	330,000.00	216,593.33	34.4
10-32-290	2,504.56	38,004.60	60,000.00	21,995.40	63.3
10-32-310	.00	94.00	.00	(94.00)	.0
	<u>11,920.44</u>	<u>159,839.27</u>	<u>398,000.00</u>	<u>238,160.73</u>	<u>40.2</u>
<u>INTERGOVERNMENTAL REVENUE</u>					
10-33-400	.00	.00	5,000.00	5,000.00	.0
10-33-500	.00	.00	50,000.00	50,000.00	.0
10-33-550	.00	2,778.00	.00	(2,778.00)	.0
10-33-560	.00	156,987.53	100,000.00	(56,987.53)	157.0
10-33-580	.00	5,212.92	7,000.00	1,787.08	74.5
	<u>.00</u>	<u>164,978.45</u>	<u>162,000.00</u>	<u>(2,978.45)</u>	<u>101.8</u>
<u>CHARGES FOR SERVICES</u>					
10-34-100	2,000.00	9,266.80	10,000.00	733.20	92.7
10-34-105	.00	29,490.75	60,000.00	30,509.25	49.2
10-34-250	90.00	1,202.50	.00	(1,202.50)	.0
10-34-254	.00	.00	.00	.00	.0
10-34-270	.00	.00	30,000.00	30,000.00	.0
10-34-560	.00	9,343.26	70,000.00	60,656.74	13.4
10-34-760	.00	.00	.00	.00	.0
10-34-910	.00	101,000.00	202,000.00	101,000.00	50.0
	<u>2,090.00</u>	<u>150,303.31</u>	<u>372,000.00</u>	<u>221,696.69</u>	<u>40.4</u>

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>FINES AND FORFEITURES</u>					
10-35-100 FINES	8,682.57	61,980.52	90,000.00	28,019.48	68.9
TOTAL FINES AND FORFEITURES	8,682.57	61,980.52	90,000.00	28,019.48	68.9
<u>MISCELLANEOUS REVENUE</u>					
10-36-100 INTEREST EARNINGS	.00	3,118.07	10,000.00	6,881.93	31.2
10-36-300 NEWSLETTER SPONSORS	.00	.00	.00	.00	.0
10-36-400 SALE OF ASSETS	.00	.00	.00	.00	.0
10-36-900 SUNDRY REVENUES	279.00	10,855.59	30,500.00	19,644.41	35.6
10-36-901 FARMERS MARKET	.00	.00	.00	.00	.0
TOTAL MISCELLANEOUS REVENUE	279.00	13,973.66	40,500.00	26,526.34	34.5
<u>CONTRIBUTIONS AND TRANSFERS</u>					
10-39-091 TRANSFER FROM CAPITAL PROJECTS	.00	.00	.00	.00	.0
10-39-100 FIRE AGREEMENT/JOB CORPS	.00	.00	3,500.00	3,500.00	.0
10-39-110 FIRE AGREEMENT/COUNTY	.00	3,580.00	1,000.00	(2,580.00)	358.0
10-39-800 TFR FROM IMPACT FEES	.00	.00	12,000.00	12,000.00	.0
10-39-900 FUND BALANCE TO BE APPROPRIATE	.00	.00	19,000.00	19,000.00	.0
10-39-910 TRANSFER FROM CLASS "C" RES.	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS AND TRANSFERS	.00	3,580.00	35,500.00	31,920.00	10.1
TOTAL FUND REVENUE	323,250.14	1,899,006.83	3,383,000.00	1,483,993.17	56.1

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>LEGISLATIVE</u>					
10-41-005 SALARIES - COUNCIL & COMMISSIO	2,000.00	14,000.00	28,000.00	14,000.00	50.0
10-41-131 EMPLOYEE BENEFIT-EMPLOYER FICA	153.00	1,071.00	2,200.00	1,129.00	48.7
10-41-133 EMPLOYEE BENEFIT - WORK. COMP.	83.19	582.33	700.00	117.67	83.2
10-41-140 UNIFORMS	.00	.00	300.00	300.00	.0
10-41-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	.00	4,000.00	4,000.00	.0
10-41-230 TRAVEL & TRAINING	.00	442.50	12,600.00	12,157.50	3.5
10-41-240 OFFICE SUPPLIES AND EXPENSE	.00	44.99	200.00	155.01	22.5
10-41-370 PROFESSIONAL/TECHNICAL SERVICE	.00	.00	.00	.00	.0
10-41-494 YOUTH CITY COUNCIL	.00	4,254.44	5,000.00	745.56	85.1
10-41-620 MISCELLANEOUS	.00	6,073.49	4,000.00	(2,073.49)	151.8
10-41-740 EQUIPMENT	.00	5,055.37	8,000.00	2,944.63	63.2
10-41-925 TRANSFER TO COUNTRY FAIR DAYS	.00	5,000.00	5,000.00	.00	100.0
TOTAL LEGISLATIVE	2,236.19	36,524.12	70,000.00	33,475.88	52.2
<u>JUDICIAL</u>					
10-42-004 JUDGE SALARY	1,705.92	8,529.60	15,000.00	6,470.40	56.9
10-42-110 EMPLOYEE SALARIES	3,886.03	19,636.27	35,000.00	15,363.73	56.1
10-42-130 EMPLOYEE BENEFIT - RETIREMENT	1,050.30	5,636.78	11,000.00	5,363.22	51.2
10-42-131 EMPLOYEE BENEFIT-EMPLOYER FICA	419.73	2,254.90	4,000.00	1,745.10	56.4
10-42-133 EMPLOYEE BENEFIT - WORK. COMP.	80.94	405.22	500.00	94.78	81.0
10-42-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
10-42-135 EMPLOYEE BENEFIT - HEALTH INS.	1,520.31	7,601.55	13,000.00	5,398.45	58.5
10-42-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	108.38	600.00	491.62	18.1
10-42-230 TRAVEL & TRAINING	.00	135.20	3,100.00	2,964.80	4.4
10-42-240 OFFICE SUPPLIES & EXPENSE	171.47	940.46	600.00	(340.46)	156.7
10-42-243 COURT REFUNDS	.00	.00	.00	.00	.0
10-42-280 TELEPHONE	60.00	280.00	500.00	220.00	56.0
10-42-313 PROFESSIONAL/TECH. - ATTORNEY	600.00	4,825.00	10,000.00	5,175.00	48.3
10-42-317 PROFESSIONAL/TECHNICAL-BAILIFF	.00	.00	4,000.00	4,000.00	.0
10-42-350 SOFTWARE MAINTENANCE	.00	329.25	800.00	470.75	41.2
10-42-550 BANKING CHARGES	.00	463.21	600.00	136.79	77.2
10-42-610 MISCELLANEOUS	.00	473.80	1,300.00	826.20	36.5
10-42-740 EQUIPMENT	.00	.00	.00	.00	.0
TOTAL JUDICIAL	9,494.70	51,619.62	100,000.00	48,380.38	51.6

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATIVE</u>					
10-43-110 FULL-TIME EMPLOYEE SALARIES	35,389.21	185,885.53	325,000.00	139,114.47	57.2
10-43-120 PART-TIME EMPLOYEE SALARIES	3,230.35	20,518.83	73,000.00	52,481.17	28.1
10-43-125 EMPLOYEE INCENTIVE	.00	.00	.00	.00	.0
10-43-130 EMPLOYEE BENEFIT - RETIREMENT	6,997.98	38,780.62	84,000.00	45,219.38	46.2
10-43-131 EMPLOYEE BENEFIT-EMPLOYER FICA	3,019.69	17,177.12	31,000.00	13,822.88	55.4
10-43-133 EMPLOYEE BENEFIT - WORK. COMP.	619.02	3,160.25	3,200.00	39.75	98.8
10-43-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
10-43-135 EMPLOYEE BENEFIT - HEALTH INS.	6,748.09	38,760.15	68,000.00	29,239.85	57.0
10-43-136 HRA REIMBURSEMENT - HEALTH INS	.00	150.00	3,500.00	3,350.00	4.3
10-43-137 EMPLOYEE TESTING	.00	86.40	.00	(86.40)	.0
10-43-140 UNIFORMS	.00	.00	1,000.00	1,000.00	.0
10-43-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	1,696.50	3,500.00	1,803.50	48.5
10-43-220 PUBLIC NOTICES	.00	3,908.33	5,000.00	1,091.67	78.2
10-43-230 TRAVEL & TRAINING	753.90	7,903.62	20,000.00	12,096.38	39.5
10-43-240 OFFICE SUPPLIES & EXPENSE	730.02	5,986.97	8,000.00	2,013.03	74.8
10-43-250 EQUIPMENT - SUPPLIES AND MAINT	151.15	1,396.63	5,500.00	4,103.37	25.4
10-43-252 EQUIPMENT MAINT. - CASELLE	.00	.00	.00	.00	.0
10-43-253 EQUIPMENT MAINT. - SOFTWARE	.00	.00	.00	.00	.0
10-43-256 FUEL EXPENSE	.00	47.02	300.00	252.98	15.7
10-43-262 GENERAL GOVERNMENT BUILDINGS	386.44	4,806.35	7,500.00	2,693.65	64.1
10-43-270 UTILITIES	54.26	2,292.14	6,000.00	3,707.86	38.2
10-43-280 TELEPHONE	2,053.70	10,034.75	18,000.00	7,965.25	55.8
10-43-308 PROFESSIONAL & TECH - I.T.	736.00	7,442.66	13,000.00	5,557.34	57.3
10-43-309 PROFESSIONAL & TECH - AUDITOR	.00	12,000.00	12,000.00	.00	100.0
10-43-310 PROFESSIONAL/TECH. - PLANNER	.00	.00	.00	.00	.0
10-43-311 PRO & TECH - ECO DEVELOPMENT	.00	.00	.00	.00	.0
10-43-312 PROFESSIONAL & TECH. - ENGINR	.00	258.00	.00	(258.00)	.0
10-43-313 PROFESSIONAL/TECH. - ATTORNEY	3,198.00	26,525.00	100,000.00	73,475.00	26.5
10-43-314 ORDINANCE CODIFICATION	.00	3,584.00	3,000.00	(584.00)	119.5
10-43-316 ELECTIONS	.00	25,188.01	17,500.00	(7,688.01)	143.9
10-43-319 PROF./TECH. -SUBD. REVIEWS	.00	.00	.00	.00	.0
10-43-329 CITY MANAGER FUND	.00	2,178.37	3,000.00	821.63	72.6
10-43-350 SOFTWARE MAINTENANCE	1,138.24	14,082.11	26,000.00	11,917.89	54.2
10-43-510 INSURANCE & SURETY BONDS	.00	45,773.29	44,000.00	(1,773.29)	104.0
10-43-550 BANKING CHARGES	.00	110.85	1,000.00	889.15	11.1
10-43-610 MISCELLANEOUS	1,485.66	4,210.49	3,000.00	(1,210.49)	140.4
10-43-620 MISCELLANEOUS	.00	.00	.00	.00	.0
10-43-621 CONTRIBUTIONS & DONATIONS	.00	.00	.00	.00	.0
10-43-625 CASH OVER AND SHORT	.00	.00	.00	.00	.0
10-43-720 BUILDINGS	.00	.00	.00	.00	.0
10-43-740 EQUIPMENT	.00	2,441.62	8,000.00	5,558.38	30.5
10-43-745 EQUIPMENT COSTING OVER \$500	.00	.00	.00	.00	.0
10-43-841 TRANSFER TO RECREATION FUND	.00	.00	75,000.00	75,000.00	.0
10-43-910 TRANSFER TO CAP. PROJ. FUND	.00	.00	.00	.00	.0
TOTAL ADMINISTRATIVE	66,691.71	486,385.61	968,000.00	481,614.39	50.3

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PUBLIC SAFETY</u>					
10-54-310 SHERIFF'S DEPARTMENT	18,490.00	135,172.00	230,000.00	94,828.00	58.8
10-54-311 ANIMAL CONTROL	2,010.65	12,460.43	22,000.00	9,539.57	56.6
10-54-320 EMERGENCY PREPAREDNESS	.00	.00	74,000.00	74,000.00	.0
10-54-321 LIQUOR LAW ENFORCEMENT	.00	.00	7,000.00	7,000.00	.0
TOTAL PUBLIC SAFETY	20,500.65	147,632.43	333,000.00	185,367.57	44.3
<u>FIRE PROTECTION</u>					
10-57-110 FULL-TIME EMPLOYEE SALARIES	.00	.00	.00	.00	.0
10-57-120 PART-TIME EMPLOYEE SALARIES	69,787.28	296,134.91	510,000.00	213,865.09	58.1
10-57-131 EMPLOYEE BENEFIT-EMPLOYER FICA	5,344.42	23,976.83	39,000.00	15,023.17	61.5
10-57-133 EMPLOYEE BENEFIT - WORK. COMP.	4,927.31	20,862.90	20,000.00	(862.90)	104.3
10-57-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
10-57-137 EMPLOYEE TESTING	119.70	485.65	1,000.00	514.35	48.6
10-57-140 UNIFORMS	.00	5,073.37	8,500.00	3,426.63	59.7
10-57-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	.00	1,000.00	1,000.00	.0
10-57-230 TRAVEL & TRAINING	1,559.35	6,160.17	8,500.00	2,339.83	72.5
10-57-240 OFFICE SUPPLIES & EXPENSE	.00	1,515.38	2,500.00	984.62	60.6
10-57-250 EQUIPMENT SUPPLIES & MAINT.	4,988.88	24,632.23	24,000.00	(632.23)	102.6
10-57-256 FUEL EXPENSE	420.27	2,241.71	4,000.00	1,758.29	56.0
10-57-260 BUILDINGS & GROUNDS MAINT.	765.00	12,743.87	16,000.00	3,256.13	79.7
10-57-270 UTILITIES	.00	2,796.83	7,000.00	4,203.17	40.0
10-57-280 TELEPHONE	354.82	5,377.01	9,000.00	3,622.99	59.7
10-57-350 SOFTWARE MAINTENANCE	.00	404.10	8,500.00	8,095.90	4.8
10-57-370 PROFESSIONAL & TECH. SERVICES	1,322.00	12,254.42	18,000.00	5,745.58	68.1
10-57-375 PARAMEDIC SERVICES	.00	.00	.00	.00	.0
10-57-450 SPECIAL PUBLIC SAFETY SUPPLIES	5,391.32	21,172.61	30,000.00	8,827.39	70.6
10-57-530 INTEREST EXPENSE	.00	2,448.99	5,000.00	2,551.01	49.0
10-57-550 BANKING CHARGES	.00	110.85	500.00	389.15	22.2
10-57-622 HEALTH & WELLNESS EXPENSES	.00	44.50	1,500.00	1,455.50	3.0
10-57-740 EQUIPMENT	.00	.00	10,000.00	10,000.00	.0
10-57-745 EQUIPMENT COSTING OVER \$500	.00	.00	.00	.00	.0
10-57-811 BOND PRINCIPAL	.00	.00	27,000.00	27,000.00	.0
TOTAL FIRE PROTECTION	94,980.35	438,436.33	751,000.00	312,563.67	58.4

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>COMMUNITY SERVICES</u>					
10-58-004 SUPERVISOR SALARIES	.00	.00	.00	.00	.0
10-58-110 FULL-TIME EMPLOYEE SALARIES	20,736.49	100,771.75	160,000.00	59,228.25	63.0
10-58-120 PART-TIME EMPLOYEE SALARIES	4,034.00	10,497.26	35,000.00	24,502.74	30.0
10-58-130 EMPLOYEE BENEFIT - RETIREMENT	3,763.53	19,652.49	40,000.00	20,347.51	49.1
10-58-131 EMPLOYEE BENEFIT-EMPLOYER FICA	1,858.06	8,643.12	15,000.00	6,356.88	57.6
10-58-132 EMPLOYEE BENEFIT - 401K PLAN	.00	.00	.00	.00	.0
10-58-133 EMPLOYEE BENEFIT - WORK. COMP.	809.67	3,438.73	3,000.00	(438.73)	114.6
10-58-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
10-58-135 EMPLOYEE BENEFIT - HEALTH INS.	4,263.96	21,343.40	35,000.00	13,656.60	61.0
10-58-137 EMPLOYEE TESTING	134.00	157.00	.00	(157.00)	.0
10-58-140 UNIFORMS	81.52	705.89	1,200.00	494.11	58.8
10-58-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	315.48	500.00	184.52	63.1
10-58-230 TRAVEL & TRAINING	.00	1,766.05	11,500.00	9,733.95	15.4
10-58-250 EQUIPMENT SUPPLIES & MAINT.	24.59	2,950.61	4,000.00	1,049.39	73.8
10-58-255 VEHICLE LEASE	.00	.00	.00	.00	.0
10-58-256 FUEL EXPENSE	207.87	1,032.16	1,000.00	(32.16)	103.2
10-58-280 TELEPHONE	159.67	809.89	1,800.00	990.11	45.0
10-58-310 PROFESSIONAL & TCH. - PLANNER	.00	.00	.00	.00	.0
10-58-311 PROFESSIONAL & TECH - ECODEV	.00	.00	.00	.00	.0
10-58-312 PROFESSIONAL & TECH. - ENGINR	3,882.75	28,150.75	60,000.00	31,849.25	46.9
10-58-319 PROF./TECH. -SUBD. REVIEWS	4,853.75	41,418.25	60,000.00	18,581.75	69.0
10-58-325 PROFESSIONAL/TECHICAL - MAPS/G	.00	6,226.35	15,000.00	8,773.65	41.5
10-58-326 PROF. & TECH. - INSPECTIONS	2,065.00	17,990.00	40,000.00	22,010.00	45.0
10-58-350 SOFTWARE MAINTENANCE	.00	8,160.00	13,000.00	4,840.00	62.8
10-58-370 PROFESSIONAL & TECH. SERVICES	.00	.00	.00	.00	.0
10-58-620 MISCELLANEOUS	38.00	38.00	.00	(38.00)	.0
10-58-740 EQUIPMENT	.00	4,954.13	6,000.00	1,045.87	82.6
TOTAL COMMUNITY SERVICES	46,912.86	279,021.31	502,000.00	222,978.69	55.6

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GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STREETS</u>					
10-60-110 FULL-TIME EMPLOYEE SALARIES	6,681.40	29,870.50	59,000.00	29,129.50	50.6
10-60-120 PART-TIME EMPLOYEE SALARIES	2,613.44	11,314.78	24,000.00	12,685.22	47.1
10-60-130 EMPLOYEE BENEFIT - RETIREMENT	1,210.13	6,036.14	13,000.00	6,963.86	46.4
10-60-131 EMPLOYEE BENEFIT-EMPLOYER FICA	702.79	3,215.41	6,400.00	3,184.59	50.2
10-60-133 EMPLOYEE BENEFIT - WORK. COMP.	410.39	1,820.59	2,400.00	579.41	75.9
10-60-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
10-60-135 EMPLOYEE BENEFIT - HEALTH INS.	645.50	3,103.74	10,000.00	6,896.26	31.0
10-60-137 EMPLOYEE TESTING	.00	38.00	400.00	362.00	9.5
10-60-140 UNIFORMS	81.49	1,445.10	800.00	(645.10)	180.6
10-60-230 TRAVEL & TRAINING	.00	414.98	2,000.00	1,585.02	20.8
10-60-250 EQUIPMENT SUPPLIES & MAINT.	277.44	2,613.69	6,000.00	3,386.31	43.6
10-60-255 VEHICLE LEASE	.00	.00	.00	.00	.0
10-60-256 FUEL EXPENSE	76.60	864.35	4,600.00	3,735.65	18.8
10-60-260 BUILDINGS & GROUNDS MAINT.	1,072.87	1,697.85	5,000.00	3,302.15	34.0
10-60-271 UTILITIES - STREET LIGHTS	.00	15,945.99	60,000.00	44,054.01	26.6
10-60-280 TELEPHONE	89.04	200.68	.00	(200.68)	.0
10-60-312 PROFESSIONAL & TECH. - ENGINR	21.25	5,471.25	20,000.00	14,528.75	27.4
10-60-325 PROFESSIONAL/TECHICAL - MAPS/G	.00	331.25	10,000.00	9,668.75	3.3
10-60-350 SOFTWARE MAINTENANCE	.00	329.25	3,000.00	2,670.75	11.0
10-60-370 PROFESSIONAL & TECH. SERVICES	.00	.00	500.00	500.00	.0
10-60-410 SPECIAL HIGHWAY SUPPLIES	.00	16,921.00	15,000.00	(1,921.00)	112.8
10-60-411 SNOW REMOVAL SUPPLIES	4,542.08	18,298.19	35,000.00	16,701.81	52.3
10-60-415 MAILBOXES & STREET SIGNS	.00	2,191.47	10,000.00	7,808.53	21.9
10-60-416 STREET LIGHTS	1,060.98	10,772.58	20,000.00	9,227.42	53.9
10-60-420 WEED CONTROL	.00	179.98	1,500.00	1,320.02	12.0
10-60-422 CROSSWALK/STREET PAINTING	.00	.00	5,000.00	5,000.00	.0
10-60-424 CURB & GUTTER RESTORATION	.00	.00	.00	.00	.0
10-60-550 BANKING CHARGES	.00	110.85	400.00	289.15	27.7
TOTAL STREETS	19,485.40	133,187.62	314,000.00	180,812.38	42.4

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
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GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PARKS</u>					
10-70-110 FULL-TIME EMPLOYEE SALARIES	17,277.03	83,156.51	108,000.00	24,843.49	77.0
10-70-120 PART-TIME EMPLOYEE SALARIES	.00	2,562.56	14,000.00	11,437.44	18.3
10-70-130 EMPLOYEE BENEFIT - RETIREMENT	3,467.92	17,002.27	22,000.00	4,997.73	77.3
10-70-131 EMPLOYEE BENEFIT-EMPLOYER FICA	1,355.76	6,973.53	10,000.00	3,026.47	69.7
10-70-133 EMPLOYEE BENEFIT - WORK. COMP.	735.82	3,770.80	4,000.00	229.20	94.3
10-70-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
10-70-135 EMPLOYEE BENEFIT - HEALTH INS.	5,238.44	25,080.81	60,000.00	34,919.19	41.8
10-70-137 EMPLOYEE TESTING	70.00	70.00	400.00	330.00	17.5
10-70-140 UNIFORMS	162.96	1,519.16	2,700.00	1,180.84	56.3
10-70-230 TRAVEL & TRAINING	.00	805.00	4,000.00	3,195.00	20.1
10-70-250 EQUIPMENT SUPPLIES & MAINT.	1,485.07	5,495.96	15,000.00	9,504.04	36.6
10-70-255 VEHICLE LEASE	.00	.00	.00	.00	.0
10-70-256 FUEL EXPENSE	144.42	1,943.35	5,000.00	3,056.65	38.9
10-70-260 BUILDINGS & GROUNDS MAINT.	51.24	466.69	5,000.00	4,533.31	9.3
10-70-261 GROUNDS SUPPLIES & MAINTENANCE	1,730.45	12,141.52	39,000.00	26,858.48	31.1
10-70-270 UTILITIES	85.49	4,515.14	8,000.00	3,484.86	56.4
10-70-280 TELEPHONE	215.68	978.24	1,600.00	621.76	61.1
10-70-312 PROFESSIONAL & TECH. - ENGINR	127.50	2,724.75	20,000.00	17,275.25	13.6
10-70-350 SOFTWARE MAINTENANCE	.00	329.25	1,000.00	670.75	32.9
10-70-430 TRAILS/ TREES	.00	.00	.00	.00	.0
10-70-435 SAFETY INCENTIVE PROGRAM	.00	.00	.00	.00	.0
10-70-550 BANKING CHARGES	.00	110.85	300.00	189.15	37.0
10-70-626 UTA PARK AND RIDE	46.85	326.88	15,000.00	14,673.12	2.2
10-70-730 IMPROVEMENTS OTHER THAN BLDGS	.00	.00	.00	.00	.0
10-70-740 EQUIPMENT	.00	.00	10,000.00	10,000.00	.0
TOTAL PARKS	32,194.63	169,973.27	345,000.00	175,026.73	49.3
TOTAL FUND EXPENDITURES	292,496.49	1,742,780.31	3,383,000.00	1,640,219.69	51.5
NET REVENUE OVER EXPENDITURES	30,753.65	156,226.52	.00	(156,226.52)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
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#5b Jan Budget

RECREATION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>RECREATION REVENUE</u>					
20-34-720 RENTAL - ACTIVITY CENTER	640.00	9,979.50	9,000.00	(979.50)	110.9
20-34-751 MEMBERSHIP FEES	2,933.00	11,623.00	19,000.00	7,377.00	61.2
20-34-752 COMPETITION LEAGUE FEES	7,600.00	14,440.00	21,000.00	6,560.00	68.8
20-34-753 MISC REVENUE	.00	1,402.00	1,000.00	(402.00)	140.2
20-34-754 COMPETITION BASEBALL	.00	.00	500.00	500.00	.0
20-34-755 BASKETBALL	258.00	13,272.40	13,000.00	(272.40)	102.1
20-34-756 BASEBALL & SOFTBALL	517.00	517.00	7,500.00	6,983.00	6.9
20-34-757 SOCCER	2,635.00	9,230.00	8,000.00	(1,230.00)	115.4
20-34-758 FLAG FOOTBALL	226.00	3,146.00	3,500.00	354.00	89.9
20-34-759 VOLLEYBALL	35.00	1,725.00	1,500.00	(225.00)	115.0
20-34-760 WRESTLING	.00	.00	2,000.00	2,000.00	.0
20-34-811 SALES TAX BOND PMT-RESTRICTED	.00	.00	.00	.00	.0
20-34-841 GRAVEL PIT FEES	.00	48,048.06	70,000.00	21,951.94	68.6
TOTAL RECREATION REVENUE	14,844.00	113,382.96	156,000.00	42,617.04	72.7
<u>SOURCE 36</u>					
20-36-895 RENTAL OF UNIFORMS AND EQUIP	.00	.00	.00	.00	.0
TOTAL SOURCE 36	.00	.00	.00	.00	.0
<u>SOURCE 37</u>					
20-37-100 INTEREST EARNINGS	.00	747.19	4,000.00	3,252.81	18.7
TOTAL SOURCE 37	.00	747.19	4,000.00	3,252.81	18.7
<u>CONTRIBUTIONS & TRANSFERS</u>					
20-39-091 TRANSFER FROM CAPITAL PROJECTS	.00	.00	.00	.00	.0
20-39-470 TRANSFER FROM OTHER FUNDS	.00	.00	75,000.00	75,000.00	.0
20-39-800 TRANSFER FROM IMPACT FEE FUND	.00	.00	66,000.00	66,000.00	.0
20-39-900 FUND BALANCE TO BE APPROPRIATE	.00	.00	12,000.00	12,000.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	153,000.00	153,000.00	.0
TOTAL FUND REVENUE	14,844.00	114,130.15	313,000.00	198,869.85	36.5

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RECREATION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>RECREATION EXPENDITURES</u>					
20-71-110 FULL-TIME EMPLOYEE SALARIES	5,810.22	32,245.86	55,000.00	22,754.14	58.6
20-71-120 PART-TIME EMPLOYEE SALARIES	4,468.38	24,708.24	45,000.00	20,291.76	54.9
20-71-130 EMPLOYEE BENEFIT - RETIREMENT	1,144.61	6,313.03	11,000.00	4,686.97	57.4
20-71-131 EMPLOYEE BENEFIT-EMPLOYER FICA	852.89	4,956.50	7,600.00	2,643.50	65.2
20-71-133 EMPLOYEE BENEFIT - WORK. COMP.	346.38	2,063.79	2,000.00	(63.79)	103.2
20-71-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
20-71-135 EMPLOYEE BENEFIT - HEALTH INS.	811.98	3,859.90	11,000.00	7,140.10	35.1
20-71-137 EMPLOYEE TESTING	.00	19.95	500.00	480.05	4.0
20-71-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	3,800.00	.00	(3,800.00)	.0
20-71-230 TRAVEL & TRAINING	.00	.00	1,500.00	1,500.00	.0
20-71-240 OFFICE SUPPLIES AND EXPENSE	.00	411.43	1,100.00	688.57	37.4
20-71-241 MATERIALS & SUPPLIES	333.04	2,418.69	2,000.00	(418.69)	120.9
20-71-250 EQUIPMENT SUPPLIES & MAINT.	.00	2,555.42	1,000.00	(1,555.42)	255.5
20-71-256 FUEL EXPENSE	.00	.00	200.00	200.00	.0
20-71-262 GENERAL GOVERNMENT BUILDINGS	.00	.00	2,000.00	2,000.00	.0
20-71-270 UTILITIES	.00	4,938.44	6,000.00	1,061.56	82.3
20-71-280 TELEPHONE	.00	1,636.04	4,000.00	2,363.96	40.9
20-71-331 PROMOTIONS	.00	390.26	3,500.00	3,109.74	11.2
20-71-340 PROGRAM OFFICIALS	.00	.00	.00	.00	.0
20-71-350 SOFTWARE MAINTENANCE	.00	329.25	800.00	470.75	41.2
20-71-370 PROFESSIONAL/TECHNICAL SERVICE	.00	.00	.00	.00	.0
20-71-480 REC BASKETBALL	1,140.50	1,720.35	11,000.00	9,279.65	15.6
20-71-481 BASEBALL & SOFTBALL	.00	63.75	7,000.00	6,936.25	.9
20-71-482 SOCCER	.00	2,062.24	4,500.00	2,437.76	45.8
20-71-483 FLAG FOOTBALL	.00	1,267.27	2,500.00	1,232.73	50.7
20-71-484 VOLLEYBALL	.00	1,687.75	1,500.00	(187.75)	112.5
20-71-485 SUMMER FUN	650.00	775.98	2,000.00	1,224.02	38.8
20-71-486 SR LUNCHEON	.00	.00	1,500.00	1,500.00	.0
20-71-488 COMPETITION BASKETBALL	1,088.00	4,649.03	9,000.00	4,350.97	51.7
20-71-489 COMPETITION BASEBALL	.00	.00	300.00	300.00	.0
20-71-491 FLY FISHING	.00	.00	.00	.00	.0
20-71-492 WRESTLING	.00	.00	2,000.00	2,000.00	.0
20-71-510 INSURANCE & SURETY BONDS	.00	.00	.00	.00	.0
20-71-530 INTEREST EXPENSE	.00	6,297.41	12,600.00	6,302.59	50.0
20-71-550 BANKING CHARGES	.00	494.58	800.00	305.42	61.8
20-71-610 MISCELLANEOUS	.00	208.41	700.00	491.59	29.8
20-71-625 CASH OVER AND SHORT	.00	.00	.00	.00	.0
20-71-740 EQUIPMENT	.00	3,000.00	10,000.00	7,000.00	30.0
20-71-811 BOND PRINCIPAL	.00	.00	68,400.00	68,400.00	.0
20-71-900 TRANSFER TO FUND BALANCE	.00	.00	.00	.00	.0
20-71-915 TRANSFER TO ADMIN. SERVICES	.00	12,500.00	25,000.00	12,500.00	50.0
TOTAL RECREATION EXPENDITURES	16,646.00	125,373.57	313,000.00	187,626.43	40.1
TOTAL FUND EXPENDITURES	16,646.00	125,373.57	313,000.00	187,626.43	40.1
NET REVENUE OVER EXPENDITURES	(1,802.00)	(11,243.42)	.00	11,243.42	.0

SOUTH WEBER CITY CORPORATION
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SEWER IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
21-37-100 INTEREST EARNINGS	.00	1,268.53	.00	(1,268.53)	.0
21-37-200 IMPACT FEES	8,799.00	93,856.00	400,000.00	306,144.00	23.5
TOTAL REVENUE	8,799.00	95,124.53	400,000.00	304,875.47	23.8
<u>CONTRIBUTIONS & TRANSFERS</u>					
21-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	.00	.00	.0
TOTAL FUND REVENUE	8,799.00	95,124.53	400,000.00	304,875.47	23.8

SOUTH WEBER CITY CORPORATION
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SEWER IMPACT FEE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>						
21-40-760	SEWER IMPACT FEE PROJECTS	.00	.00	.00	.00	.0
	TOTAL EXPENDITURES	.00	.00	.00	.00	.0
<u>DEPARTMENT 80</u>						
21-80-800	TRANSFERS	.00	.00	400,000.00	400,000.00	.0
	TOTAL DEPARTMENT 80	.00	.00	400,000.00	400,000.00	.0
	TOTAL FUND EXPENDITURES	.00	.00	400,000.00	400,000.00	.0
	NET REVENUE OVER EXPENDITURES	8,799.00	95,124.53	.00	(95,124.53)	.0

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STORM SEWER IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
22-37-100 INTEREST EARNINGS	.00	21.57	.00	(21.57)	.0
22-37-200 IMPACT FEES	1,995.00	21,280.00	40,000.00	18,720.00	53.2
TOTAL REVENUE	1,995.00	21,301.57	40,000.00	18,698.43	53.3
<u>CONTRIBUTIONS & TRANSFERS</u>					
22-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	.00	.00	.0
TOTAL FUND REVENUE	1,995.00	21,301.57	40,000.00	18,698.43	53.3

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

STORM SEWER IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
22-40-760 PROJECTS	.00	.00	.00	.00	.0
22-40-799 FACILITIES	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	.00	.00	.00	.00	.0
<u>DEPARTMENT 80</u>					
22-80-800 TRANSFERS	.00	.00	40,000.00	40,000.00	.0
TOTAL DEPARTMENT 80	.00	.00	40,000.00	40,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	40,000.00	40,000.00	.0
NET REVENUE OVER EXPENDITURES	1,995.00	21,301.57	.00	(21,301.57)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

PARK IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
23-37-100 INTEREST EARNINGS	.00	1,313.55	1,000.00	(313.55)	131.4
23-37-200 IMPACT FEES	6,288.00	67,072.00	165,000.00	97,928.00	40.7
TOTAL REVENUE	6,288.00	68,385.55	166,000.00	97,614.45	41.2
<u>CONTRIBUTIONS & TRANSFERS</u>					
23-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	777,000.00	777,000.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	777,000.00	777,000.00	.0
TOTAL FUND REVENUE	6,288.00	68,385.55	943,000.00	874,614.45	7.3

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

PARK IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
23-40-760 PROJECTS	.00	.00	943,000.00	943,000.00	.0
23-40-900 TRANSFER TO FUND BALANCE	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	.00	.00	943,000.00	943,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	943,000.00	943,000.00	.0
NET REVENUE OVER EXPENDITURES	6,288.00	68,385.55	.00	(68,385.55)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

ROAD IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
24-37-100 INTEREST EARNINGS	.00	238.35	.00	(238.35)	.0
24-37-200 IMPACT FEES	5,373.63	165,113.34	140,000.00	(25,113.34)	117.9
TOTAL REVENUE	5,373.63	165,351.69	140,000.00	(25,351.69)	118.1
<u>CONTRIBUTIONS & TRANSFERS</u>					
24-39-500 CONTRIBUTION FROM FUND BAL	.00	.00	.00	.00	.0
24-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	.00	.00	.0
TOTAL FUND REVENUE	5,373.63	165,351.69	140,000.00	(25,351.69)	118.1

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

ROAD IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
24-40-760 PROJECTS	.00	.00	140,000.00	140,000.00	.0
24-40-799 FACILITIES	.00	.00	.00	.00	.0
24-40-900 TRANSFER TO FUND BALANCE	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	.00	.00	140,000.00	140,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	140,000.00	140,000.00	.0
NET REVENUE OVER EXPENDITURES	5,373.63	165,351.69	.00	(165,351.69)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

COUNTRY FAIR DAYS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
25-37-100 INTEREST EARNINGS	.00	.00	.00	.00	.0
TOTAL SOURCE 37	.00	.00	.00	.00	.0
TOTAL FUND REVENUE	.00	.00	.00	.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	.00	.00	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

WATER IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
26-37-100 INTEREST EARNINGS	.00	207.85	1,000.00	792.15	20.8
26-37-200 IMPACT FEES	3,882.00	54,348.00	120,000.00	65,652.00	45.3
TOTAL REVENUE	3,882.00	54,555.85	121,000.00	66,444.15	45.1
<u>CONTRIBUTIONS & TRANSFERS</u>					
26-39-900 FND BALANCE TO BE APPROPRIATED	.00	.00	4,000.00	4,000.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	4,000.00	4,000.00	.0
TOTAL FUND REVENUE	3,882.00	54,555.85	125,000.00	70,444.15	43.6

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

WATER IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 40</u>					
26-40-760 PROJECTS	.00	.00	.00	.00	.0
26-40-799 FACILITIES	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 40	.00	.00	.00	.00	.0
<u>TRANSFERS</u>					
26-80-800 TRANSFERS	.00	.00	95,000.00	95,000.00	.0
26-80-900 CONTRIBUTION TO FUND BALANCE	.00	.00	30,000.00	30,000.00	.0
TOTAL TRANSFERS	.00	.00	125,000.00	125,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	125,000.00	125,000.00	.0
NET REVENUE OVER EXPENDITURES	3,882.00	54,555.85	.00	(54,555.85)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

RECREATION IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
27-37-100 INTEREST EARNINGS	.00	27.05	1,000.00	972.95	2.7
27-37-200 IMPACT FEES	2,502.00	26,688.00	65,000.00	38,312.00	41.1
TOTAL REVENUE	2,502.00	26,715.05	66,000.00	39,284.95	40.5
<u>CONTRIBUTIONS & TRANSFERS</u>					
27-39-470 TRANSFER FROM OTHER FUNDS	.00	.00	.00	.00	.0
27-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	.00	.00	.0
TOTAL FUND REVENUE	2,502.00	26,715.05	66,000.00	39,284.95	40.5

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

RECREATION IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
27-40-760 PROJECTS	.00	.00	.00	.00	.0
27-40-799 FACILITIES	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	.00	.00	.00	.00	.0
<u>DEPARTMENT 80</u>					
27-80-800 TRANSFERS	.00	.00	66,000.00	66,000.00	.0
TOTAL DEPARTMENT 80	.00	.00	66,000.00	66,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	66,000.00	66,000.00	.0
NET REVENUE OVER EXPENDITURES	2,502.00	26,715.05	.00	(26,715.05)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

PUBLIC SAFETY IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
29-37-100 INTEREST EARNINGS	.00	5.41	.00	(5.41)	.0
29-37-200 IMPACT FEES	378.00	5,005.18	12,000.00	6,994.82	41.7
TOTAL REVENUE	378.00	5,010.59	12,000.00	6,989.41	41.8
<u>CONTRIBUTIONS & TRANSFERS</u>					
29-39-470 TRANSFER FROM OTHER FUNDS	.00	.00	.00	.00	.0
29-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS & TRANSFERS	.00	.00	.00	.00	.0
TOTAL FUND REVENUE	378.00	5,010.59	12,000.00	6,989.41	41.8

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

PUBLIC SAFETY IMPACT FEE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
29-40-760 PROJECTS	.00	.00	.00	.00	.0
29-40-799 FACILITIES	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	.00	.00	.00	.00	.0
<u>DEPARTMENT 80</u>					
29-80-800 TRANSFERS	.00	.00	12,000.00	12,000.00	.0
TOTAL DEPARTMENT 80	.00	.00	12,000.00	12,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	12,000.00	12,000.00	.0
NET REVENUE OVER EXPENDITURES	378.00	5,010.59	.00	(5,010.59)	.0

SOUTH WEBER CITY CORPORATION
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SOURCE 31</u>					
45-31-300 SALES AND USE TAX	.00	100,000.00	200,000.00	100,000.00	50.0
TOTAL SOURCE 31	.00	100,000.00	200,000.00	100,000.00	50.0
<u>INTERGOVERNMENTAL REVENUE</u>					
45-33-400 STATE GRANTS	.00	.00	.00	.00	.0
45-33-500 FEDERAL GRANT - CARES ACT	.00	.00	.00	.00	.0
TOTAL INTERGOVERNMENTAL REVENUE	.00	.00	.00	.00	.0
<u>CHARGES FOR SERVICES</u>					
45-34-270 DEVELOPER PMTS FOR IMPROV.	.00	.00	.00	.00	.0
45-34-435 DONATIONS - CMP RAIL ROAD	.00	.00	.00	.00	.0
45-34-440 CONTRIBUTIONS	.00	.00	.00	.00	.0
45-34-445 CONTRIBUTIONS - RESTRICTED	.00	1,000.00	68,000.00	67,000.00	1.5
TOTAL CHARGES FOR SERVICES	.00	1,000.00	68,000.00	67,000.00	1.5
<u>MISCELLANEOUS REVENUE</u>					
45-36-100 INTEREST EARNINGS	.00	2,916.89	5,000.00	2,083.11	58.3
45-36-110 SALE OF PROPERTY	.00	.00	.00	.00	.0
TOTAL MISCELLANEOUS REVENUE	.00	2,916.89	5,000.00	2,083.11	58.3
<u>CONTRIBUTIONS AND TRANSFERS</u>					
45-39-380 FUND SURPLUS-UNRESTRICTED	.00	.00	.00	.00	.0
45-39-470 TRANSFER FROM OTHER FUNDS	.00	.00	.00	.00	.0
45-39-500 FUND BALANCE TO BE APPROPRIATE	.00	.00	.00	.00	.0
45-39-800 TRANSFER FROM IMPACT FEES	.00	.00	1,083,000.00	1,083,000.00	.0
45-39-810 TRANSFER FROM CLASS "C"	.00	.00	.00	.00	.0
45-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	985,000.00	985,000.00	.0
TOTAL CONTRIBUTIONS AND TRANSFERS	.00	.00	2,068,000.00	2,068,000.00	.0
TOTAL FUND REVENUE	.00	103,916.89	2,341,000.00	2,237,083.11	4.4

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
45-43-730 ADMIN - IMPROV OTHER THAN BLDG	.00	529.50	50,000.00	49,470.50	1.1
45-43-740 EQUIPMENT	.00	2,000.00	26,000.00	24,000.00	7.7
TOTAL DEPARTMENT 43	.00	2,529.50	76,000.00	73,470.50	3.3
 <u>DEPARTMENT 57</u>					
45-57-720 BUILDINGS	.00	11,971.25	.00 (11,971.25)	.0
45-57-730 IMPROV. OTHER THAN BLDGS.	2,108.50	13,072.50	125,000.00	111,927.50	10.5
45-57-740 EQUIPMENT	.00	115,000.00	175,000.00	60,000.00	65.7
TOTAL DEPARTMENT 57	2,108.50	140,043.75	300,000.00	159,956.25	46.7
 <u>DEPARTMENT 58</u>					
45-58-740 EQUIPMENT	.00	5,000.00	5,000.00	.00	100.0
TOTAL DEPARTMENT 58	.00	5,000.00	5,000.00	.00	100.0
 <u>DEPARTMENT 60</u>					
45-60-710 LAND	.00	6,684.55	.00 (6,684.55)	.0
45-60-720 1040BUILDINGS	.00	.00	.00	.00	.0
45-60-730 STREETS-IMP OTHER THAN BLDG	62,908.83	137,028.08	240,000.00	102,971.92	57.1
45-60-740 EQUIPMENT	.00	66,238.10	77,000.00	10,761.90	86.0
TOTAL DEPARTMENT 60	62,908.83	209,950.73	317,000.00	107,049.27	66.2
 <u>DEPARTMENT 70</u>					
45-70-710 LAND	.00	.00	.00	.00	.0
45-70-730 IMPROVEMENTS OTHER THAN BLDGS	802.00	1,045,442.98	1,605,000.00	559,557.02	65.1
45-70-740 EQUIPMENT	.00	25,000.00	38,000.00	13,000.00	65.8
TOTAL DEPARTMENT 70	802.00	1,070,442.98	1,643,000.00	572,557.02	65.2
 <u>DEPARTMENT 90</u>					
45-90-850 TRANSFER TO TRANS. UTIL. FUND	.00	.00	.00	.00	.0
45-90-900 TRANSFER TO FUND BALANCE	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 90	.00	.00	.00	.00	.0

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
TOTAL FUND EXPENDITURES	65,819.33	1,427,966.96	2,341,000.00	913,033.04	61.0
NET REVENUE OVER EXPENDITURES	(65,819.33)	(1,324,050.07)	.00	1,324,050.07	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

WATER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>INTERGOVERNMENTAL REVENUE</u>					
51-33-500 FEDERAL GRANT - CARES ACT	.00	.00	.00	.00	.0
TOTAL INTERGOVERNMENTAL REVENUE	.00	.00	.00	.00	.0
<u>SOURCE 34</u>					
51-34-270 DEVELOPER PMTS FOR IMPROVMNTS	.00	.00	.00	.00	.0
TOTAL SOURCE 34	.00	.00	.00	.00	.0
<u>MISCELLANEOUS REVENUE</u>					
51-36-100 INTEREST EARNINGS	.00	2,776.36	25,000.00	22,223.64	11.1
51-36-300 MISC UTILITY REVENUE	.00	5.00	.00	(5.00)	.0
TOTAL MISCELLANEOUS REVENUE	.00	2,781.36	25,000.00	22,218.64	11.1
<u>WATER UTILITIES REVENUE</u>					
51-37-100 WATER SALES	126,906.41	918,581.33	1,515,000.00	596,418.67	60.6
51-37-105 WATER CONNECTION FEE	795.00	8,480.00	20,000.00	11,520.00	42.4
51-37-130 PENALTIES	2,870.00	22,830.00	40,000.00	17,170.00	57.1
TOTAL WATER UTILITIES REVENUE	130,571.41	949,891.33	1,575,000.00	625,108.67	60.3
<u>SOURCE 38</u>					
51-38-820 CONTRIBUTIONS FROM IMPACT FEES	.00	.00	95,000.00	95,000.00	.0
51-38-900 SUNDRY REVENUES	.00	.00	.00	.00	.0
51-38-910 CAPITAL CONTRIBUTIONS	.00	.00	.00	.00	.0
51-38-920 GAIN/LOSS ON SALE OF ASSETS	.00	.00	.00	.00	.0
TOTAL SOURCE 38	.00	.00	95,000.00	95,000.00	.0
<u>CONTRIBUTIONS AND TRANSFERS</u>					
51-39-470 TRANSFER FROM OTHER FUNDS	.00	.00	.00	.00	.0
51-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	1,542,000.00	1,542,000.00	.0
TOTAL CONTRIBUTIONS AND TRANSFERS	.00	.00	1,542,000.00	1,542,000.00	.0
TOTAL FUND REVENUE	130,571.41	952,672.69	3,237,000.00	2,284,327.31	29.4

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

WATER UTILITY FUND

EXPENDITURES	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
51-40-110 FULL-TIME EMPLOYEE SALARIES	8,747.00	47,176.23	97,000.00	49,823.77	48.6
51-40-120 PART-TIME EMPLOYEE SALARIES	.00	.00	.00	.00	.0
51-40-130 EMPLOYEE BENEFIT - RETIREMENT	1,846.52	9,295.40	23,000.00	13,704.60	40.4
51-40-131 EMPLOYEE BENEFIT-EMPLOYER FICA	713.13	4,032.28	8,000.00	3,967.72	50.4
51-40-133 EMPLOYEE BENEFIT - WORK. COMP.	413.33	2,118.22	3,000.00	881.78	70.6
51-40-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
51-40-135 EMPLOYEE BENEFIT - HEALTH INS.	789.78	3,768.98	19,000.00	15,231.02	19.8
51-40-137 EMPLOYEE TESTING	134.00	134.00	.00	(134.00)	.0
51-40-140 UNIFORMS	404.47	1,028.72	2,000.00	971.28	51.4
51-40-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	.00	3,000.00	3,000.00	.0
51-40-230 TRAVEL & TRAINING	.00	575.00	4,000.00	3,425.00	14.4
51-40-240 OFFICE SUPPLIES & EXPENSE	285.78	1,567.42	1,000.00	(567.42)	156.7
51-40-250 EQUIPMENT SUPPLIES & MAINT.	2,471.87	7,287.17	10,000.00	2,712.83	72.9
51-40-255 VEHICLE LEASE	.00	.00	.00	.00	.0
51-40-256 FUEL EXPENSE	452.17	3,398.67	5,000.00	1,601.33	68.0
51-40-260 BUILDINGS & GROUNDS MAINT.	.00	.00	5,000.00	5,000.00	.0
51-40-262 GENERAL GOVERNMENT BUILDINGS	.00	.00	.00	.00	.0
51-40-270 UTILITIES	169.58	10,122.01	14,000.00	3,877.99	72.3
51-40-280 TELEPHONE	509.90	2,579.94	3,000.00	420.06	86.0
51-40-312 PROFESSIONAL & TECH. - ENGINR	1,389.25	10,428.25	10,000.00	(428.25)	104.3
51-40-318 PROFESSIONAL TECHNICAL	.00	.00	2,000.00	2,000.00	.0
51-40-325 PROFESSIONAL/TECHICAL - MAPS/G	247.50	4,305.75	5,000.00	694.25	86.1
51-40-350 SOFTWARE MAINTENANCE	.00	4,987.75	8,000.00	3,012.25	62.4
51-40-370 UTILITY BILLING	1,399.63	7,716.24	14,000.00	6,283.76	55.1
51-40-480 SPECIAL WATER SUPPLIES	.00	2,173.01	3,000.00	826.99	72.4
51-40-481 WATER PURCHASES	.00	365,137.57	363,000.00	(2,137.57)	100.6
51-40-483 EMERGENCY LEAKS & REPAIRS	.00	.00	.00	.00	.0
51-40-485 FIRE HYDRANT UPDATE	.00	.00	50,000.00	50,000.00	.0
51-40-490 O & M CHARGE	7,840.36	35,415.56	100,000.00	64,584.44	35.4
51-40-495 METER REPLACEMENTS	.00	103,237.00	100,000.00	(3,237.00)	103.2
51-40-530 INTEREST EXPENSE	1,650.00	1,650.00	121,000.00	119,350.00	1.4
51-40-540 CUSTOMER ASSISTANCE PROGRAM	.00	.00	.00	.00	.0
51-40-550 BANKING CHARGES	.00	1,380.52	4,000.00	2,619.48	34.5
51-40-650 DEPRECIATION	.00	.00	235,000.00	235,000.00	.0
51-40-730 IMPROVEMENTS OTHER THAN BLDGS	6,381.50	10,487.00	1,800,000.00	1,789,513.00	.6
51-40-740 EQUIPMENT	.00	.00	.00	.00	.0
51-40-750 CAPITAL OUTLAY - VEHICLES	.00	58,000.00	58,000.00	.00	100.0
51-40-811 BOND PRINCIPAL	.00	.00	95,000.00	95,000.00	.0
51-40-900 TRANSFER TO FUND BALANCE	.00	.00	.00	.00	.0
51-40-915 TRANSFER TO ADMIN SERVICES	.00	36,000.00	72,000.00	36,000.00	50.0
51-40-950 CONTRI. TO FUND BALANCE - RSRV	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	35,845.77	734,002.69	3,237,000.00	2,502,997.31	22.7

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

WATER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 80</u>					
51-80-512 CONTRIBUTIONS	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 80	.00	.00	.00	.00	.0
TOTAL FUND EXPENDITURES	35,845.77	734,002.69	3,237,000.00	2,502,997.31	22.7
NET REVENUE OVER EXPENDITURES	94,725.64	218,670.00	.00	(218,670.00)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

SEWER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MISCELLANEOUS REVENUE</u>					
52-36-100 INTEREST EARNINGS	.00	5,616.19	20,000.00	14,383.81	28.1
TOTAL MISCELLANEOUS REVENUE	.00	5,616.19	20,000.00	14,383.81	28.1
<u>SEWER UTILITIES REVENUE</u>					
52-37-300 SEWER SALES	87,021.80	603,126.24	1,050,000.00	446,873.76	57.4
52-37-360 CWDIS 5% RETAINAGE	378.00	7,417.00	10,000.00	2,583.00	74.2
52-37-400 CWSID SEWER CONN FEES PAYABLE	.00	.00	.00	.00	.0
TOTAL SEWER UTILITIES REVENUE	87,399.80	610,543.24	1,060,000.00	449,456.76	57.6
<u>SOURCE 38</u>					
52-38-820 CONTRIBUTION FROM IMPACT FEES	.00	.00	400,000.00	400,000.00	.0
52-38-910 CAPITAL CONTRIBUTIONS	.00	.00	.00	.00	.0
52-38-920 GAIN/LOSS ON SALE OF ASSETS	.00	.00	.00	.00	.0
TOTAL SOURCE 38	.00	.00	400,000.00	400,000.00	.0
<u>SOURCE 39</u>					
52-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	495,000.00	495,000.00	.0
TOTAL SOURCE 39	.00	.00	495,000.00	495,000.00	.0
TOTAL FUND REVENUE	87,399.80	616,159.43	1,975,000.00	1,358,840.57	31.2

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

SEWER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
52-40-110 FULL-TIME EMPLOYEE SALARIES	11,723.25	48,280.94	47,000.00	(1,280.94)	102.7
52-40-120 PART-TIME EMPLOYEE SALARIES	.00	.00	.00	.00	.0
52-40-130 EMPLOYEE BENEFIT - RETIREMENT	2,211.99	10,088.31	12,000.00	1,911.69	84.1
52-40-131 EMPLOYEE BENEFIT-EMPLOYER FICA	875.98	3,779.38	4,000.00	220.62	94.5
52-40-133 EMPLOYEE BENEFIT - WORK. COMP.	512.68	2,190.89	2,000.00	(190.89)	109.5
52-40-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
52-40-135 EMPLOYEE BENEFIT - HEALTH INS.	1,702.79	8,491.24	12,000.00	3,508.76	70.8
52-40-140 UNIFORMS	40.72	352.63	900.00	547.37	39.2
52-40-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP	.00	.00	.00	.00	.0
52-40-230 TRAVEL & TRAINING	.00	.00	4,000.00	4,000.00	.0
52-40-240 OFFICE SUPPLIES & EXPENSE	285.78	1,567.44	1,000.00	(567.44)	156.7
52-40-250 EQUIPMENT SUPPLIES & MAINT.	107.41	2,177.66	5,000.00	2,822.34	43.6
52-40-255 VEHICLE LEASE	.00	.00	.00	.00	.0
52-40-256 FUEL EXPENSE	67.58	733.13	1,000.00	266.87	73.3
52-40-260 BUILDINGS & GROUNDS MAINT.	.00	.00	.00	.00	.0
52-40-270 UTILITIES	.00	140.07	600.00	459.93	23.4
52-40-280 TELEPHONE	49.21	101.03	.00	(101.03)	.0
52-40-312 PROFESSIONAL & TECH. - ENGINR	32.25	63.00	21,000.00	20,937.00	.3
52-40-325 PROFESSIONAL/TECHICAL - MAPS/G	.00	1,686.50	1,000.00	(686.50)	168.7
52-40-350 SOFTWARE MAINTENANCE	.00	987.75	4,000.00	3,012.25	24.7
52-40-370 UTILITY BILLING	976.56	5,389.61	9,000.00	3,610.39	59.9
52-40-490 O & M CHARGE	(1,467.76)	1,584.48	35,000.00	33,415.52	4.5
52-40-491 SEWER TREATMENT FEE	.00	245,393.00	536,000.00	290,607.00	45.8
52-40-496 CONNECTION FEE - CWSID	.00	.00	.00	.00	.0
52-40-530 INTEREST EXPENSE	.00	.00	.00	.00	.0
52-40-550 BANKING CHARGES	.00	863.98	3,500.00	2,636.02	24.7
52-40-650 DEPRECIATION	.00	.00	143,000.00	143,000.00	.0
52-40-690 PROJECTS	.00	6,000.00	1,090,000.00	1,084,000.00	.6
52-40-900 TRANSFER TO FUND BALANCE	.00	.00	.00	.00	.0
52-40-915 TRANSFER TO ADMIN SERVICES	.00	21,500.00	43,000.00	21,500.00	50.0
52-40-950 CONTRI. TO FUND BALANCE - RSRV	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	17,118.44	361,371.04	1,975,000.00	1,613,628.96	18.3
<u>TRANSFERS AND CONTRIBUTIONS</u>					
52-80-512 CONTRIBUTIONS	.00	.00	.00	.00	.0
TOTAL TRANSFERS AND CONTRIBUTIONS	.00	.00	.00	.00	.0
TOTAL FUND EXPENDITURES	17,118.44	361,371.04	1,975,000.00	1,613,628.96	18.3
NET REVENUE OVER EXPENDITURES	70,281.36	254,788.39	.00	(254,788.39)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

SANITATION UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MISCELLANEOUS REVENUE</u>					
53-36-100 INTEREST EARNINGS	.00	758.82	2,000.00	1,241.18	37.9
TOTAL MISCELLANEOUS REVENUE	.00	758.82	2,000.00	1,241.18	37.9
<u>SANITATION UTILITIES REVENUE</u>					
53-37-700 SANITATION FEES	43,302.43	301,887.10	496,000.00	194,112.90	60.9
TOTAL SANITATION UTILITIES REVENUE	43,302.43	301,887.10	496,000.00	194,112.90	60.9
<u>SOURCE 38</u>					
53-38-920 GAIN/LOSS ON SALE OF ASSETS	.00	.00	.00	.00	.0
TOTAL SOURCE 38	.00	.00	.00	.00	.0
<u>SOURCE 39</u>					
53-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	26,000.00	26,000.00	.0
TOTAL SOURCE 39	.00	.00	26,000.00	26,000.00	.0
TOTAL FUND REVENUE	43,302.43	302,645.92	524,000.00	221,354.08	57.8

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

SANITATION UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
53-40-110 FULL-TIME EMPLOYEE SALARIES	220.40	1,229.00	16,000.00	14,771.00	7.7
53-40-120 PART-TIME EMPLOYEE SALARIES	.00	.00	.00	.00	.0
53-40-130 EMPLOYEE BENEFIT - RETIREMENT	42.72	226.08	4,000.00	3,773.92	5.7
53-40-131 EMPLOYEE BENEFIT-EMPLOYER FICA	17.51	99.17	1,200.00	1,100.83	8.3
53-40-133 EMPLOYEE BENEFIT - WORK. COMP.	9.89	52.89	500.00	447.11	10.6
53-40-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
53-40-135 EMPLOYEE BENEFIT - HEALTH INS.	56.10	280.50	6,000.00	5,719.50	4.7
53-40-140 UNIFORMS	.00	.00	100.00	100.00	.0
53-40-240 OFFICE SUPPLIES & EXPENSE	.00	.00	.00	.00	.0
53-40-250 EQUIPMENT SUPPLIES & MAINT.	.00	38,364.89	42,000.00	3,635.11	91.3
53-40-251 VEHICLE MAINT & SUPPLIES	.00	.00	.00	.00	.0
53-40-255 VEHICLE LEASE	.00	.00	.00	.00	.0
53-40-256 FUEL EXPENSE	.00	.00	.00	.00	.0
53-40-280 TELEPHONE	.00	39.72	.00	(39.72)	.0
53-40-350 SOFTWARE MAINTENANCE	.00	987.75	2,400.00	1,412.25	41.2
53-40-370 UTILITY BILLING	436.83	2,369.75	4,300.00	1,930.25	55.1
53-40-492 SANITATION FEE CHARGES	34,353.14	239,731.96	410,000.00	170,268.04	58.5
53-40-550 BANKING CHARGES	.00	418.84	1,000.00	581.16	41.9
53-40-650 DEPRECIATION	.00	.00	.00	.00	.0
53-40-900 CONTRIBUTION TO FUND BALANCE	.00	.00	.00	.00	.0
53-40-915 TRANSFER TO ADMIN SERVICES	.00	18,000.00	36,500.00	18,500.00	49.3
TOTAL EXPENDITURES	35,136.59	301,800.55	524,000.00	222,199.45	57.6
TOTAL FUND EXPENDITURES	35,136.59	301,800.55	524,000.00	222,199.45	57.6
NET REVENUE OVER EXPENDITURES	8,165.84	845.37	.00	(845.37)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

STORM SEWER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<hr/>					
54-33-400 STATE GRANT	.00	.00	.00	.00	.0
TOTAL SOURCE 33	.00	.00	.00	.00	.0
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SOURCE 34					
54-34-270 DEVELOPER PMTS FOR IMPROVEMENT	.00	.00	.00	.00	.0
TOTAL SOURCE 34	.00	.00	.00	.00	.0
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MISCELLANEOUS REVENUE					
54-36-100 INTEREST EARNINGS	.00	674.68	1,000.00	325.32	67.5
TOTAL MISCELLANEOUS REVENUE	.00	674.68	1,000.00	325.32	67.5
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STORM SEWER UTILITIES REVENUE					
54-37-450 STORM SEWER REVENUE	16,984.75	118,506.85	239,000.00	120,493.15	49.6
TOTAL STORM SEWER UTILITIES REVENUE	16,984.75	118,506.85	239,000.00	120,493.15	49.6
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SOURCE 38					
54-38-820 TFR FROM STORM SWR IMPACT FEE	.00	.00	40,000.00	40,000.00	.0
54-38-900 SUNDRY REVENUES	.00	.00	.00	.00	.0
54-38-910 CAPITAL CONTRIBUTIONS	.00	.00	.00	.00	.0
54-38-920 GAIN/LOSS ON SALE OF ASSETS	.00	.00	.00	.00	.0
TOTAL SOURCE 38	.00	.00	40,000.00	40,000.00	.0
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SOURCE 39					
54-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	29,000.00	29,000.00	.0
TOTAL SOURCE 39	.00	.00	29,000.00	29,000.00	.0
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TOTAL FUND REVENUE	16,984.75	119,181.53	309,000.00	189,818.47	38.6

SOUTH WEBER CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

STORM SEWER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
54-40-110 FULL-TIME EMPLOYEE SALARIES	4,268.62	16,983.20	21,000.00	4,016.80	80.9
54-40-120 PART-TIME EMPLOYEE SALARIES	.00	.00	.00	.00	.0
54-40-130 EMPLOYEE BENEFIT - RETIREMENT	920.30	3,802.34	5,000.00	1,197.66	76.1
54-40-131 EMPLOYEE BENEFIT-EMPLOYER FICA	316.36	1,308.61	2,000.00	691.39	65.4
54-40-133 EMPLOYEE BENEFIT - WORK. COMP.	226.34	939.50	1,000.00	60.50	94.0
54-40-134 EMPLOYEE BENEFIT - UI	.00	.00	.00	.00	.0
54-40-135 EMPLOYEE BENEFIT - HEALTH INS.	1,570.02	7,850.16	11,000.00	3,149.84	71.4
54-40-140 UNIFORMS	40.72	352.63	500.00	147.37	70.5
54-40-230 TRAVEL & TRAINING	.00	.00	2,000.00	2,000.00	.0
54-40-240 OFFICE SUPPLIES & EXPENSE	.00	.00	.00	.00	.0
54-40-250 EQUIPMENT SUPPLIES & MAINT.	.00	.00	1,200.00	1,200.00	.0
54-40-255 VEHICLE LEASE	.00	.00	.00	.00	.0
54-40-256 FUEL EXPENSE	42.83	484.37	500.00	15.63	96.9
54-40-270 UTILITIES	.00	.00	300.00	300.00	.0
54-40-280 TELEPHONE	26.48	26.48	.00	(26.48)	.0
54-40-312 PROFESSIONAL & TECH. - ENGINR	.00	6,904.25	8,000.00	1,095.75	86.3
54-40-325 PROFESSIONAL/TECHICAL - MAPS/G	.00	1,402.50	15,000.00	13,597.50	9.4
54-40-331 PROMOTIONS	.00	.00	1,200.00	1,200.00	.0
54-40-350 SOFTWARE MAINTENANCE	2,400.00	3,387.75	5,300.00	1,912.25	63.9
54-40-370 UTILITY BILLING	213.63	1,178.95	2,000.00	821.05	59.0
54-40-493 STORM SEWER O & M	.00	.00	30,000.00	30,000.00	.0
54-40-550 BANKING CHARGES	.00	202.83	1,000.00	797.17	20.3
54-40-650 DEPRECIATION	.00	.00	150,000.00	150,000.00	.0
54-40-690 PROJECTS	.00	20,173.50	26,000.00	5,826.50	77.6
54-40-915 TRANSFER TO ADMIN SERVICES	.00	13,000.00	26,000.00	13,000.00	50.0
TOTAL EXPENDITURES	10,025.30	77,997.07	309,000.00	231,002.93	25.2
<u>DEPARTMENT 80</u>					
54-80-512 CONTRIBUTIONS	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 80	.00	.00	.00	.00	.0
TOTAL FUND EXPENDITURES	10,025.30	77,997.07	309,000.00	231,002.93	25.2
NET REVENUE OVER EXPENDITURES	6,959.45	41,184.46	.00	(41,184.46)	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

PENALTIES UTILITY FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MISCELLANEOUS REVENUE</u>						
55-36-100	INTEREST EARNINGS	.00	.00	.00	.00	.0
	TOTAL MISCELLANEOUS REVENUE	.00	.00	.00	.00	.0
<u>SOURCE 37</u>						
55-37-130	PENALTIES	.00	.00	.00	.00	.0
	TOTAL SOURCE 37	.00	.00	.00	.00	.0
	TOTAL FUND REVENUE	.00	.00	.00	.00	.0
	NET REVENUE OVER EXPENDITURES	.00	.00	.00	.00	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

TRANSPORTATION UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
56-31-305 TRANSPORTATION - LOCAL OPTION	11,675.56	54,438.91	80,000.00	25,561.09	68.1
TOTAL SOURCE 31	11,675.56	54,438.91	80,000.00	25,561.09	68.1
<u>SOURCE 33</u>					
56-33-560 CLASS "C" ROAD ALLOTMENT	.00	.00	80,000.00	80,000.00	.0
TOTAL SOURCE 33	.00	.00	80,000.00	80,000.00	.0
<u>SOURCE 34</u>					
56-34-270 DEVELOPER PMTS FOR IMPROV.	.00	.00	10,000.00	10,000.00	.0
TOTAL SOURCE 34	.00	.00	10,000.00	10,000.00	.0
<u>SOURCE 36</u>					
56-36-100 INTEREST EARNINGS	.00	474.58	2,000.00	1,525.42	23.7
TOTAL SOURCE 36	.00	474.58	2,000.00	1,525.42	23.7
<u>SOURCE 37</u>					
56-37-800 TRANSPORTATION UTILITY FEE	36,647.64	255,706.14	420,000.00	164,293.86	60.9
TOTAL SOURCE 37	36,647.64	255,706.14	420,000.00	164,293.86	60.9
<u>CONTRIBUTIONS AND TRANSFERS</u>					
56-39-091 TRANSFER FROM CAPITAL PROJECTS	.00	.00	.00	.00	.0
56-39-900 FUND BAL TO BE APPROPRIATED	.00	.00	300,000.00	300,000.00	.0
56-39-910 TRANSFER FROM CLASS "C" RES.	.00	.00	.00	.00	.0
TOTAL CONTRIBUTIONS AND TRANSFERS	.00	.00	300,000.00	300,000.00	.0
TOTAL FUND REVENUE	48,323.20	310,619.63	892,000.00	581,380.37	34.8

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

TRANSPORTATION UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
56-76-312 PROFESSIONAL & TECH. - ENGINR	963.00	6,219.50	18,000.00	11,780.50	34.6
56-76-424 CURB AND GUTTER RESTORATION	.00	.00	85,000.00	85,000.00	.0
56-76-425 STREET SEALING	.00	.00	.00	.00	.0
56-76-730 STREET PROJECTS	2,480.00	571,538.29	789,000.00	217,461.71	72.4
56-76-910 TRANSFER TO CAP. PROJ. FUND	.00	.00	.00	.00	.0
56-76-990 CONTRIBUTION TO FUND BALANCE	.00	.00	.00	.00	.0
TOTAL EXPENDITURES	3,443.00	577,757.79	892,000.00	314,242.21	64.8
TOTAL FUND EXPENDITURES	3,443.00	577,757.79	892,000.00	314,242.21	64.8
NET REVENUE OVER EXPENDITURES	44,880.20	(267,138.16)	.00	267,138.16	.0

SOUTH WEBER CITY CORPORATION
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

FLEET MANAGEMENT

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
60-34-981 INTERFUND CHARGE - ADMIN	.00	2,000.00	2,000.00	.00	100.0
60-34-982 INTERFUND CHARGE - FIRE	.00	115,000.00	115,000.00	.00	100.0
60-34-983 INTERFUND CHARGE - COMM SVS	.00	5,000.00	5,000.00	.00	100.0
60-34-984 INTERFUND CHARGE - STREETS	.00	47,000.00	47,000.00	.00	100.0
60-34-985 INTERFUND CHARGE - PARKS	.00	25,000.00	25,000.00	.00	100.0
60-34-986 INTERFUND CHARGE - RECREATION	.00	3,000.00	3,000.00	.00	100.0
60-34-987 INTERFUND CHARGE - WATER	.00	58,000.00	58,000.00	.00	100.0
60-34-988 INTERFUND CHARGE - SEWER	.00	6,000.00	6,000.00	.00	100.0
60-34-989 INTERFUND CHARGE - STORM DRAIN	.00	6,000.00	6,000.00	.00	100.0
TOTAL SOURCE 34	.00	267,000.00	267,000.00	.00	100.0
 SOURCE 36					
60-36-100 INTEREST EARNINGS	.00	.00	1,000.00	1,000.00	.0
60-36-400 SALE OF ASSETS	.00	.00	80,000.00	80,000.00	.0
TOTAL SOURCE 36	.00	.00	81,000.00	81,000.00	.0
 SOURCE 37					
60-37-450 TRANSFER FROM CAP .PRJ. - FIRE	.00	.00	255,000.00	255,000.00	.0
60-37-510 TRANSFER FROM WATER	.00	.00	25,000.00	25,000.00	.0
60-37-520 TRANSFER FROM SEWER	.00	.00	10,000.00	10,000.00	.0
60-37-540 TRANSFER FROM STORM DRAIN	.00	.00	10,000.00	10,000.00	.0
60-37-983 INTERFUND CHARGE - COMM. SVS.	.00	.00	.00	.00	.0
TOTAL SOURCE 37	.00	.00	300,000.00	300,000.00	.0
 TOTAL FUND REVENUE	 .00	 267,000.00	 648,000.00	 381,000.00	 41.2

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

FLEET MANAGEMENT

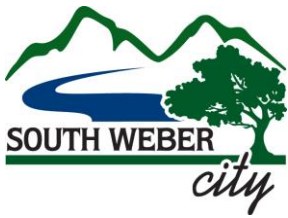
	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
60-60-740 MACHINERY & EQUIPMENT	.00	.00	150,000.00	150,000.00	.0
60-60-960 CAPITAL LEASES - EQUIPMENT	.00	.00	101,000.00	101,000.00	.0
60-60-990 CONTRIB. TO FUND BALANCE	.00	.00	397,000.00	397,000.00	.0
TOTAL DEPARTMENT 60	.00	.00	648,000.00	648,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	648,000.00	648,000.00	.0
NET REVENUE OVER EXPENDITURES	.00	267,000.00	.00	(267,000.00)	.0

SOUTH WEBER CITY CORPORATION
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 7 MONTHS ENDING JANUARY 31, 2022

#5b Jan Budget

GENERAL LONG-TERM DEBT

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
95-43-139 PENSION EXPENSE	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 43	.00	.00	.00	.00	.0
 <u>DEPARTMENT 57</u>					
95-57-139 PENSION EXPENSE	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 57	.00	.00	.00	.00	.0
 <u>DEPARTMENT 60</u>					
95-60-139 PUBLIC WORKS PENSION EXP.	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 60	.00	.00	.00	.00	.0
 <u>DEPARTMENT 70</u>					
95-70-139 PARKS PENSION EXP.	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 70	.00	.00	.00	.00	.0
 <u>DEPARTMENT 71</u>					
95-71-139 RECREATION PENSION EXP.	.00	.00	.00	.00	.0
TOTAL DEPARTMENT 71	.00	.00	.00	.00	.0
TOTAL FUND EXPENDITURES	.00	.00	.00	.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	.00	.00	.0



#7 Code Enforcement
CITY COUNCIL MEETING
STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

Trevor Cahoon
Community Services Dir.

ITEM TYPE

Legislative Ordinance

PRIOR DISCUSSION DATES

September 14, 2021

AGENDA ITEM

Code Enforcement Ordinance with Code Language Change

PURPOSE

Approve the draft ordinance for Code Enforcement.

BACKGROUND

On the February 8 City Council Meeting, Staff presented a draft ordinance for the City Council to review to correct inefficiencies for Code Enforcement in South Weber. The City Council asked for minor changes to the draft to bring back for consideration in the March 22 City Council Meeting.

City Code

In City Code there are two methods of enforcement that the City can employ. The first is a criminal process. In this process the property is noticed and has 14 days to bring the property into compliance. After this the city may choose to process the incident through criminal proceedings. Currently the individual has an additional "cure" period to bring the property into compliance. After this the city can issue a final notice. We then need to follow the due process of the Court. Some limitations do occur with the willingness of the prosecutor choosing to proceed with the prosecution or the Judge moving the item through the process. In most instances the citation is not continuing through the process and is not being prosecuted. There are limitations on the way we can criminally enforce this through state statute which are reflected in our code.

An alternate method of enforcement involves abatement. The city can choose after the 14 days to abate the property. In this case we have a second "cure" period to give the property notice of the charge to abate the property. After this time, we can choose to abate, assess the fine and/or put a lien on the property for the costs. Abatement costs money of which is not currently budgeted and so the Council would need to direct this a priority method of enforcement.

In order to help this process move forward the City Staff in consultation with the Code Committee has drafted code that creates greater flexibility in enforcement and will allow the City to become much more proactive in the enforcement mechanisms employed. Below is a summary document that outlines the updated methods of enforcement that the city can utilize.



	Criminal	Civil		
		Citation	Abatement	Nuisance
Code Enforcement Officers have the choice of whether to pursue a violation as Criminal, Civil (Citation or Abatement), or a Nuisance. What are the criteria?	<ul style="list-style-type: none"> - Prior violations - Causes injury - Multiple violations in single episode - Significant health or safety risk 	<ul style="list-style-type: none"> - Single violation - No abatement or remedial action required 	<ul style="list-style-type: none"> - Violation will continue to exist without abatement or remedial action - Often involves conditions on real property 	<ul style="list-style-type: none"> - Violation is a threat to public health, safety, welfare, or obstructs, injures, or interferes with the reasonable or free use of property
What are the available penalties?	<ul style="list-style-type: none"> - Class B misdemeanor (\$1,000 fine and/or six months imprisonment) 	<ul style="list-style-type: none"> - Fees (\$100 for 1st violation; \$200 for 2nd; \$400 for 3rd or more) 	<ul style="list-style-type: none"> - Civil penalties (\$100 min; \$1,000 max/day) - Fees - Abatement 	<ul style="list-style-type: none"> - Civil penalties (\$100 min; \$1,000 max/day) - Fees - Abatement
Who issues the citation / notice?	Davis County Sheriff	Code Enforcement Officer	Code Enforcement Officer	Code Enforcement Officer
Who enforces the violation?	Justice Court	Appeal Authority	Appeal Authority	Appeal Authority
What is the process for issuing the citation / notice?	Criminal Citation	Civil Citation	Notice of Violation w/ at least ten (10) days to cure.	Notice of Violation w/ at least ten (10) days to cure.
What is the process for enforcing the violation?	Criminal Trial	Hearing before Appeal Authority	Civil penalties accrue daily; abatement available in some circumstances	Civil penalties accrue daily; abatement available after cure period expires
What due process rights does the violator have?	Trial before Justice Court Judge	Hearing before Appeal Authority	Hearing before Appeal Authority	Hearing before Appeal Authority
May the violation be recorded against property?	NO	NO	Yes, but may not be converted into lien w/o District Court order	Yes, and abatement costs may be converted into a tax lien administratively.

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY COUNCIL OF SOUTH WEBER CITY
AMENDING PROVISIONS OF THE CITY CODE
RELATING TO CODE ENFORCEMENT

WHEREAS, the City Council of South Weber City desires to amend certain provisions of the City Code of South Weber City relating to code enforcement; and

WHEREAS, the City Council has reviewed provisions of Title 1 Chapter 9, and Title 10, Chapter 2, Section 8 of the current City Code and finds that public interest will be served by updating the provisions of these sections; and

WHEREAS, the City Council has determined that the adoption of a new Title 1, Chapter 10 relating to Administrative Code Enforcement is necessary; and

WHEREAS, the City Council has determined that the proposed amendments and adoption will promote the public welfare;

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah as follows:

Section 1. Amendment. Title 1 Chapter 9 of the City Code of South Weber is hereby amended to read as more particularly set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Adoption and Codification. Title 1, Chapter 10 of the City Code of South Weber is hereby adopted and codified to read as more particularly set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Amendment. Title 10, Chapter 2, Section 8 of the City Code of South Weber is hereby amended to read as more particularly set forth in Exhibit C, attached hereto and incorporated herein by reference.

Section 4. Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect upon the publication or posting or thirty (30) days after passage.

PASSED AND APPROVED this 22nd day of March, 2022.

Mayor: Rod Westbroek

Attest: Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

:

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2022-01 was passed and adopted the 22nd day of March 2022 and that complete copies of the ordinance were posted in the following locations within the City this 23rd day of March 2022.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Lisa Smith, City Recorder

EXHIBIT A

Chapter 9 GENERAL CRIMINAL PENALTY

1-9-1: Criminal Penalty

1-9-2: Offenses Designated-Classified; and Sentencing

1-9-3: Administrative Remedies

1-9-1: CRIMINAL PENALTY:

A. Criminal Penalty for Violation of Ordinance: Unless otherwise specifically authorized by State Statute, the City Council may provide a criminal penalty for the violation of any City ordinance by a fine not to exceed the maximum Class B misdemeanor fine under Utah Code Annotated Section 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.

B. Term of Imprisonment for Misdemeanors: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

1. In the case of a Class B misdemeanor, for a term not exceeding six (6) months;
2. In the case of a Class C misdemeanor, for a term not exceeding ninety (90) days.

C. Infractions:

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture, and disqualification, or any combination.
2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor.

D. Fines of Persons: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:

1. One thousand dollars (\$1,000.00) when the conviction is of a Class B misdemeanor conviction; and
2. Seven hundred fifty dollars (\$750.00) when the conviction is of a Class C misdemeanor conviction or infraction conviction.

E. Fines of Corporations: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this Code, or the ordinances of the City, or for an offense defined outside of this Code over which this City has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:

1. Five thousand dollars (\$5,000.00) when the conviction is for a Class B misdemeanor conviction; and
2. One thousand dollars (\$1,000.00) when the conviction is for a Class C misdemeanor conviction or for an infraction conviction.

1-9-2: OFFENSES DESIGNATED-CLASSIFIED; AND SENTENCING:

A. Sentencing:

1. A person adjudged guilty of an offense under this Code or the ordinances of this City shall be sentenced in accordance with the provisions of this chapter.
2. Ordinances enacted after the effective date of this Code which involve an offense shall be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

B. Designation of Offenses: Offenses are designated as misdemeanors or infractions.

C. Misdemeanors Classified:

1. Misdemeanors are classified into two (2) categories:
 - a. Class B misdemeanors; and
 - b. Class C misdemeanors.
2. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this Code or any ordinance of this City when no other specification as to punishment or category is made, shall be a Class B misdemeanor.

D. Infractions:

1. Infractions are not classified.
2. Any offense which is made an infraction in this Code or other ordinances of this City, or which is expressly designated an infraction and any offense designated by this Code or other ordinances of this City which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

E. Continuing Violation: In all instances where the violation of this Code or any ordinance enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

1-9-3: ADMINISTRATIVE REMEDIES:

A. The City has sole discretion in deciding whether to enforce code violations through civil or criminal means, or both. The enactment of this Chapter shall in no way interfere with the City's right to enforce the violation of City ordinances civilly through its Administrative Code Enforcement program. The City may use any of the remedies available under the law in both civil and criminal prosecution of code violations.

EXHIBIT B

CHAPTER 10 ADMINISTRATIVE CODE ENFORCEMENT

1-10-1: Establishment of Administrative Code Enforcement Program

1-10-2: General Provisions and Definitions

1-10-3: General Offenses and Authority

1-10-4: Administrative Code Enforcement Procedures

1-10-5: Hearing Officer

1-10-6: Hearing Procedures; Administrative and Judicial Remedies

1-10-7: Orders, Abatement, and Cost Recovery

1-10-1: ESTABLISHMENT OF ADMINISTRATIVE CODE ENFORCEMENT PROGRAM

There is hereby established in South Weber City the Administrative Code Enforcement Program (“ACE Program”). The procedures to be followed in the administration of this program are located in Title 1, Chapter 10 of the City Code. The ACE Program may be used by the City for the administrative enforcement of City Code violations in accordance with the procedures outlined in this Chapter.

1-10-2: GENERAL PROVISIONS AND DEFINITIONS

This Chapter shall be known as “Administrative Code Enforcement.” This Chapter shall also be known as Title 1, Chapter 10 of the South Weber City Code. It may be cited and pleaded under either designation.

A. DECLARATION OF PURPOSE. The City Council of South Weber City finds that the enforcement of the South Weber City Code throughout South Weber City is an important public service. Code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. A comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gaining compliance with City ordinances.

B. SCOPE. The provisions of this Chapter may be applied to all violations of the City Code. It has been designed as an additional remedy for the City to use in achieving compliance with its ordinances and regulations.

The provisions of this Chapter do not invalidate any other title, chapter, or ordinance, but shall be read in conjunction with those titles, chapters, and ordinances as an additional remedy available for enforcement of those ordinances.

C. CRIMINAL PROSECUTION RIGHT. The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The enactment of this administrative remedy shall in no way interfere with the City’s right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. Although most minor City Code violations should be enforced through this Chapter, the City may choose to file a criminal prosecution under any of the following circumstances:

1. The violator has one prior violation of the City Code within the last year;
2. The violation caused bodily injury, substantial bodily injury, or serious bodily injury to an individual, all of which shall have the same definition in Utah Code Annotated § 76-1-601;
3. The violator, in a single criminal episode, violated one or more provisions of the Utah Criminal Code as well as one or more provisions of the City Code, and all violations are being charged as a single criminal episode as defined in Utah Code Annotated § 76-1-401;
4. The violation caused a significant health or safety risk to the public.

D. NO MANDATORY DUTY – CIVIL LIABILITY. It is the intent of the City Council that in establishing performance standards or establishing the authority to act by a City officer or employee, these standards shall not be construed as creating a mandatory duty if the officer or employee fails to perform his or her directed duty or duties.

E. DEFINITIONS. The following words and phrases, whenever used in this Chapter, shall be constructed as defined in this Section, unless a different meaning is specifically defined elsewhere in this Chapter and specifically stated to apply:

1. “Abatement” means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, repair, boarding, and securing or replacement of property.
2. “Administrative Citation” means a citation issued to a responsible person, which gives notice of a violation and the civil fee for such violation. Administrative Citations are typically used for minor violations.
3. “Hearing Officer” means the Hearing Officer presiding over the Administrative Code Enforcement Program established pursuant to Title 1, Chapter 10 of the City Code.

4. “Hearing Officer Order” means an order issued by a Hearing Officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Chapter and City ordinances.

5. “City” means the area within the territorial city limits of South Weber City.

6. “City Code” means any ordinance passed by the City Council and any other title, chapter, ordinance, regulation, or amendment lawfully codified pursuant to Utah law including Utah Code Annotated § 10-3-707.

7. “City Council” means the City Council of South Weber City.

8. “Code Enforcement Coordinator” means the person who has been designated by the City Manager of South Weber City to coordinate and schedule hearings, mail out notices of hearings, send out notices of costs and itemized bills, and perform other duties as specified in this Chapter.

9. “Code Enforcement Officer” means any person designated by the City Manager with the responsibility to enforce the City Code and ordinances passed by the City Council and who performs the duties specified herein. The Code Enforcement Officer may or may not be a member of the Davis County Sheriff Department. Code Enforcement Officers include the City Manager, City Building Official/Public Works Director, Community and Planning Director, City Engineer, City Fire Chief, and their designees.

10. “Code enforcement performance bond” means a bond posted by a responsible person to ensure compliance with the City Code, applicable state law, a judicial action, or a Hearing Officer Order.

11. “Code enforcement tax lien” means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.

12. “Financial institution” means any person that holds a recorded mortgage or deed of trust on a property.

13. “Good cause” means incapacitating illness, death, lack of proper notice, unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance, imminent and irreparable injury, and acts of nature adverse to performing required acts.

14. “Imminent life or safety hazard” means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

15. “Legal interest” means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic’s lien, or other similar instrument that is recorded with the County Recorder.

16. “Minor violation” means an isolated violation not causing injury, creating a nuisance, or rising to the level of criminal behavior for which no abatement or remedial action is required.

17. “Notice of compliance” means a document issued by the City representing that a property complies with the requirements outlined in a notice of violation, administrative citation, or Hearing Officer Order.

18. “Notice of satisfaction” means a document or form that indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

19. “Notice of violation” means a written notice prepared by a Code Enforcement Officer that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

20. “Oath” includes affirmations and oaths.

21. “Person” means any person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

22. “Property owner” means the record owner of real property based on the county recorder’s records.

23. “Public nuisance”:

a. means any condition caused, maintained, or permitted to exist that constitutes a threat to the public’s health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons; and

b. also has the same meaning as set forth in South Weber City Code, the Utah Code, or Utah common law.

24. “Responsible person” means a person including the property owner and any person or entity, whether as owner, agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a City Code violation in the City, regardless of whether that violation occurs on real property. Every successive owner or tenant of a property or premises who fails to correct a City Code violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the City may proceed against one, some, or all of them.

25. “Substantial Evidence” means relevant, reliable, factual, and credible evidence that is sufficient to convince a reasonable mind that a violation of the City Code has been committed. Substantial evidence does not mean that all or the majority of the evidence is in support of the decision made.

26. “Written” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

F. ACTS INCLUDE CAUSING, AIDING, OR ABETTING. Whenever any act or omission is made unlawful in this Chapter, it shall include causing, permitting, aiding, or abetting such act or omission.

G. SERVICE OF PROCESS.

1. Whenever service is required to be given under this Chapter for enforcement purposes, a Code Enforcement Officer or the Code Enforcement Coordinator (or designees) shall serve the document by any of the following methods, unless otherwise provided:

- a. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s);
- b. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as described in (a) above;
- c. Personal service pursuant to Utah Rules of Civil Procedure 4; or
- d. Published in a newspaper of general circulation where the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process.

2. For violations of Title 10, or any land use ordinance as defined in Utah Code Annotated Section 10-9a-102, whenever service is required to be given under this Title for enforcement purposes, the document shall be served in accordance with Utah Code Annotated § 10-9a-803, as amended, which requires written notice, by mail or hand delivery, of each ordinance violation to the address of the owner of record on file in the office of the county recorder or person designated in writing by the owner of record as the owner’s agent for the purpose of receiving notice of an ordinance violation.

- a. Service by regular mail in the manner described above shall be deemed served three business days, not including the day it was mailed, after the date of mailing.

b. If service complies with the requirements of this Section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Chapter.

c. The failure to serve all responsible person(s) shall not affect the validity of any proceedings.

H. **CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS.** Whenever a document is recorded with the County Recorder as authorized or required by this Chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

1-10-3: GENERAL AUTHORITY AND OFFENSES

A. GENERAL ENFORCEMENT AUTHORITY.

1. Whenever a Code Enforcement Officer finds that a violation of the City Code or City ordinances has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Chapter.

2. So long as authorized in this Chapter, a Code Enforcement Officer has the authority and power necessary to investigate and gain compliance with the provisions of the City Code and City ordinances. These powers may include the power to issue notices of violation and administrative citations, inspect public and private property, abate violations on public and private property, and use whatever judicial and administrative remedies are available under the City Code or applicable state law.

B. ADOPTION OF POLICY AND PROCEDURES. The Hearing Officer is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, and subpoena powers subject to the requirements of this Chapter, City Code, and state law. The City Council shall determine other matters relating to the Administrative Code Enforcement Hearing Program.

C. AUTHORITY TO INSPECT.

1. A Code Enforcement Officer is authorized to enter upon any property or premises to ascertain whether the provisions of the City Code or City ordinances are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence.

2. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. Except as otherwise authorized in this Chapter, if the responsible person refuses to allow a Code Enforcement Officer to enter the property, then the Code Enforcement Officer shall obtain a search warrant or other judicial order.

D. POWER TO CITE. Each Code Enforcement Officer is authorized to cite any person whenever there is substantial evidence to believe that the person has committed a violation of the City Code or City ordinances.

E. FALSE INFORMATION OR REFUSAL PROHIBITED. It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a city employee when in the performance of his or her official duties under the provisions of this Chapter.

F. FAILURE TO OBEY A SUBPOENA. It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as an infraction.

1-10-4: ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

A. AUTHORITY. Any condition caused, maintained, or permitted to exist in violation of any provisions of the City Code or City ordinances that constitutes a violation may be abated by the City pursuant to the procedures set forth in this Chapter.

B. NOTICE OF VIOLATION; ADMINISTRATIVE ABATEMENT.

1. Whenever a Code Enforcement Officer determines that a violation of the City Code or City ordinances has occurred or continues to exist, the Code Enforcement Officer may choose to proceed under these administrative abatement procedures.

2. If the administrative abatement procedure is used, a notice of violation shall be issued to the responsible person(s). The notice of violation shall include the following information:

- a. name of responsible person(s);
- b. street address or location of violation;
- c. date violation observed;
- d. all codes or ordinances violated and an explanation as to how the code or ordinance was violated;
- e. a statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
- f. specific date to correct the violations listed in the notice of violation, which date shall be at least ten (10) calendar days from the date of service;
- g. explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation,

which may include criminal prosecution, civil penalties, administrative citations, revocation of permits, recordation of the notice of violation on the property, withholding of future municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;

h. a statement that civil penalties will begin to accrue or be imposed immediately on expiration of the date to correct violations;

i. the amount of the civil penalty on each violation and a statement as to whether the penalty will accrue daily until the property is brought into compliance;

j. that only one notice of violation is required for any 12-month period, and that civil penalties or fines will begin or be imposed immediately upon any subsequent violations of the notice; and

k. procedures to request a hearing as provided in this Chapter and consequences for failure to request one.

3. The responsible person may request a hearing on renewed violations by following the same procedure as provided for in the original notice.

4. The notice of violation shall be served by one of the methods of service listed in this Chapter.

5. More than one notice of violation may be issued against the same responsible person if it encompasses different dates or different violations.

C. FAILURE TO BRING PROPERTY INTO COMPLIANCE. If the responsible person fails to bring a violation into compliance within the time specified in the Notice of Violation, civil penalties as provided in this Chapter shall be owed to the City.

D. INSPECTION.

1. It shall be the duty of the responsible person served with a Notice of Violation to request an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested.

2. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued.

3. Reinspection fees shall be assessed if more than one inspection is necessary.

E. EMERGENCY ABATEMENT.

1. Authority.

a. Whenever the City Manager, Building Official, or Fire Marshal determines that an imminent life or safety hazard exists that requires immediate correction or elimination, the City may exercise the following powers without prior notice to the responsible person:

- i. order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
- ii. post the premises as unsafe, substandard, or dangerous;
- iii. board, fence, or secure the building or site;
- iv. raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
- v. make emergency repairs as necessary to eliminate any imminent life or safety hazard; or
- vi. take any other action appropriate to eliminate the emergency.

b. The City has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

c. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Chapter.

2. Procedures.

a. The City shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in this Chapter.

b. The City may also pursue any other administrative or judicial remedy to abate any remaining violations.

3. Notice of Emergency Abatement.

a. After an emergency abatement, the City shall notify the owner or responsible person of the abatement action taken.

b. The notice shall be served within ten days of completion of the abatement.

F. DEMOLITIONS.

1. Authority. Whenever the City Manager, Building Official or Fire Marshal determines that a property or building requires demolition, any one of them may order demolition or removal of the offending structure, or exercise any or all of the powers listed in this Chapter, once appropriate notice has been given to a responsible person pursuant to applicable building codes, fires codes, and state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Chapter.

2. Procedures. Once all the notice requirements of the applicable laws have been met, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued.

G. ADMINISTRATIVE CITATIONS.

1. Declaration of Purpose.

a. The City Council finds that there is a need for an alternative method of enforcement for minor violations of the City Code. The City Council further finds that an appropriate method of enforcement for minor violations is an administrative citation program.

b. The procedures established herein shall be in addition to criminal, civil, administrative, or any other legal remedy established by law that may be pursued to address violations of the City Code or City ordinances.

2. Authority.

a. Any person violating any provision of the City Code or City ordinances may be issued an administrative citation by a Code Enforcement Officer as provided in this Section.

b. A civil penalty shall be assessed by means of an administrative citation issued by the Officer and shall be payable directly to the City Treasurer's Office.

c. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Chapter.

3. Procedures.

a. Upon discovering any violation of the City Code or City ordinances, a Code Enforcement Officer may issue an administrative citation to the responsible person in the manner prescribed in this Section.

b. The administrative citation shall be issued on a form meeting the requirements of this Chapter.

c. Once the responsible person(s) has been located, the Code Enforcement Officer shall attempt to obtain the signature of that person(s) on the administrative citation. If the responsible person(s) refuses or fails to sign the administrative citation, the failure or refusal shall not affect the validity of the citation and subsequent proceedings. If the Code Enforcement Officer is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person(s) in the manner prescribed this Chapter.

d. Except for violations of Title 10 of South Weber Code, if no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person(s) in the manner prescribed in Section 1-10-2 of this Chapter.

e. The administrative citation shall also contain the signature of the Code Enforcement Officer.

f. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part, except for violations of Title 10 as specified in Section 1-10-2.

4. Contents of Administrative Citation. An administrative citation shall include:

a. the date and location of the violations and the approximate time the violations were observed;

b. the Code sections violated and the subject matter of those sections;

c. the amount of penalty imposed for the violations;

d. an explanation as to how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty;

e. notice of the right and the procedures to request a hearing;

f. the signature of the Code Enforcement Officer and the signature of the responsible person, if he or she can be located, as outlined in this Chapter; and

g. any other information deemed helpful or necessary by the Code Enforcement Administrator.

H. CIVIL PENALTIES, FINES, AND FEES.

1. In General. As specified in the notice of violation or administrative citation, civil penalties may be assessed daily until the violation is corrected or immediately if an administrative citation is issued. Interest shall be assessed per City policy on all outstanding civil penalties balances until the case has been paid in full. The City may use one form for both notices of violation and administrative citations. Payment of the penalties, fines, and fees shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City if the violation is not corrected.

2. Amount. Unless specified otherwise in the more specific section of the City Code or the City's Consolidated Fee Schedule, the minimum penalties shall be as follows:

a. Fees for General City Code Violations:

i. Administrative Citations:

A. First Offense: \$100

B. Second Offense (within one calendar year from first offense): \$200

C. Third (or more) Offense (within one calendar year from first offense): \$400

ii. Civil Penalties per Notice of Violation or Hearing Officer Order:

A. \$100 per day per violation, accruing until the violation is brought into compliance

b. Hearing Fee for Default Hearings or Administrative Code Enforcement Hearings: \$100 if Responsible Person is unsuccessful or fails to appear after proper notice.

3. At the discretion of the Code Enforcement Officer or Hearing Officer, the City may impose penalties up to the maximum allowed by Utah Code Annotated § 10-3-703, as amended.

4. Non-Payment of Citation.

a. If the responsible person fails to make any payments within the time period specified in the notice, the City may send additional notices, file a small claims action, refer the matter to a collection agency, or pursue any remedy in law or equity.

b. Interest may be assessed on all outstanding amounts at a rate of up to 20% per annum.

c. The City has the authority to collect all costs associated with the filing of such actions, including administrative fees and service costs.

5. Modification of Civil Penalties.

a. Upon completion of the required action pursuant to the notice of violation, administrative citation, or administrative enforcement order, the Hearing Officer may modify the civil penalties on a finding of good cause as defined in this Chapter.

b. Civil penalties may be waived or modified by the Hearing Officer if there is a finding of good cause based on the responsible person's claim of nonconforming use, as defined per state law, or conditional use, as defined by the City Code, and:

i. the City's ability to verify the claim; or

ii. the responsible person's filing of an application for either use before the date of the Notice of Violation or Administrative Citation.

c. Reductions and Waivers for Animal Violations.

i. The Code Enforcement Coordinator and Hearing Officer may grant reductions and waivers of fines for animal violations under the following circumstances:

A. \$25.00 reduction may be given for first time offenders with good cause.

B. Offenders with a history of non-payment should generally not receive a reduction or waiver of fines or fees.

C. At the City's discretion, flexible monthly plans may be set up according to responsible person's needs.

1-10-5: HEARING OFFICER

A. A Hearing Officer shall preside over hearings and proceedings for the ACE Program in the City.

B. The City Manager shall act as the Hearing Officer unless the position is otherwise appointed by the City Manager. If the position of the Hearing Officer is appointed, the City Manager shall determine, if any, the salary, compensation, and benefits of the Hearing Officer.

C. The Hearing Officer position may be a merit, volunteer, or contract position and is subject to all personnel rules.

D. The Hearing Officer may not be disciplined for any decision made while conducting a hearing if the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies and ordinances pertaining to the ACE Program.

E. The Hearing Officer shall be trained and knowledgeable in the City Code, due process, rules of evidence, civil procedure, administrative law and procedure, nuisance law, and zoning law.

F. The Hearing Officer position is not a supervisory position. The Hearing Officer is supervised by the City Manager or designee.

1-10-6: HEARING PROCEDURES; ADMINISTRATIVE AND JUDICIAL REMEDIES

A. **DECLARATION OF PURPOSE.** The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to this Chapter. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing including the opportunity to call witnesses, present evidence, and cross-examine witnesses, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

B. **POLICIES AND PROCEDURES OF HEARINGS.** The Hearing Officer may develop policies and procedures to regulate the hearing process for any violation of the City Code that is handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. Such policies and procedures shall be consistent with this Chapter and other City ordinances and codes.

C. **POWERS OF THE HEARING OFFICER.**

1. The Hearing Officer has the authority to hold hearings, determine if violations of City ordinances exist, order compliance with City ordinances, and enforce compliance as provided in this Chapter on any matter subject to the provisions of the Chapter.

2. The Hearing Officer may continue a hearing based on good cause—as defined in this Chapter—shown by one of the parties to the hearing. The Hearing Officer must enter on the record the reason for granting a continuance.

3. The Hearing Officer may issue subpoenas for witnesses, documents, and other evidence where such is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the

party requesting the subpoena. The Hearing Officer shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs. In the absence of any adopted policies, the Hearing Officer shall follow the Utah Rules of Civil Procedure.

4. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the following purposes:

- a. granting a continuance;
- b. ordering compliance by issuing a Hearing Officer Order using any remedies available under the law; and
- c. ensuring compliance of that Order, which includes the following powers:
 - i. to authorize the City to enter and abate a violation,
 - ii. to modify an Order issued by the Hearing Officer Order, or
 - iii. to grant a new hearing where extraordinary circumstances exist.

5. The Hearing Officer has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with an Order issued by the Hearing Officer.

6. The Hearing Officer is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. Rules and procedures for disqualification and replacement shall be in accordance with the Utah Rules of Civil Procedure.

D. REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.

1. A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the request is filed within ten calendar days from the date of service:

- a. notice of violation;
- b. notice of itemized bill for costs;
- c. administrative citation; or
- d. notice of emergency abatement.

2. The request for hearing shall be made in writing and filed with the Code Enforcement Coordinator, who then shall provide a copy of the request to the Hearing

Officer and serve the request to all parties. The request shall contain the case number, the address of the violation, the signature of the responsible party, and the reason for the hearing including justifications for the offense, defenses, and requests for waiver or reduction in fines.

3. As soon as practicable after receiving the written notice of the request for hearing, the Code Enforcement Coordinator shall schedule a date, time, and place for the hearing.

4. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

E. NOTIFICATION OF ADMINISTRATIVE CODE ENFORCEMENT HEARING.

1. Written notice of the date, time, and place of the hearing shall be served by the Code Enforcement Coordinator or Code Enforcement Officer to the responsible person as soon as practicable prior to the date of the hearing.

2. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Hearing Officer. In the absence of such rules, the format and contents of the hearing shall be drafted by the Code Enforcement Coordinator to be consistent with this Chapter.

3. The notice of hearing shall be served by any of the methods of service listed in this Chapter.

F. DEFAULT HEARINGS AND ORDERS.

1. If the responsible person fails to request an administrative code enforcement hearing before the expiration of the ten-day deadline, the case shall be set for a default hearing by the Code Enforcement Coordinator. The Code Enforcement Coordinator shall notify the responsible person of the date, time, and place of the hearing by one of the methods listed in this Chapter.

2. A default hearing shall also be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees, or costs due to the City before collection, if a hearing on that case has not already been held.

3. At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Chapter, to do one or more of the following:

- a. waive or reduce the fines which have accumulated;
- b. postpone an abatement action by the City; or
- c. excuse the responsible person's failure to request a hearing within the ten-day period.

4. If the evidence shows that the violations existed, the Hearing Officer shall enter an order requiring abatement of the violations and the payment of all fines, costs, and fees. Fines and costs shall run until the City issues a notice of compliance stating when the violations were abated. The order by the Hearing Officer shall not suspend further accrual of fines and costs.

G. PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARINGS.

1. Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request for discovery must be in writing and filed at least ten (10) business days before the hearing. Failure to request discovery shall not be a basis for a continuance.

2. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing.

3. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Hearing Officer.

4. The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or City ordinances.

5. The standard of proof to be used by the Hearing Officer in deciding the issues at an administrative hearing is whether there is substantial evidence in the record that the violations exist and that the person before the Judge is the responsible person.

6. Hearsay evidence, as defined by the Utah Rules of Evidence, is admissible so long as such hearsay evidence is not the only evidence relied upon by the Hearing Officer.

7. Each party shall have the opportunity to cross-examine witnesses that are in attendance and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance so long as the declaration is not the only evidence relied upon by the Hearing Officer. Testimony may be given by telephone or other electronic means so long as the testimony by telephone or electronic means is not the only evidence relied upon by the Hearing Officer.

8. All hearings are open to the public. They shall be recorded by audio recording.

9. Hearings may be held at the location of the violation if the Hearing Officer so chooses, and means are provided for an audio recording of the proceeding.

10. The responsible person has a right to be represented by an attorney.

11. No new hearing shall be granted, unless the Hearing Officer determines that extraordinary circumstances exist which justify a new hearing.

H. FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARINGS. Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to have waived the right to a hearing, which will result in a default judgment for the City provided that proper notice of the hearing has been provided. The City shall not be required to put on evidence or prove that a violation was committed by the Responsible Person in such an event, and an entry of a default judgment shall have the same effect as if there was a judgment on the merits of the case.

I. HEARING OFFICER ORDER.

1. The parties may enter into a stipulated agreement, which must be signed by both parties or verbally stipulated on the record during the administrative code enforcement hearing. This agreement or stipulation shall be entered as the Hearing Officer Order. Entry of this agreement or stipulation shall constitute a waiver of the right to a hearing and the right to appeal.

2. Once all evidence and testimony are completed, the Hearing Officer shall issue a Hearing Officer Order that affirms, modifies, or rejects the notice, citation, or action by the Code Enforcement Officer. The Hearing Officer may increase or decrease the total amount of civil penalties and costs that are due pursuant to the City's fee schedule and the procedures in this Chapter.

3. The Hearing Officer may order the City to enter the property and abate all violations, which may include removing animals kept in violation of the City Code.

4. The Hearing Officer may revoke a kennel permit, an animal license, or the right to possess animals as provided in the City Code.

5. As part of the Hearing Officer Order, the Hearing Officer may reduce or stay civil penalties on the condition that the responsible person complete compliance by specified deadlines.

6. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Hearing Officer Order.

7. The Hearing Officer may order the responsible person to post a performance bond to ensure compliance with the order.

8. The Hearing Officer Order shall become final on the date of the signing of the Order.

9. The Hearing Officer Order shall be served on all parties by any one of the methods listed in this Chapter.

J. FAILURE TO COMPLY WITH ORDER.

1. After the Hearing Officer issues a Hearing Officer Order, the Code Enforcement Officer and Hearing Officer may monitor the violations and determine compliance.

2. Upon the failure of the responsible person to comply with the terms and deadlines set forth in the Hearing Officer Order, the City may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

K. ADMINISTRATIVE ENFORCEMENT APPEALS.

1. Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order to district court within thirty (30) days after the decision is rendered.

2. No person may challenge in district court the Hearing Officer's decision until that person has exhausted his or her administrative remedies herein.

3. Unless otherwise provided by the Utah Rules of Civil Procedure or local court rules, within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Code Enforcement Coordinator shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition, unless otherwise provided by the Utah Rules of Civil Procedure or local court rules.

4. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Hearing Officer for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need clarification.

5. The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

6. The courts shall:

a. presume that the Hearing Officer's decision and orders are valid;
and

b. review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

1-10-7: ORDERS, ABATEMENT, AND COST RECOVERY

A. RECORDATION OF NOTICES OF VIOLATION AND HEARING OFFICER ORDERS.

1. Declaration of Purpose.

a. The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and City ordinances that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation and Hearing Officer Orders.

b. The procedures established in this shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or City ordinances.

2. Authority. Whenever a Code Enforcement Officer or Code Enforcement Coordinator determines that a property or violation has not been brought into compliance as required in this Chapter, the Code Enforcement Coordinator has the authority to record the notice of violation or Hearing Officer Order with the Recorder's Office of Davis County.

3. Procedures for Recordation.

a. If a Code Enforcement Officer issues a notice of violation or administrative citation to a responsible person, and the property remains in violation after the deadline established in the notice of violation or is not corrected after the administrative citation is issued, and no request for an administrative hearing has been filed, the Code Enforcement Coordinator shall record a notice of violation with the Recorder's Office of Davis County.

b. If an administrative hearing is held, and an order is issued in the City's favor, the Code Enforcement Coordinator shall record the Hearing Officer's Hearing Officer Order with the Recorder's Office of Davis County.

c. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation, administrative citation, or order, and any other relevant information.

d. The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

4. Service of Notice of Recordation. A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in this Chapter.

5. Failure to Request. The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

6. Notice of Compliance—Procedures.

a. When the violations have been corrected, the responsible person or property owner may request an inspection of the property from a Code Enforcement Officer.

b. Upon receipt of a request for inspection, the Code Enforcement Officer shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation, administrative citation, or the order have been corrected, whether all necessary permits have been issued, and/or whether final inspections have been performed.

c. The Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve a notice of compliance to the responsible person or property owner in the manner provided in this Chapter if the Code Enforcement Officer determines that:

i. all violations listed in the recorded notice of violation or order have been corrected;

ii. all necessary permits have been issued and finalized;

iii. all civil penalties, fines, and costs assessed against the property have been paid or satisfied; and/or

iv. the party requesting the notice of compliance has paid all administrative fees and costs.

d. If a request to issue a notice of compliance is denied, then, upon request, the Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve the responsible person with a written explanation setting forth the reasons for the Code Enforcement Officer's denial. The written explanation shall be served by any of the methods of service listed in this Chapter.

7. Withholding the Issuance of Municipal Permits and Business Licenses.

a. The City may withhold permits and business licenses until a notice of compliance has been issued by a Code Enforcement Officer.

b. The City may withhold business licenses, permits for kennels, permits for any alteration, repair, or construction pertaining to any existing or new

structures or signs on the property, and any permits pertaining to the use and development of the real property or the structure.

c. The City may, in its sole discretion, issue permits or business licenses that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations.

8. Cancellation of Recorded Notice of Violation or Hearing Officer Order. In conjunction with the Code Enforcement Officers, the Code Enforcement Coordinator shall record the notice of compliance with the County Recorder's Office. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation, administrative citation, or recorded Hearing Officer Order but shall not cancel any outstanding fines, fees, or costs.

B. ABATEMENT OF VIOLATION.

1. Authority to Abate.

a. A Code Enforcement Officer is authorized to enter upon any property or premises to abate the violation of the City Code and City ordinances.

b. A Code Enforcement Officer is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs.

c. If additional abatement is necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.

2. Procedures for Abatement.

a. Once the procedures set forth in this Chapter have been complied with, the violation may be abated by City personnel or by a private contractor acting under the direction of the City.

b. These City personnel or private contractors may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or Hearing Officer Order.

c. If the responsible person abates the violation before the City performs the actual abatement pursuant to a notice of violation, administrative citation, or Hearing Officer Order, a Code Enforcement Officer may still assess all costs incurred by the City against the responsible person.

d. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Code Enforcement Officer overseeing the abatement. The report shall contain the names and addresses of the responsible persons of each parcel and the tax parcel numbers.

e. The Code Enforcement Coordinator shall serve the notice of costs and the itemized bill of costs through any of the means in Section 20.01.09. The notice shall demand full payment within twenty days to the City Treasurer.

C. RECOVERY OF COSTS.

1. Declaration of Purpose.

a. The City Council finds that there is a need to recover costs incurred by Code Enforcement Officers and other City personnel who spend considerable time inspecting and reinspecting properties throughout the City to ensure compliance with the City Code or City ordinances.

b. The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the City for each individual case.

c. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the City Code or City ordinances.

2. Authority.

a. Whenever actual costs are incurred by the City on a property to obtain compliance with provisions of the City Code and City ordinances, a Code Enforcement Officer or Code Enforcement Coordinator may assess costs against the responsible person.

b. Once a notice of violation has been issued, the property shall be inspected one time if the responsible person requests an inspection in writing. Any additional inspections shall be subject to reinspection fees pursuant to the City fee schedule.

3. Notification of Assessment of Reinspection Fees.

a. Notification of reinspection fees may be provided in the notice of violation served to the responsible person.

b. Reinspection fees assessed or collected pursuant to this Section shall not be included in any other costs assessed.

c. The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this Section.

4. Failure to Timely Pay Costs. The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to City ordinances.

D. ADMINISTRATIVE FEES. The Code Enforcement Officers and Code Enforcement Coordinator are authorized to assess administrative fees for costs incurred in the administration of the code enforcement program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set forth in this Chapter or in the City fee schedule.

E. INJUNCTIONS. In addition to any other remedy provided under the City Code or state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Second District Court upon a suit brought by the City.

F. PERFORMANCE BONDS.

1. As part of any notice, order, or action, the Hearing Officer has the authority to require any responsible person to post a performance bond to ensure compliance with the City Code, City ordinances, or any judicial action.

2. If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the City.

G. CODE ENFORCEMENT TAX LIENS.

1. Declaration of Purpose. The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders and lessen the cost to City taxpayers of code enforcement. The City Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The procedures established in this Section shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or City ordinances.

2. Tax Liens for Abatement Costs.

a. Once the City has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Code Enforcement Coordinator shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the City Treasurer within ten days after completion of the work of removing the violations.

b. The Code Enforcement Coordinator shall serve the Responsible Person by any of the methods in this Chapter a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for

actual costs of abatement. Payment shall be due within twenty calendar days from the date of mailing.

c. Upon receipt of the Itemized Statement of costs, the City Treasurer shall record a Code Enforcement Tax Lien against the property with the county treasurer's office.

d. The failure of any person with a financial interest in the property to receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

3. Tax Liens for Judgments. Once a judgment has been obtained from the appropriate court imposing costs, fines, or fees against the responsible person, the Code Enforcement Coordinator may record a code enforcement tax lien against any real property owned by the responsible person.

4. Cancellation of Code Enforcement Tax Lien.

a. Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code Enforcement Coordinator shall either record a notice of satisfaction of judgment, or provide the property owner or financial institution, through any of the means of service in Section 20.01.09, with the notice of satisfaction of judgment so that it can record this notice with the county recorder's office.

b. The notice of satisfaction of judgment shall include the same information as provided for in the original code enforcement tax lien.

c. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

H. RECOVER OF COSTS BY WRIT OF EXECUTION. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.

I. RECOVERY OF COSTS BY WRIT OF GARNISHMENT. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

EXHIBIT C

Title 10

Chapter 2

ADMINISTRATION AND ENFORCEMENT

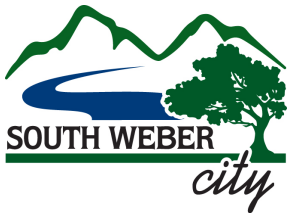
10-2-8: Violation; Penalty

10-2-8: VIOLATION; PENALTY:

Any person violating any of the provisions of this title shall be guilty of a Class C misdemeanor or a comparable civil penalty. Upon conviction of a Class C misdemeanor by a court of competent jurisdiction, the person so convicted shall be subject to penalty as provided in Title 1, Chapter 9 of this Code.

The City has sole discretion in deciding whether to enforce violations of this title through civil or criminal means. The City's may enforce the violation of any provision of this title criminally as provided in Title 1, Chapter 9 of this Code, or civilly through its Administrative Code Enforcement program as provided in Title 1, Chapter 10. The City may use any of the remedies available under the law in both civil and criminal prosecution of violations of this title.

Any ongoing violation of the provisions of this title shall be considered a separate offense for each and every day during which any portion of any violation of this title is committed or continued by such person and shall be punishable as herein provided.



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

David Larson
City Manager

ITEM TYPE

Legislative

ATTACHMENTS

Ordinance 2022-05

PRIOR DISCUSSION DATES

February 8, 2022

AGENDA ITEM

Ordinance 2022-05: 1-4-10 Ethics and Disclosure

PURPOSE

Establish City Code related to conflicts of interest

RECOMMENDATION

Staff recommends approving ORD 2022-05: Ethics and Disclosure

BACKGROUND

During City Council meeting on February 8, 2022, the City Council continued Resolution 22-09 which would have amended the Policies & Procedures Manual with the direction to pull out the section specific to conflicts of interest and include it in City Code. This item does exactly that.

ANALYSIS

Legal staff has taken the direction of City Council and prepared an ordinance that, if passed, would create a new section of City Code: 1-4-10 Ethics and Disclosure.

Approve – Move to approve Ordinance 2022-05: Ethics & Disclosure

Amend – Move to approve Ordinance 2022-05: Ethics & Disclosure with the following amendments

List desired changes

Deny – Move to deny Ordinance 2022-05: Ethics & Disclosure

Continue – Move to continue Ordinance 2022-05: Ethics & Disclosure

May state reasons

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY COUNCIL OF SOUTH WEBER CITY ADDING PROVISIONS TO THE CITY CODE RELATING TO ETHICS AND DISCLOSURE

WHEREAS, the City Council of South Weber City desires to amend certain provisions of the City Code of South Weber City relating to ethics and disclosure; and

WHEREAS, the City Council has reviewed provisions and finds that public interest will be served by adding provisions to Title 1, Chapter 4 describing the ethics and disclosure standards applicable to City officers and employees; and

WHEREAS, the City Council has determined that the adoption of a new section to Title 1, Chapter relating to Ethics and Disclosure is necessary; and

WHEREAS, the City Council has determined that the proposed amendments and adoption will promote the public welfare;

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah as follows:

Section 1. Amendment. Section 1-4-10 of Title 1, Chapter 4 of the City Code of South Weber is hereby adopted and codified to read more particularly set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall take effect upon the publication or posting or thirty (30) days after passage.

PASSED AND APPROVED this 22nd day of March, 2022.

MAYOR: Rod Westbroek

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2021-05 was passed and adopted the 22nd day of March 2022 and that complete copies of the ordinance were posted in the following locations within the City this 23rd day of March 2022.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Recorder, Lisa Smith

EXHIBIT A

1-4-10: ETHICS AND DISCLOSURE

A. Policy. It is the policy of South Weber City to hold its elected officials, appointed officials, and employees to the highest standards of ethical conduct, and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

B. Federal and State Requirements. All City officers and employees shall comply with the applicable provisions of Federal and State law regarding ethics, including but not limited to the Utah Municipal Officers' and Employees' Ethics Act, Utah Code Ann. 10-3-1301 et seq., as amended ("Ethics Act"), which Ethics Act makes it a crime to do any of the following:

1. Disclose or improperly use private, controlled, or protected information acquired by reason of an official position or in the course of official duties to further substantially the officer's or employee's personal economic interests or to secure special privileges or exemptions for the officer or employee or others. Private, controlled, or protected information is information that has been classified as such under the Governmental Records Access and Management Act, Utah Code Ann 63G-2-101 et seq., as amended.

2. Use or attempt to use an official position to further substantially the officer's or employee's personal economic interest or to secure special privileges for the officer, employee, or others.

3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly for the officer, employee, or another, a gift of substantial value or a substantial economic benefit tantamount to a gift 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 or that a reasonable person in that position should know under the circumstances is given to him or her primarily for the purpose of rewarding the person for official action taken. The State exceptions to this requirement apply to City officers and employees. According to these exceptions, it is permitted for a City officer or employee to receive an occasional nonpecuniary gift having a value of less than \$50, an award publicly presented in recognition of public services, any bona fide loan made in the ordinary course of business, or a political campaign contribution.

4. Receive compensation for assisting any person or entity in any transaction with the city or town without making a written and oral disclosure to the mayor and public.

C. Disclosure and Recusal. All City officers and employees shall comply with the disclosure requirements of the Ethics Act:

1. Written Disclosure.

a. Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the City shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the City, and again at any time thereafter if the person's position in the business entity has changed significantly or if the value of their interest in the entity has increased significantly since the last disclosure.

b. The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the City Council, or may provide to the members of the City Council copies of the disclosure statement within 30 days after receiving the same.

c. Written disclosure is also required anytime an officer or employee accepts compensation to assist a person in their business with the city. Such disclosure must contain the following:

- i. The name and address of the officer or employee;
- ii. The name and address of the person or business entity being assisted or in which the officer or employee has a substantial interest;
- iii. A brief description of the transaction as to which service is rendered or is to be rendered, and of the nature of the service performed or to be performed.

2. Oral Disclosure during an Open Meeting.

a. Every city officer or employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City shall publicly disclose the nature of such interest.

b. Any personal interest or investment by a city officer or employee which creates a conflict between the employee's or officer's personal interests and his or her public duties shall be disclosed in an open meeting.

b. The disclosure statement shall be made during an open meeting to the members of the body of which the officer is a member or the employee is employed prior to any discussion by such body concerning matters relating to such business entity. The disclosure statement shall be entered into the minutes of the meeting.

c. Disclosure by a City employee is satisfied if the employee makes the disclosure to the employee's immediate supervisor and any other municipal

officer or employee who may rely upon the employee's representations in evaluating or approving the matter.

3. Recusal Recommended.

a. It is recommended that city officers and employees recuse themselves from advising, considering, voting, recommending, or acting on any matter for which written or oral recusal is required.

b. If an officer or employee is uncertain whether they have a conflict of interest requiring disclosure, it is the responsibility of that officer or employee to seek advice from the Mayor, City Manager, or the City Attorney prior to any discussion or action being taken on the matter presenting the potential conflict. Recusal is recommended for actual and potential conflicts of interest.

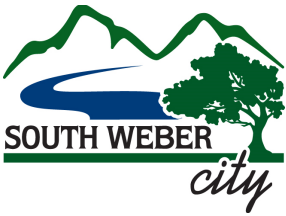
D. Penalties; Dismissal; Rescission of Prohibited Transaction.

1. Violations of the Ethics Act carry criminal penalties.

2. Dismissal. Any person who knowingly and intentionally violates the above-referenced requirements of the Ethics Act (not the disclosure requirements discussed below) must be dismissed from employment or removed from office as is required by the Act.

2. Rescission. For any transaction entered into in connection with a violation of the Ethics Act, the City may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the City.

E. Definitions and Interpretation. All provisions of this section shall be interpreted using definitions and language from the Ethics Act and the corpus of judicial decisions and State Ethics Commission (Political Subdivisions Ethics Commission) decisions and guidance interpreting the Ethics Act.



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

PREPARED BY

Mark McRae
Finance Director

ITEM TYPE

Legislative

ATTACHMENTS

Resolution 22-10
Policies and Procedures
Redlined Policies and
Procedures

PRIOR DISCUSSION DATES

February 8, 2022

AGENDA ITEM

Resolution 22-09: Policies and Procedures Amended

PURPOSE

In our Policies and Procedures manual, several new policies have been added and others modified. These changes strengthen our Fraud Risk Assessment and reduce the city's risk of fraud.

RECOMMENDATION

Staff recommends approval

BACKGROUND

Each year we do a Fraud Risk Assessment and the results are filed with the Utah State Auditor. One of the areas we are asked about is if certain written policies have been adopted and are up-to-date. Last year after the Fraud Risk Assessment was presented to the city council, I was tasked with formalizing those policies addressed in the assessment which were not currently in our adopted Policies and Procedures. Several new policies have been added and others modified. These changes are found in Chapter 7: Conduct. The changes were presented to the Finance Committee in December. In January the changes were sent to all city employees for their review and input prior to being presented tonight for formal adoption.

Included is the new version and a red-lined version which highlights the changes and additions.

In this new version, section on Conflict of Interest section has been removed and replaced with a reference to City Code Ordinance 2022-06.

ANALYSIS

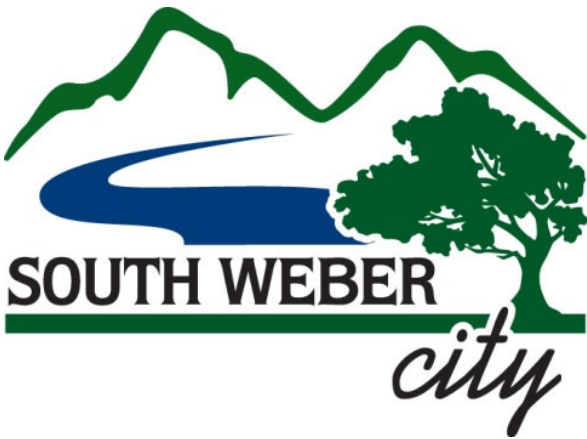
NA

SAMPLE MOTION LANGUAGE

Approve –

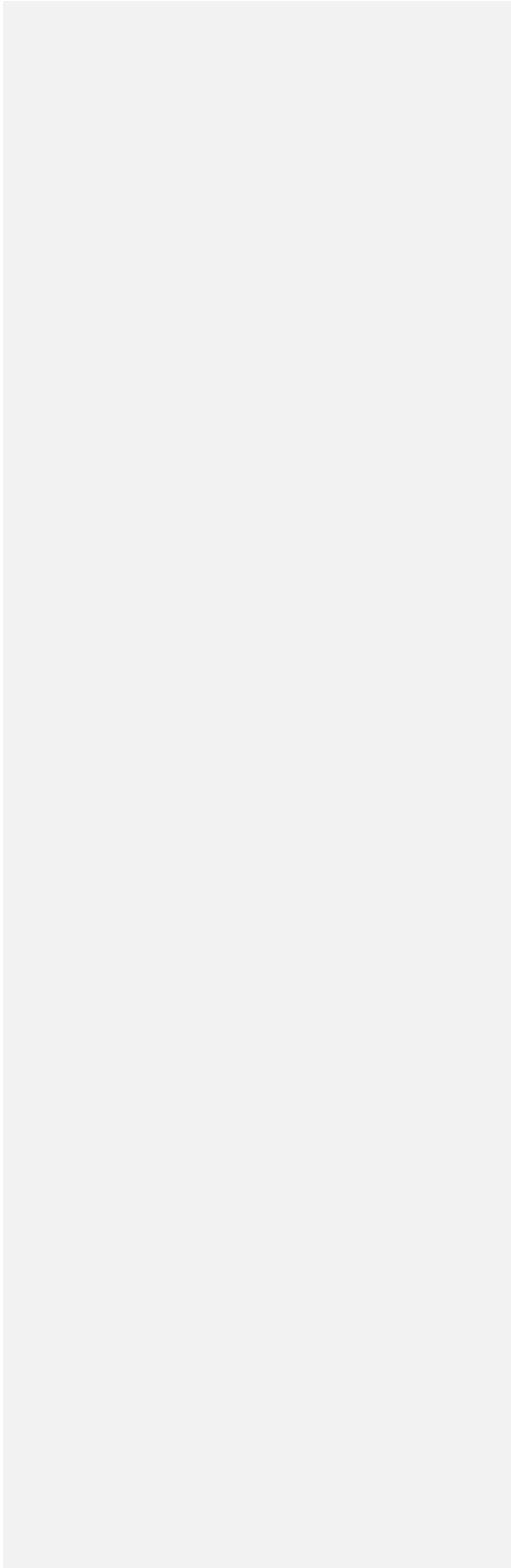
Deny –

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Policies and Procedures

Amended ~~August 24, 2021~~ February 22, 2022
(Res. ~~21-4322-09~~)



CHAPTER 1: INTRODUCTION

- 1.010. Intent and Purpose
- 1.020. Interpretation
- 1.030. Acknowledgement Form
- 1.040. Amendments
- 1.050. Disclaimer

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

CHAPTER 3: HIRING

- 3.010. Equal Opportunity Employer
- 3.020. Recruitment
- 3.030. Introductory Period
- 3.040. Employment of Relatives (NEPOTISM)

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- 4.020. Annual Review
- 4.030. Garnishments
- 4.040. Exempt and Non-Exempt Employees
- 4.050. Overtime
- 4.060. On-Call
- 4.070. Differentials and Compensation
- 4.080. Holiday Pay
- [4.090. Paid Leave](#)
- [4.100. Unpaid Leave](#)
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- [4.130. Vacation Leave](#)
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- [4.160. Military Leave](#)
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- [4.220. Employee Assistance](#)

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- [5.020. Retirement](#)
- [5.030. Medical and Dental](#)
- [4.090. Paid Leave](#)

- 5.040. Life Insurance
- 5.050. Workers Compensation
- 5.060. Family Activity Center Membership

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- 6.020. Americans with Disabilities Policy
- 6.030. Harassment Policy
- 6.040. Sexual Harassment Policy
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- 7.030. Working Relations
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- 7.060. Confidentiality
- 7.070. Outside Employment
- 7.080. Personal Activities
- 7.090. Electronic Communications Policy
- 7.100. Information to the Public
- 7.110. Use of City Vehicles Policy
- 7.120. Equipment Policy
- 7.130. Drug and Alcohol Policy
- 7.140. DOT Drug and Alcohol Testing
- 7.150. No Smoking Policy
- 7.160. Notary Public Services Policy
- [7.170. Reporting Fraud and Abuse](#)
- [7.180. City Hotline](#)
- [1.190. Cash Receipting and Deposit](#)
- [7.200. Conflict of Interest](#)

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- [8.020. Report of Accident](#)
- [8.030. Risk Management Polices](#)
- [8.040. Occupational Injuries and Accidents](#)
- [8.050. Workers' Compensation Claims](#)
- [8.060. Medical Examinations](#)
- [8.070. Claims and Lawsuits](#)

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9.010. Performance Evaluation System
4.110. Leave Procedures~~

~~9.020. Tuition Aid Program
4.120. Leave Procedures-Exceptions~~

~~9.030. Training and Travel
4.130. Vacation Leave
4.140. Sick Leave~~

CHAPTER 10: GRIEVANCES

~~4.150. Family and Medical Leave Act
10.010. Grievances
4.160. Military Leave
10.020. Informal Grievance Procedure
4.170. Jury Duty Leave~~

~~10.030. Formal Grievances
4.180. Injury Leave~~

~~10.040. Appeal
4.190. Bereavement Leave~~

~~10.050. Retaliations~~

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~~11.010. General Conduct~~

~~11.020. Responsibility for Discipline~~

~~11.030. Investigation~~

~~11.040. Levels of Discipline~~

~~11.050. Administrative Leave~~

~~11.060. Probation~~

~~11.070. Suspension~~

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~~11.100. Pre-Disciplinary Action Hearing~~

~~11.110. Appeals~~

~~4.200. Employee Recognition Program~~

~~4.210. Employee Wellness Program~~

~~4.220. Employee Assistance~~

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~~10.030. Formal Grievances~~

~~10.040. Appeal~~

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 - 11.060. Probation
 - 11.070. Suspension
 - 11.080. Demotion
 - 11.090. Dismissal
 - 11.100. Pre-Disciplinary Action Hearing
 - 11.110. Appeals
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CHAPTER 1: INTRODUCTION

- 1.010. Intent and Purpose.**
- 1.020. Interpretation.**
- 1.030. Acknowledgment Form.**
- 1.040. Amendments.**
- 1.050. Disclaimer.**

1.010. Intent and Purpose.

The purpose of these Policies and Procedures is to provide guidelines and information for City employees to assist them in performing and pursuing competent and satisfying employment with South Weber City. The intent of South Weber City is to comply with all federal and state laws and regulations applicable to the City and/or its employees, whether mentioned herein or not. Except as otherwise specifically provided, these Policies and Procedures supersede all prior policies and procedures of the City which are inconsistent with the matters stated herein:

1. Compensation.
2. Annual Review.
3. Garnishments.
4. Exempt and Non-Exempt Employees.
5. Overtime.
6. Compensatory Time.
7. Call-Backs.
8. Differential Pay,
9. Holiday Pay.
10. Paid Leave.
11. Unpaid Leave.
12. Leave Procedures.
13. Leave Procedures Exceptions.
14. Vacation Leave.
15. Sick Leave.
16. Family and Medical Leave.
17. Military Leave.
18. Jury Duty Leave.
19. Injury Leave.
20. Bereavement Leave.

The City reserves the right to change these Policies and Procedures by City Council resolution at any time, and for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Policies and Procedures Manual do not constitute an express or implied contract with any person.

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1.020. Interpretation.

It is the policy of South Weber City that the City Manager shall provide the official interpretation of these Policies and Procedures. Department Heads and Supervisors shall be responsible for implementing these Policies and Procedures within their departments under the direction of the City Manager. Employees may appeal any decision or interpretation of these Policies and Procedures to the City Manager that are affecting his or her employment in accordance with the grievance procedures set forth in Chapter 10.

1.030. Acknowledgment Form.

It is the policy of South Weber City that all City employees are responsible to be aware of and adhere to all the provisions of these Policies and Procedures and any amendments hereto. Each employee shall sign and submit to the City an Acknowledgment Form, as provided by the City, attesting to the fact that he or she: (1) has received a copy of these Policies and Procedures; and (2) will take the opportunity to read and understand the provisions set forth herein.

1.040. Amendments.

It is the policy of South Weber City that the City reserves the right to unilaterally alter, amend, except, or revoke any policy, practice, or procedure set forth herein at its sole discretion.

1.050. Disclaimer.

It is the policy of South Weber City that the information contained herein, and any amendments or alterations hereto, do not constitute a contract or agreement of any kind between the City and its employees. No person other than the City Manager, with the advice and consent of the City Council, has the authority to enter into an agreement with any employee for any specified employment term or to make any commitments contrary to the relationship of City employees. Any such agreement or commitment must be made in writing. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the City and its employees. Nothing herein shall be construed to limit the City's right to discharge an employee or to create any other obligation or liability on the City. The City alone shall be entitled to enforce or waive the provisions of any policy, practice, or procedure set forth herein. The provisions of these Policies and Procedures are intended to also apply to members of the City Council, Planning Commission, Appeal Authority, and/or any other commissions or committees of the City.

CHAPTER 2: ADMINISTRATION

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

The City Manager shall designate and supervise an employee to fulfill the duties and responsibilities of Personnel Director to other personnel as deemed appropriate and as authorized by law. The duties and responsibilities of the Personnel Director include, but are not limited to the following:

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

2.020. Employee Definitions.

City employees are categorized as follows:

- (a) **Full-Time and Exempt.** Employees who are scheduled to work forty (40) hours per week or more on a regular basis and who are not considered limited employees as defined herein. Full-time and exempt employees are eligible for all City benefits.
- (b) **Part-Time.** Employees who are scheduled to work twenty-nine (29) hours or fewer per week on a regular basis and who are not considered limited employees as defined herein. Part-time employees are not eligible for benefits except as otherwise specifically provided herein or as otherwise required by law. Part-time employees shall be deemed at-will employees and are subject to termination with or without cause.
- (c) **Limited or Volunteer.** Employees who are hired to work on a temporary, seasonal, provisional, volunteer, or emergency basis, or for a period of employment expected to last no longer than seven (7) months or less than twenty-nine (29) hours per week. Limited employees are not eligible for any benefits and shall be deemed at-will employees subject to termination with or without cause.
- (d) **Introductory Employees.** Employees who are in their first twelve (12) months of employment at their respective position are introductory employees. The successful completion of the one (1) year introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration with the City. Introductory employees are considered at-will during their introductory period and are subject to termination with or without cause.

2.030. Classification Plan.

It is the policy of South Weber City that the City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

2.040. Personnel Records.

(a) Personnel Records. It is the policy of the City to maintain personnel records concerning its employees. Such records may include, but are not limited to records regarding hiring, compensation, paid and unpaid leave, awards, grievances, disciplinary action, education, training, and other relevant records. Personnel records are all protected by and subject to Government Records Access Management Act (GRAMA).

(b) Updates. Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions, and related information so that the employee's personnel records may be accurately maintained.

(c) Maintenance. Personnel records shall be maintained, classified, and accessed in accordance with GRAMA, as adopted and amended by the City.

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

CHAPTER 3: HIRING

3.010. Equal Opportunity Employer.

3.020. Recruitment.

3.030. Introductory Period.

3.040. Employment of Relatives.

3.010. Equal Opportunity Employer.

South Weber City is an "Equal Opportunity Employer", and it is the policy of the City to comply with federal and state equal employment opportunity laws and guidelines. The City shall not discriminate in the hiring, employment, promotion, or other employment practices with respect to its employees on the basis of race, color, religion, sex, national origin, political affiliation, age, disability, or status as a veteran, in accordance with applicable federal and state laws. It is the policy and commitment of the City to protect the civil rights of all employees and applicants for employment with the City and to provide a work environment free from discrimination and harassment.

3.020. Recruitment.

It is the policy of South Weber City that recruitment, selection, and hiring of all applicants for job positions within the City shall be conducted in accordance with recruitment procedures approved by the City Manager. The City shall conduct pre-hire criminal background checks on all full-time, part-time, seasonal, or volunteer employees, and may conduct criminal background checks on such employees at other random times. The City shall also conduct pre-hire financial background checks on executive employees including the City Manager and department directors; and may conduct additional financial backgrounds checks for executive employees at other random times. Firefighters shall pass department physical evaluations prior to being hired.

3.030. Probationary Period.

It is the policy of South Weber City that the first six (6) months of employment with the City shall be considered a "Probationary Period" which shall be used as a training and evaluation period for the City to observe the employee's ability to perform the various duties pertaining to the position and for the employee to determine whether or not the position adequately meets his or her own expectations and personal needs. The City considers the probationary period an intrinsic part of the employee selection process during which the employee will be carefully observed by the City. At the end of the Probationary Period, the employee's Supervisor shall conduct an evaluation of the employee in accordance with the performance evaluation procedures set forth in Chapter 9 and prepare a final Probationary Period Performance Evaluation to the City Manager recommending whether the employee should be retained, terminated, or extended. The employee's Supervisor may recommend an additional probationary period of up to 6 months as approved by the City Manager. Probationary employees are considered at-will during their probationary period subject to termination with or without cause.

3.40. Employment of Relatives (Nepotism)

It is the policy of South Weber City to prevent an environment where favoritism, real or perceived, can exist; and to define the conditions under which relatives of City employees may be considered for employment in accordance with UCA 52:3.

1. A relative is defined as the employees' husband, wife, parent, stepparent, nephew, niece, grandparent, son-in-law, daughter-in-law, sister, stepsister, brother, stepbrother, son, stepson, daughter, stepdaughter, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin; or a spouses' grandparent, grandchild, aunt, uncle, nephew, niece, or first cousin.
2. A person shall not be hired within the same department as an employed full- or part-time relative.
3. Limited or volunteer employees who are related may be hired within the same department as long as one relative does not supervise the other. In the event that a department has related limited or volunteer employees working, and one is hired for a full- or part-time position, the other relatives shall be allowed to continue working for the duration of their assignment but shall not be eligible for rehire or appointment in the same department as long as the first relative is a full-time or part-time employee.
4. If two employees in the same department marry, one employee shall be required to immediately transfer to another department (subject to available positions) or terminate employment with the City.
5. If two employees in the same department become related as a result of a marriage, but are not married to each other, and the relationship creates a disruption of work or of the work environment or any other problem not conducive to an effective work environment, an appropriate remedy shall be implemented by the Department Director on a case-by-case basis. In most cases, it is anticipated that the appropriate remedy shall be that one employee must transfer to another department (subject to available positions) or terminate employment.
6. No employee who is related to someone within the same department shall be promoted to a Department Director or any management position.
7. Any employee who in any way attempts to influence the hiring of his/her relatives for any position shall be subject to disciplinary action.

CHAPTER 4: COMPENSATION

- 4.010. Compensation.**
- 4.020. Annual Review of Compensation Plan.**
- 4.030. Garnishments.**
- 4.040. Exempt and Non-Exempt Employees.**
- 4.050. Overtime and Compensatory Time.**
- 4.060. On-Call.**
- 4.070. Differential Pay**
- 4.080. Holiday Pay.**
- 4.090. Paid Leave.**
- 4.100. Unpaid Leave.**
- 4.110. Leave Procedures.**
- 4.120. Leave Procedures Exceptions.**
- 4.130. Vacation Leave.**
- 4.140. Sick Leave.**
- 4.150. Family and Medical Leave.**
- 4.160. Military Leave.**
- 4.170. Jury Duty Leave.**
- 4.180. Injury Leave.**
- 4.190. Bereavement Leave.**
- 4.200 Exempt Employee Leave**
- 4.210. Employee Recognition Program**
- 4.220. Employee Wellness Program**
- 4.230. Employee Assistance Program**

4.010. Compensation.

It is the policy of South Weber City that compensation shall be based upon the City's compensation plan and includes, but is not limited to, the pay grade schedule and the salary schedule as adopted by the City. The City will establish and maintain pay programs and practices based on market conditions to support and maintain up-to-date information for the City's compensation plan, pay grade schedule, and salary schedule.

The City's compensation program recognizes individual performance. Employees will be eligible for pay increases based on their individual performance throughout a performance year, subject to range maximums for their position.

4.020. Annual Review of Compensation Plan.

It is the policy of South Weber City that the employee compensation plan should be reviewed annually by the City Manager who may recommend appropriate changes to the City Council for approval or denial. The City Council may review and make changes or recommendations to the Compensation Plan at any time in accordance with applicable procedures regarding the same.

4.030. Garnishments.

It is the policy of South Weber City that an employee's pay shall be subject to attachment, garnishment and execution under such rights, remedies, and procedures as provided by law.

4.040. Exempt and Non-Exempt Employees.

It is the policy of South Weber City that for purposes of overtime compensation under the Fair Labor Standards Act, the City Manager shall be deemed "exempt" and designate other exempt positions in the City through job description. All other employees of the City are hereby designated as "non-exempt."

4.050. Overtime and Compensatory Time.

It is the policy of the South Weber City that exempt employees will not receive overtime compensation. Nonexempt employees may receive overtime compensation at a rate of one and one-half times their regular rates of pay in accordance with the provisions and regulations of the Fair Labor Standards Act. No employee may perform work over his or her designated hours without prior approval of their Department Director. Overtime accrued by employees without Department Director approval are subject to disciplinary action.

Employees may request compensatory time off in lieu of cash overtime payments in accordance with the leave procedures set forth herein. Compensatory time may be accrued up to 240 hours at the calendar year end. Compensatory time over 240 will be paid out biannually. The City encourages employees to use compensatory time for the health, welfare, and benefit of the employee. Employees should be permitted to use compensatory time off within a reasonable period after making the request if such use does not unduly restrict the operations of the City and/or the department within which the employee works. Payments for compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment. Employees shall be compensated for unused and accrued compensatory time in accordance with the provisions and regulations of the Fair Labor Standards Act. Nothing in this or any other policy shall be construed to give an expectation or right to continued or future compensatory time hours.

4.060. On-Call.

It is the policy of South Weber City that in order for the City to quickly respond to emergencies involving the City's water, sewer, and other utilities it is necessary that qualified employees of the Public Works Department remain on-call during nights, weekends, and holidays. Employees who are on-call shall remain within thirty (30) minutes of the City and be able to receive phone inquiries at all times during the on-call period. When an employee is required to be on-call he or she shall be compensated, at a rate \$11.00 (eleven dollars) per day (\$77.00 [seventy-seven dollars] per week), and in the event that on-call time includes a paid holiday, compensation shall be an additional \$11.00 per holiday, for making themselves available during the on-call period; and when called out the employee shall be compensated at his or her regular rate of pay for a minimum of two (2) hours. Telephone requests for information to or from the employee's home

or cellular phone shall not be considered as compensable time if the call transpires to be less than 15 minutes of telephone time.

4.070. A. Differential Pay and Certifications

It is the policy of South Weber City to provide differential pay for specific professional certifications that contribute directly to the ability of an employee to provide a broader range of service to the community or to provide a current service at a reduced cost. For the purposes of recognizing and rewarding employees who improve their skills, knowledge, and proficiency in carrying out their assigned functions through additional training and certification beyond what is normally required for the position, the following guidelines have been established:

1. Professional certifications, which qualify an employee for differential pay, must represent a level of training and skill beyond what is required to perform the regularly assigned duties of the position.
2. The **City Manager** shall evaluate requests for differential pay to ensure compliance with this Policy.
3. Employees eligible to receive differential pay must submit proof of the initial certification and of all renewals and/or recertification to the **City Manager**.
4. The differential pay shall be effective the first pay period after proof of certification has been submitted. It shall terminate the pay period in which the employee is no longer certified.
5. Personnel Director shall be responsible for maintaining records of all certifications and expiration dates, and to terminate the differential if proof of re-certification has not been provided.
6. Approved differentials are as follows:

A. All employees in the Public Works Department, including the Department Director, who become certified with the State of Utah as a Grade I, II, III or IV Systems Operator are eligible to receive differential pay as follows (differential rates are not cumulative):

- Grade I
- Grade II
- Grade III
- Grade IV
- Backflow/Cross Connection**
- Certified Inspector for Sediment and Erosion Control*
- Certified Professional in Storm Water Quality*
- Certified Professional in Sediment and Erosion Control*
- Registered Storm Water Inspector*

* Available for Public Works or Building Inspections employees.

** Available for designated Parks employees.

B. Employees in the parks section and storm water section who become certified by the Professional Lawn Care Association of America (PLCAA) as a Certified Turf-grass Professional are eligible to receive a differential in addition to their regular salary.

C. Employees classified as a Building Inspector must have ICC Building, Electrical, Mechanical, and Plumbing certifications in accordance with the job description. In addition, they receive differential pay for the following certifications.

- ICC Fire Inspector Certification (requires CBO approval)
- ICC Building Plans Examiner
- ICC Electrical Plans Examiner
- ICC Mechanical Plans Examiner
- ICC Plumbing Plans Examiner
- ICC Residential Plans Examiner
- ICC Property Maintenance and Housing Inspector
- ICC Disaster Response Inspector
- ICC Accessibility Inspector/Plans Examiner Certification
- ICC Commercial Energy Inspector
- ICC Residential Energy Inspector/ Plans Examiner
- ICC Chief Building Official Legal/ Management Module
- ICBO Structural Masonry Special Inspector Certification
(Requires CBO approval)

D. Employees who are fluent in Spanish and regularly communicate with Spanish speaking customers are eligible to receive a differential. This differential must be requested by the City Manager on a case-by-case basis.

E. South Weber City agrees to expend the costs of professional certification(s), such as, examinations, and C.E.U.'s (continued education unit). In the event that an employee fails an examination, it is to the discretion of the City Manager to hold the employee responsible for the examination payment.

4.080. Holiday Pay.

It is the policy of South Weber City that all full-time employees shall receive holiday pay for each of those days defined herein as legal holidays of the City. Employees shall be compensated for the number of hours that would normally be worked on that given day if it were not a holiday.

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

- (a) New Year's Day - January 1st;
- (b) President's Day - third Monday in February;
- (c) Memorial Day - last Monday in May;
- (d) Independence Day - July 4th;
- (e) Pioneer Day - July 24th;

- (f) Labor Day - first Monday in September;
- (g) Columbus Day - second Monday in October;
- (h) Thanksgiving - fourth Thursday in November;
- (i) The day after Thanksgiving;
- (j) Christmas Day - December 25th;
- (k) Either the day before or after Christmas as determined by the City Manager; and
- (l) Employee's Birthday; or equivalent time off if the birthday falls on a weekend or holiday.

South Weber City will automatically adopt any future paid holidays which are adopted by the state and/or federal government.

Full-time employees required to work on a legal City holiday shall receive an equivalent amount of time off on an alternate day as approved by his or her Supervisor or receive a wage at one and one-half times the straight-time rate for the hours worked on the holiday. Part-time employees required to work on a legal City holiday shall receive a wage at one and one-half times the straight-time rate for the hours worked on the holiday. Employees must have authorization from their Supervisor prior to working on a holiday. Holidays occurring during an employee's vacation or sick leave are not counted as vacation or sick days; excluding those employees who are scheduled to work on the holiday and will be given an alternate day off for the holiday.

Fire and public works employees required to work on a premium holiday as defined by this Policy shall receive a wage at two times the straight-time rate for the hours worked on the holiday. The following are considered premium holidays: Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day.

In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. Should the holiday fall on a Sunday, the following Monday shall be treated as a holiday. For eligible employees, the employee BIRTHDAY holiday can only be taken as scheduled, and with prior authorization by their Supervisor. It must be taken by the employee within one week (before or after) the employee's birthdate in one full day segment or two half-day segments on consecutive days.

4.090. Paid Leave.

Full-time employees are eligible to accrue vacation leave, sick leave, and other paid leaves as may be established by the City. Part-time employees who at the time of the adoption of this Policy accrue vacation and sick leave shall continue to be afforded this benefit at the accrual rates set forth herein. No paid leave shall accrue or be granted to non-qualifying part-time and limited employees unless otherwise approved by the City.

4.100. Unpaid Leave.

Employees may be granted unpaid leave under certain circumstances in accordance with the procedures set forth herein. Unless otherwise provided by law, such as military or family and medical leave, unpaid leave is a privilege and not a right. Employees shall not be entitled to the

accrual of any vacation or sick leave credits during the period of extended unpaid leave, but shall be entitled to life insurance, group health insurance, and seniority entitlement as required by law. Unless otherwise required by law, the employee may be required to pay for continuation of insurance benefits during unpaid leave.

4.110. Leave Procedures.

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

(b) Approval. Department Heads shall approve or deny employee leave requests at his or her discretion, except as otherwise provided herein. Any approved employee leave request shall be signed by the Department Head and City Manager stating any special provisions or conditions for the leave. Employees who do not answer to a Department Head shall submit all leave requests to the City Manager. Any Employee Leave Request exceeding thirty (30) days requires approval from the City Council. Any leave which qualifies or may qualify as Family Medical Leave must be reported to the City Manager to ensure that the appropriate notice and records are maintained for such leave. Department Heads desiring leave shall consult with the City Manager prior to scheduling such leave to ensure that proper measures have been or will be taken to provide for the proper and efficient functioning of the department during the Department Head's absence.

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

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

(e) Records. Original Leave Request Forms shall be maintained by the Personnel Director in accordance with the Government Records Access and Management Act, as adopted and amended by the City.

4.120. Leave Procedures Exceptions.

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

(a) Absence due to Illness. In the event an employee is absent due to illness the request for leave may be handled by a telephone report to his or her Supervisor or Department Head. In the event the Supervisor or Department Head is not available, the employee may notify

the City Manager. Such notice shall be given as soon as practical before the employee's work shift begins.

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

4.130. Vacation Leave.

(a) Eligibility. Full-time employees are eligible to accrue vacation leave in accordance with their tenure of employment at the rates set forth herein and are eligible to use accrued vacation leave upon accrual. Part-time employees who, at the time of the adoption of this Policy, accrue vacation leave shall continue to be afforded this benefit at the accrual rates set forth herein. No other employees shall accrue and be eligible to use vacation leave as provided herein.

(b) Employee Accrual Rates. Full-time employees may accrue vacation hours according to the following table:

Years of Employment with South Weber City	Vacation Hours Accrued Per Pay Period
0-4	4
5-9	5
10+	6

Any and all employees currently accruing vacation time at any rate higher than 6 hours per pay period at the time of this Policy update will continue to accrue at their current rate.

(c) Accumulation. Vacation leave is credited to each employee on a per pay period basis. In the first year of hire in an eligible position vacation shall accrue from the date of hire for that position at four (4) hours per pay period. Employees can accumulate and carry forward to the next calendar year a maximum of two hundred and forty (240) hours. Any unused vacation hours in excess of two hundred and forty (240) hours will be forfeited at the end of each calendar year on December 31st. Upon good cause and request from the employee's Department Head a thirty to sixty (30-60) day extension of the December cut-off date may be considered by the City Manager.

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

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

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

(g) Annual Cash Out. Employees may cash out up to 80 hours of their accrued vacation hours once per year. An employee who cashes out hours must retain no less than 40 hours.

4.140. Sick Leave.

South Weber City provides eligible employees with paid sick leave each year to cover approved absences due to illness.

(a) Eligibility. All full-time employees are eligible to accrue sick leave at the accrual rates set forth herein.

(b) Accrual. Full-time employees may accrue up to twelve (12) days of paid sick leave, or to accrue ninety-six (96) hours per year. Eligible part-time employees shall accrue sick leave at a rate of six (6) days per year, or to accrue forty-eight (48) hours per year.

(c) Utilization of Sick Leave. Eligible employees may utilize sick leave for the following purposes:

- (1) Employee illness or injury
- (2) Illness or injury of an employee's immediate family member. For purposes of this section only, immediate family member includes; spouse, partner, significant other, son, daughter, parent, parent in-law, or anyone else living in the same household, and anyone for whom the employee has legal guardianship
- (3) Dental and medical appointments
- (4) The use of paid sick leave may not exceed forty (40) hours in a work week

(d) Notification. Employees are expected to notify their Supervisor prior to or at the beginning of their scheduled work period. Employees, at the discretion of the Supervisor, may be required to provide written verification by his or her doctor stating the reasons the employee was unable to work due to illness.

(e) Records. Sick leave shall be recorded on the employee's timecard.

4.150. Family and Medical Leave.

(a) Purpose. It is the purpose of this Section to provide guidelines for employees regarding leaves of absence in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the federal Act shall control.

The provisions of this Section are intended to supersede the unpaid leave provisions provided elsewhere in these Policies and Procedures.

(b) Eligible Employees. Employees eligible for Family and Medical Leave as provided herein include employees who have been employed with the City for at least twelve (12) months and who have performed at least one thousand two hundred fifty (1,250) hours of service for the City during the previous 12-month period immediately preceding the commencement of the leave.

(c) Permitted Leave. Eligible employees shall be entitled to a total of twelve (12) workweeks of unpaid leave during any 12-month period for the following:

- (1) The birth of a son or daughter of the employee and to care for such son or daughter;
- (2) The placement of a son or daughter with the employee for adoption or foster care and to care for such son or daughter;
- (3) In order to care for the employee's spouse, son, daughter, or parent with a serious health condition; or
- (4) A serious health condition that makes the employee unable to perform the functions of his or her position.

(d) Designation of 12-Month Period. For purposes of determining the 12-month period in which the twelve (12) weeks of leave entitlement occurs, the City uses a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

(e) Leave Procedure.

(1) Notice. An employee must notify in writing his or her Department Head, who shall then notify the City Manager, of any needed Family and Medical Leave by filing an Employee Leave Request at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based upon an expected birth, placement for adoption, or foster care, or planned medical treatment for a serious health condition of the employee or a family member. If a thirty (30) day notice is not practicable, such as because of lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. Failure to give proper notice of intended leave to the City may result in denial of the taking of the leave for up to thirty (30) days after the date the employee provides notice in accordance with provisions of the Act.

(2) Designation of Leave. Once the City has acquired knowledge that the leave is being taken for a Family and Medical Leave Act-qualifying reason, the City shall designate the leave as such, whether it is paid or unpaid, and give notice of the designation to the employee. Except as otherwise provided in the Act, absence preceding a notice to the employee of the designation, may not be counted against the employee's FMLA leave entitlement.

(3) Certification. The City may require the employee to provide certification from a health care provider regarding the necessity of the leave in accordance with and subject to provisions of the Act.

(4) Reporting. The City may require the employee to report periodically to the employer on the status and intention of the employee to return to work in accordance with and subject to provisions of the Act.

(5) Fitness for Duty. The City may require the employee to obtain and present certification from the health care provider stating that the employee is able to resume work in accordance with the Act.

(6) Intermittent Leave. Intermittent leave or reduced schedule leave may be taken under certain circumstances in accordance with and subject to provisions of the Act. Any intermittent leave requested or granted shall be subject to conditions set forth in the Act, including but not limited to, alternative position transfer, reasonable notice, scheduling, and certification.

(f) Leave Protection.

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

(2) Position. Except as otherwise provided in the Act, employees who take family or medical leave shall be entitled on return from such leave to be restored at the option of the City to: (1) the position of employment held by the employee when the leave commenced, or (2) an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. The employee may be denied restoration of their positions in accordance with and subject to provisions set forth in the Act.

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

(4) Insurance. The City shall maintain coverage for the employee under any "group health plan" for the duration of the leave at the level and under the conditions of coverage the employee would have been provided had the employee continued in employment for the duration of such leave as required by the Act and applicable

provisions of COBRA. The City may recover the cost of maintaining such coverage in accordance with provisions of the Act if the employee fails to return from leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

(g) Records. The City shall make, keep, and preserve records pertaining to Family and Medical Leave in accordance with the Act. Access and maintenance of such records shall be subject to the requirements of the Utah Government Records Access and Management Act, as adopted and amended by the City. Documents relating to medical certifications, recertification, fitness for duty, or medical histories of employees or employees' family members shall be treated as confidential medical records.

4.160. Military Leave.

Employees who enter active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence from employment with the City during their military service to the extent required by State and Federal law, including Utah Code Annotated provisions regarding "Governmental Employees in Military Service" set forth at Utah Code Ann. § 39-3-1, et seq., as amended.

4.170. Jury Duty Leave.

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

4.180. Injury Leave (Worker's Compensation).

Employees injured during the performance of their job duties are covered by Workers' Compensation Insurance as provided by state law and shall be compensated for such leave in accordance therewith. In order for the employee to continue at a full salary during a disability from an on-the-job injury, worker's compensation payments may be supplemented by accrued sick leave and vacation time. After all leave time is exhausted, the employee must revert to worker's compensation payments within the definition of State Law.

4.190. Bereavement Leave.

With approval of the employee's Department Head and the City Manager, employees may be granted up to three (3) days of time off with pay for the death of an immediate family member. For the purposes of this section only, immediate family shall be defined as spouse, partner, significant other, child, stepchild, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchildren, or

anyone else living in the same household, and anyone for whom the employee is legal guardian. Exceptions require approval by the City Manager.

4.200 Exempt Employee Leave

Exempt employees who are not eligible for overtime/compensatory time are granted 40 hours of personal leave at the beginning of each calendar year to be used within that same year. Any unused personal leave is forfeited. Personal leave cannot be cashed out, transferred to another type of leave, or transferred to another employee.

4.210. Employee Recognition Program.

It is the policy of South Weber City to celebrate the success of its employees. Employees are to be appropriately recognized for their years of service, meritorious performance, and supportive attitude in addition to normal salary considerations.

4.220. Employee Wellness Program

It is the policy of South Weber City to provide an incentive for employees to maintain a high level of physical and mental wellness in order to improve employee productivity.

Employees will be given incentives to participate in an employee wellness program. The wellness program will include incentives for physical as well as mental wellness. Requests for city sponsorship of recreation teams shall be considered by the respective Department Director and may be partially funded out of department resources. **The Recreation Director shall be responsible for administering the wellness program.**

4.230. Employee Assistance Program

South Weber City provides an Employee Assistance Program (EAP) for all full- and part-time employees. An EAP is a confidential counseling and referral service that is designed to help employees and their family members deal with personal or work-related problems. Additional information about the EAP program is available from the Personnel Director.

CHAPTER 5: BENEFITS

- 5.010. Disclaimer.**
- 5.020. Retirement.**
- 5.030. Medical, Dental, and Optical.**
- 5.031. Life Insurance**
- 5.040. Workers Compensation.**
- 5.050. Family Activity Center Membership**

5.010. Disclaimer.

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

5.020. Retirement

(a) Defined Benefit Plan. The City is a member of the Utah State Retirement System. All benefited full-time employees are required to participate in the Utah State Retirement System (URS), unless otherwise allowed by URS regulations. Participation and administration of the system shall be conducted in accordance with state statutes and regulations regarding the same. No employee shall be exempt from such system unless permitted by law and approved by the City Council. The City Council may also approve and fund a supplementary retirement plan.

(b) Defined Contribution Plans. City employees who are either full-time or part-time and who, at the time of the adoption of this Policy, accrue vacation leave, may participate in the Utah State Retirement System 401(k) and 457 defined contribution plans. Employees working fewer than 80 hours per pay period will be paid a certain percentage based on the hours worked.

(1) City Contribution – Standard. The City will contribute funds in the amount of 1.51% of the employee's salary to the 401(k) for all full time and part time employees who, at the time of the adoption of this Policy, accrue vacation leave

(2) City Contribution – Match. The City will match 50% of the eligible employee's contribution to a 401(k) plan, up to 1.5% of the employee's salary.

5.030. Medical, Dental, and Optical

The City participates in group medical, dental, and optical programs for its eligible employees. Medical and dental coverage is provided to employees and their dependents. Optical coverage is optional. South Weber City does not employ more than 50 ongoing, full-time, and full-time equivalent employees and therefore, is not subject to the shared responsibility requirement (play

or pay) of the Patient Protection and Affordable Care Act (PPACA). South Weber City is not subject to a penalty for any full-time employee if that employee is offered “qualifying coverage” that passes benefits and affordability tests. Coverage offered by the City to eligible employees, is deemed “qualifying coverage” as it meets the benefits and affordability tests that have been required since January 1, 2014.

For purposes of this Policy health care eligibility, and in accordance with the PPACA, a full-time employee is one who is employed to work on average at least 30 hours per week regardless of the internal definition of full-time employment of the hiring entity. There is a Look-Back Measurement Method or a Monthly Measurement Method that can also be used to determine full-time equivalency.

5.040. Life Insurance.

The City participates in a group life insurance program. Each benefited employee is provided a term life insurance policy that covers \$40,000.00.

5.050. Workers Compensation.

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

(b) Transitional Work Duties. In order to assist ill or injured employees in regaining their health and returning to their regular working schedule, the City has a transitional work program.

Transitional duties may be assigned to ease the period from injury through recovery to regular job duties. An evaluation from the treating physician will determine the employee's physical capabilities and serve as a basis for establishing transitional duties.

5.060. Family Activity Center Membership.

Full-time employees, as well as elected and appointed officials, receive free family memberships to the Family Activity Center so long as they are employed and in good standing with the City. Part-time employees receive a free individual membership so long as they are employed and in good standing with the City.

CHAPTER 6: WORKING CONDITIONS

- 6.010. Work Hours.**
- 6.020. Americans with Disabilities Act (ADA).**
- 6.030. Harassment Policy**
- 6.040. Sexual Harassment Policy**
- 6.050. Workplace Violence Policy**

6.010. Work Hours.

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

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

6.020. Americans with Disabilities Act (ADA).

(a) Policy. It is the policy of South Weber City not to discriminate on the basis of disability. No qualified individual with a disability should by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City, or be subjected to discrimination in employment under any service, program, or activity conducted by the City. Discrimination based on a disability has been held to constitute a violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended, and shall not be tolerated.

(b) Purpose. It is the purpose of this Policy to communicate to all applicants, employees, and other interested persons dealing with the City that discrimination on the basis of a disability is prohibited and shall not be tolerated. It is further the intent of this Policy to communicate to persons with disabilities that they have a means to discourage and seek relief from conditions which create barriers for individuals with disabilities or conduct which constitutes discrimination against individuals with disabilities.

(c) ADA Coordinator. The City Manager is hereby designated as the ADA Coordinator for the City. The ADA Coordinator shall be responsible for the administration of this Policy. Any

questions, comments or complaints regarding matters set forth herein should be addressed to the ADA Coordinator, 1600 East South Weber Drive, South Weber, Utah 84405.

(d) Scope. This Policy shall extend to all conduct defined as discriminatory under the Americans with Disabilities Act as applicable to the City. Specifically, the following conduct shall be prohibited:

(1) Services. "[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."⁴² U.S.C. § 12132, as amended.

(2) Employment. "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."⁴² U.S.C. § 12112, as amended.

(e) Procedure. Whenever a person believes he or she has been discriminated against on the basis of a disability regarding access to or benefit from City services, activities, or programs, or in connection with any employment with the City, the following steps should be taken:

(1) Complaint. The aggrieved party should file a written complaint with the ADA Coordinator within ten (10) days of the date the complainant becomes aware of the alleged violation.

(2) Investigation. Upon receipt of a complaint, the ADA Coordinator shall immediately notify the Mayor of the complaint and investigate the complaint. Investigation of the complaint may include, but is not limited to, interviewing the complainant, and affording all interested persons and their representatives, if any, the opportunity to submit oral or documentary evidence relevant to the complaint.

(3) Findings and Conclusions. The ADA Coordinator shall, within a reasonable time from receipt of the complaint, prepare and distribute to all parties his or her findings and conclusions from the investigation, including a description of the resolution of the complaint and notice of the complainant's right to appeal.

(f) Retaliation. Interested persons are entitled to bring good faith complaints hereunder without fear of retaliation. It is unlawful for any person to discriminate against another because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein, and it is further unlawful for any person to coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Any interested person who believes he or she has been subjected to any act of retaliation described herein has the right to file a further complaint alleging reprisal as a separate action under this Policy.

(g) Records. The ADA Coordinator shall maintain or cause to be maintained all records of the City pertaining to ADA rules and regulations and any complaints filed hereunder in accordance with the Utah Government Records Access and Management Act, as adopted and amended by the City, and any applicable federal regulations.

(h) Appeal. Any person aggrieved by a decision of the ADA Coordinator regarding a complaint filed hereunder may appeal such decision by filing with the City Council a written appeal within ten (10) days from the date of the decision stating the grounds for the appeal. The City Council shall investigate the matter and prepare its findings and conclusions within a reasonable time from receipt of the appeal.

(i) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving discrimination based upon disability.

6.030. Harassment Policy.

It is the purpose of South Weber City to maintain a safe and enjoyable work environment free from any form of inappropriate harassment or abusive behavior. South Weber City prohibits all forms of illegal harassment of employees by Supervisors, managers, fellow employees, elected or appointed officials, volunteers, customers, residents, or visitors. The City will not tolerate harassment of its employees. Under Title VII of the Civil Rights Act, any form of discrimination related to an employee's race, color, sex, religion, national origin, age, sexual orientation, disability, marital, or veteran status is a violation of this Policy and will be treated as a disciplinary matter. Sexual Harassment is included among the prohibitions (see section 6.040).

Harassment is inappropriate conduct that undermines the employment relationship that refers to occasional comments that may be considered socially unacceptable. Harassment on the basis of any protected class or characteristic is strictly prohibited under this Policy. Harassment includes verbal or physical conduct that designates or shows hostility or aversion to an individual because of his or her race, color, religion, national origin, age, disability, sexual orientation, marital, or veteran status, or any other characteristic that is protected by law. The conduct includes, but is not limited to:

- a. Epithets, slurs, or negative stereotyping;
- b. Threatening, intimidating, or hostile acts;
- c. Jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail or text message).

Retaliation against any employee who rejects, protests, or complains about harassment is prohibited. A complaint procedure is available to employees to report all types of harassment. If employees feel that they are being harassed by a Supervisor, co-worker, elected or appointed official, volunteer, resident, or visitor because of their race, color, sex, religion, national origin, age, disability, sexual orientation, or marital, or veteran status, they should first let the harassing person know of their objections, if feasible. Additionally, the employee shall report the problem, in writing, as outlined below.

If an employee experiences or is witness to harassment in the workplace, he/she shall report it immediately in writing to his/her direct Supervisor. If the target for reporting is the person who is harassing the employee, the employee may approach another manager or Department Director. All allegations of harassment will be quickly investigated. To the extent possible, employee confidentiality and that of any and all witnesses, and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation and will be provided the opportunity to discuss the outcome with the City Manager.

If circumstances warrant, the City Manager may appoint a two-person investigative team to investigate complaints of harassment, submitted in writing. If a two-person team is not appointed, the investigation may be handled by the accused person's manager or Department Director. Complaints of sexual harassment will be investigated pursuant to the Sexual Harassment Policy.

The investigation may also include a thorough review of files and other tangible evidence. The investigators will make every reasonable attempt to resolve any questions of credibility between the complaining and the accused employees rationally and objectively.

Information obtained during the course of an investigation of harassment will be maintained in confidence as much as is feasible. It will be released only to individuals who have a need to know it, e.g., individuals who will enable the City to investigate the charges thoroughly and appropriate Supervisors and managers.

Individuals who make false statements during the course of a harassment investigation may be subject to discipline which may include termination. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline which may include termination. Where investigations confirm the allegations, the perpetrator's department will take appropriate corrective and/or disciplinary action.

Bullying is a form of harassment which is also prohibited. Bullying can be physical (hitting, pushing, shoving, and "getting in the face of"), verbal (making fun of, maliciously teasing, threatening, coercing, calling derogatory names) or relational (spreading rumors, ostracizing). Bullying is prohibited regardless of whether or not it is used to target a person of a protected class.

Retaliation for making a harassment complaint is another form of harassment. Retaliation against any employee who rejects, protests, or complains about any type of harassment is prohibited. Retaliation is conduct that would tend to discourage others from making a complaint against harassment or is intended to punish a person who made a complaint and includes such behavior as ostracizing or being continually rude towards a person who has complained, denying privileges granted to others, or taking adverse employment action because an employee made a complaint. Retaliation is prohibited regardless of whether or not the original complaint made by the victim or alleged victim of retaliation had any merit.

6.040. Sexual Harassment Policy.

(a) Policy. It is the policy of South Weber City to provide its employees with a work environment free from sexual harassment. Sexual harassment is unacceptable and is prohibited. Sexual

harassment shall not be tolerated nor condoned by the City under any circumstances. This zero-tolerance Policy applies to all employees, officers, and agents of the City, as well as any other third parties doing business with or served by the City.

(b) Purpose. It is the purpose of this Policy to communicate to all employees of the City and all persons conducting business with or served by the City that sexual harassment is prohibited. It is also the intent of this Policy to inform and communicate to employees experiencing or witnessing sexual harassment that they have a means to discourage and report offensive or inappropriate conduct and that such reports will be immediately investigated, and appropriate action will be taken

(c) Notice. All employees of the City shall be responsible for knowing the provisions of this Policy regarding sexual harassment. The City Manager shall be responsible for informing employees of any amendments to this Policy. Any violation of this Policy by City employees shall result in disciplinary action up to and including termination.

(d) Definitions. As used herein, the following words shall have the meaning described below:

(1) "Retaliation" means a retaliatory action taken against any person complaining of or reporting sexual harassment or any person involved or cooperating in an investigation of sexual harassment or a retaliatory action taken against any other person or property as a result of a sexual harassment complaint and/or investigation.

(2) "Sexual Harassment" means unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(e) Prohibited Conduct. Sexual harassment of any nature is prohibited under this Policy, whether or not such conduct rises to the level of unlawful harassment. Examples of the kind of conduct that constitutes sexual harassment under this Policy includes, but is not limited to, the following types of behavior. Prohibitions hereunder include same-sex harassment.

(1) Sex Role Stereotyping. This conduct consists of assignment of nonjob-related duties, functions, or roles based on gender. Examples include making coffee, serving refreshments, and running errands, when not related or necessary to the functions and responsibilities of the employee's position with the City.

(2) Targeted Gender Harassment. This conduct includes intentional behavior that is directed at a specific gender. Examples of this kind of prohibited conduct include sexual comments and jokes as well as suggestions or gestures about gender or sexuality.

(3) Targeted Individual Harassment. This conduct consists of intentional behavior that is targeted at an individual or a specific group which causes serious negative physical or

psychological effects to the victim and adversely affects productivity and morale. This prohibited conduct includes negative or offensive sexual comments, jokes or gestures directed to or relating to an individual's gender or sexuality, or unwelcome physical conduct of a non-criminal nature.

(4) Criminal Sexual Harassment. This conduct includes behavior which violates state or federal law. Prohibited conduct includes forcible sexual abuse, intentional intimate touching of another (such as buttocks or genitals of another or the breasts of a female) and taking indecent liberties with another individual.

(f) Employee Responsibility. Employees shall promptly report any sexually harassing conduct they experience, learn of, or witness utilizing the complaint procedures provided herein. Such prompt reporting will assist the City in eliminating any harassment at an early stage and/or reduce or eliminate any resulting harm.

(g) Complaint Procedures. Whenever an employee believes he or she has experienced, learned of, or witnessed any type of sexual harassment, the employee shall report the matter utilizing the following procedures.

(1) Complaint. An employee may report and/or complain of any alleged sexual harassment by verbally notifying or filing a written complaint of the harassment with his or her Supervisor. If the employee's Supervisor is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her Supervisor, the employee may verbally notify or file a written complaint with the employee's Department Head or the City Manager. If the Department Head or the City Manager is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her Department Head or the City Manager, the employee may verbally notify or file a written complaint with the Personnel Director or the Mayor.

(2) Notice. Except as otherwise provided herein, any Supervisor, Department Head, Personnel Director, or the Mayor receiving notice of an alleged incident of sexual harassment, either verbally or in writing, shall take immediate action to report such incident and/or complaint to the City Manager. In the event the City Manager is implicated in the complaint, the Mayor shall be notified by the Supervisor, Department Head, or Personnel Director of the report or complaint.

(3) Investigation. It is an express policy of the City that all complaints of sexual harassment will be investigated. Except as otherwise provided herein, the City Manager, or his or her designee, shall promptly and thoroughly investigate any such complaint of sexual harassment. The investigation shall be undertaken without bias or premature judgment. The investigation may include interviews with the complaining employee, the subject of the complaint, co-workers, and former employees who may have knowledge of the situation. In the event the City Manager is implicated in any sexual harassment complaint, the Mayor shall cause to be conducted a prompt and thorough investigation of the matter. In such event, all references in Subsections (4) and (5) to the City Manager shall be read to refer to the Mayor. The City may also hire a third-party

investigator to conduct any investigation of alleged sexual harassment. All investigations shall include, at a minimum, providing a copy of this Policy to the complainant and the accused; informing the parties of the law regarding sexual harassment and the provisions of this Policy; and reviewing the complaint with the complainant and the accused.

(4) Decision. Upon completion and review of the investigation, the City Manager shall determine whether there has been a violation of this Policy and shall immediately thereafter take such action as he or she deems appropriate under the circumstances in accordance with applicable procedures regarding the same. In the event a third-party investigator has been hired to investigate the matter, the City Manager shall review the conclusions of the investigation and decide the matter as provided herein. Written notice of the decision, including any appropriate findings and conclusions, shall be prepared, and distributed to the parties within a reasonable time from receipt of the complaint.

(5) Determine Remedy. If a violation of this Policy is found, the City Manager shall determine the appropriate discipline for the violator ranging from written reprimand to termination of employment. The City Manager shall take the following factors into consideration in determining the appropriate discipline, together with any other appropriate factors:

- i. the relationship of the parties;
- ii. the nature of the offense;
- iii. the number of complainants; and
- iv. the number of occurrences.

(6) File Records. If the accused is found to have violated this Policy, all records concerning the complaint, investigation, findings, and discipline shall be maintained with his or her personnel records. If the accused is found innocent of any violation of this Policy, no records concerning the incident shall be maintained with his or her personnel records.

(h) Confidentiality. All complaints and investigations of sexual harassment will be confidential to the extent possible under the circumstances and only those persons necessary for the investigation and resolution of the complaint will be provided information. Breach of this confidentiality requirement may result in disciplinary action being taken.

(i) Retaliation. Employees are entitled to bring good faith complaints regarding alleged sexual harassment and/or to participate in the investigation of any such complaints without any fear of retaliation. Retaliation against an accused or any person involved or cooperating in an investigation of sexual harassment is a separate violation of this Policy. If an employee believes he or she has been subjected to any act of retaliation resulting from any complaint or investigation of sexual harassment, he or she has the right to file a complaint hereunder alleging retaliation as a separate action under this Policy.

(j) Misuse of Policy. Any false claims of sexual harassment or allegations made in bad faith will result in disciplinary action taken against the accuser.

(k) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving sexual harassment and shall be exhausted prior to pursuing other available remedies.

6.050. Workplace Violence Policy

For purposes of this Policy, workplace violence is defined as a single behavior or series of behaviors which constitute actual or potential assault, battery, harassment, intimidation, threats, or similar actions, attempted destruction, or threats to South Weber City or personal property; which occur in a South Weber City workplace, while using company resources, at a company work location, or while an individual is engaged in company business.

South Weber City strictly prohibits use of violence or threats of violence in the workplace and views such actions very seriously. The possession of weapons in the workplace, threats, threatening or menacing behavior, stalking, or acts of violence against employees, visitors, guests, or other individuals by anyone on South Weber City property will not be tolerated. Violations of this Policy will lead to disciplinary action up to and including termination of employment and the involvement of appropriate law enforcement authorities as needed.

In the unfortunate event that a credible threat of violence arises, established protocols and awareness can help address the issues promptly.

1. Establish and disseminate an anti-violence policy. Creating awareness of procedures to follow in the event of actual violence or the threat of violence is critical. An employer's personnel manual should include a policy that, at a minimum, prohibits violence and threats in the workplace (including those made in jest) and requires employees to report all related incidents. Of course, in a crisis situation, employees likely will not have time to consult the manual. However, implementing a policy and reviewing it with employees at least annually can help keep protocols top of mind and enable employees to stay calm in the face of a threat or actual violence.
2. Assess the threat. In the event an employee threatens violence, an employer should first assess the seriousness of the threat in order to determine an appropriate course of action. What were the circumstances? Does the employee have a history of erratic behavior? What was the tone of the threat? How specific was it? For example, there may be a significant difference between an employee's off-hand remark(s); and a specific threat emailed to a coworker ("Jane turned me down for the last time. I have my brother-in-law's gun, and I'll be waiting for her when she comes to work on Monday.") An employer should weigh all facts in order to assess the seriousness of the threat. If time permits, consider involving an outside investigator.
3. An employer's actions may include changing locks and access codes, securing doors that ordinarily are left open, alerting key employees to the threat, reviewing

safety protocols with all employees, and notifying the Davis County Sherriff's Office. If the threat involves imminent harm, an employer should immediately contact law enforcement authorities, lock down facilities, and consult with legal counsel.

Focus on maintaining peace in the workplace. Employers can protect the safety of their employees and reduce the likelihood of workplace violence by following a few simple guidelines:

- Proactively create and maintain a positive work environment;
- Treat terminated employees with courtesy and respect, including providing on-site outplacement support to help diffuse emotions and refocus those affected.

(A) Action to be Taken.

Any employee or other individual who makes substantial threats, exhibits threatening behavior, or engages in violent acts on South Weber City premises shall be removed from the property as quickly as safety permits, and may be asked to remain away from South Weber City premises pending the outcome of an investigation into the incident. People who commit these acts outside the workplace, but which impact the workplace are also violating this Policy and will be **handled** appropriately. South Weber City reserves the right to respond to any actual or perceived acts of violence in a manner the City see fit according to the particular facts and circumstances.

When threatening behavior is exhibited or acts of violence are committed, South Weber City will initiate an appropriate response.

This response may include, but is not limited to, evaluation by external professionals, suspension and/or termination of any business relationship, reassignment of job duties, suspension, or termination of employment, and/or criminal prosecution of the person/persons involved. Threats to fellow employees or citizens of South Weber City of using firearms, knives, explosives, or other lethal means will be met with zero tolerance and will end in immediate suspension and/or termination.

No existing South Weber City policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

(B) Reporting Procedure.

South Weber City's personnel are responsible for notifying the designated management representative of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a company-controlled site or is connected to company employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the

designated representative is not available, employees should report the threat to their Supervisor or another member of the management team.

South Weber City understands the sensitivity of the information requested and has developed confidentiality procedures, which recognize and respect the privacy of the reporting employee(s). Consistent with the values of South Weber City, people should act in ways that maintain respect and dignity for individuals while acting in an accountable and swift manner to address the situation.

(C) Protective or Restraining Orders.

All individuals who apply for and obtain a protective or restraining order which lists company locations as being protected areas, must provide to the City Manager, the Department Director, and the Personnel Director a copy of the petition and order.

Suggested Procedures for Safety and Protection of Employees Experiencing Threats of Violence

- Encourage the employee to save any threatening e-mail or voice-mail messages. These can potentially be used for future legal action or can serve as evidence that an existing restraining order was violated.
- The employee should obtain a restraining order that includes the workplace and keep a copy on hand at all times. The employee may consider providing a copy to the police, his/her Supervisor, or appropriate individuals/departments within the South Weber City administration.
- The employee/employer should provide a picture of the perpetrator to reception areas.
- The employee should identify an emergency contact person should the employer be unable to contact the victim.
- If an absence is deemed appropriate, the employee should be clear about the plan to return to work. While absent, the employee should maintain contact with his or her Supervisor.
- Work with local law enforcement personnel and encourage employees to do so regarding situations outside the workplace.
- We're not an Air Force Base! Limit information about employees disclosed by phone. Information that would help locate a victim or indicates a time of return should not be provided.

CHAPTER 7: CONDUCT

- 7.010. Personal Appearance.
- 7.020. Public Relations.
- 7.030. Working Relations.
- 7.040. Employee Ethics.
- 7.050. Honesty.
- 7.060. Confidentiality.
- 7.070. Outside Employment.
- 7.080. Personal and Outdoor Activities
- 7.090. Information to the Public.
- 7.100. Electronic Communications Policy.
- 7.110. Use of City Vehicles.
- 7.120. Equipment Use Policy.
- 7.130. Drug and Alcohol Policy.
- 7.140. DOT Drug and Alcohol Testing.
- 7.150. No Smoking Policy
- 7.160. Notary Public Services Policy
- 7.170. Reporting Fraud and Abuse
- 7.180. City Hotline
- 1.190. Cash Receipting and Deposit
- 7.200. Conflict of Interest

7.010. Personal Appearance.

Impressions gained by the public visiting the office or dealing with City employees at any location are very important to the City as a public entity. Consequently, employees are expected to take pride in their appearance and grooming and to dress in a conservative and appropriate manner. Clothing must be clean and in good repair at all times. Employees in departments that require uniforms must adhere to department uniform standards unless otherwise directed by the Department Head.

7.020. Public Relations.

Employees are expected to be courteous, cooperative, diplomatic, and discrete in dealing with the public (face to face, telephone conversations, and written correspondence). Employees shall treat all citizens equally and with professionalism and avoid making cultural, ethnic, racist, or sexist slurs. Complaints or concerns expressed by citizens are to be promptly reported or referred to the appropriate Supervisor.

7.030. Working Relations.

Employees are expected to maintain a productive and supportive working relationship with others in the course of carrying out their responsibilities. They shall also encourage teamwork, support team efforts, communicate in a constructive manner, and exhibit good listening skills. Employees shall be courteous and cooperative with those they work with, consistently treat others equally and with professionalism and avoid cultural, ethnic, racist, and sexist slurs.

7.040. Employee Ethics.

It is the policy of South Weber City to reaffirm that there be no conflicts of interest with City employees and that no employee improperly benefits from holding a position with the City. All employees are required to adhere to legal, moral, and professional standards of conduct in the fulfillment of their duties with the City and shall demonstrate the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust, and confidence of the public. Employees, elected and appointed officials, and contracted employees shall adhere to the provisions of the *Municipal Officers' and Employees' Ethics Act*, as set forth in **Utah Code Ann. § 10-3-1301**, et seq., as amended. The appropriate disclosure statement shall be filed annually with the City in accordance with the Act. Employees are encouraged to discuss and raise any questions or concerns regarding public employees' ethical duties with their Department Head or the City Manager when such questions arise.

(A) Prohibited Conduct

No current employee or officer, as specified, shall:

1. Conflict of Interest

See South Weber City Code Ord:2022-06

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 South Weber 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 the 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.

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- 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;
 - 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.

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5. Financial or Beneficial Interest in Transactions.

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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 South Weber City. This includes receiving compensation, gratuity, or other benefit from an interested party of an agreement or contract with South Weber City.

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6. Nepotism.

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a. Violate Utah Code § 52-3, which prohibits employment of relatives, with few exceptions.

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7. Misuse of Public Resources or Property.

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a. Violate Utah Code § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

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8. Outside Employment.

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a. Retain secondary employment outside of city employment, which, as determined by the City Council and according to Utah Administrative Code R477-9-2:

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- i. Interferes with an employee's performance.
- ii. Conflicts with the interests of South Weber City or the State of Utah.
- iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

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a. Except as otherwise provided by law:

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- i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with South Weber City may not provide a basis for denying employment to the applicant.
- ii. A 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 city employee may not engage in political campaigning or solicit political contributions during hours of employment.
- iv. A city officer or employee may not use city equipment while engaged in campaigning or other political activity.
- v. A 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 city officer or employee may not attempt to make another officer's or employee's employment status dependent on the officer's 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 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 city officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or

ii. Permit a city officer or employee partisan political activity that is prohibited under federal law.

e. No 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 South Weber City property.

f. No city officer or employee shall promise any appointment to any position with South Weber City as a reward for any political activity.

g. A city employee who is elected to an office with South Weber City shall terminate city employment prior to being sworn into the elected office.

10. Fair and Equal Treatment.

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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.

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b. No 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 South Weber City:

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a. No former employee shall, during the period of one (1) year after leaving city office or employment:

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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 South Weber 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 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.

12. Ethical Behavioral Pledge

- a. All city employees and city council members are required to annual sign an Ethical Behavioral Pledge. See Exhibit A & B.

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7.050. Honesty.

Employees shall be honest in the performance of their duties and responsibilities for the City and in their dealings with the public.

7.060. Confidentiality.

Unauthorized disclosure of privileged, private, and/or confidential information is prohibited and shall be grounds for disciplinary action, up to and including termination.

7.070. Outside Employment.

In order to reduce mental and physical fatigue, limit conflicts of interest, and reduce liability insurance expenses, no employee shall be permitted to engage in any outside employment except as provided herein. Any employee desiring to engage in outside employment must submit a request, in writing, to his or her Department Director. The Department Director may conditionally approve such outside employment unless it is deemed to be of an ongoing nature, in which case the City Manager's approval shall be required with the advice and consent of the Department Director. Outside employment may be approved or denied as deemed to be in the best interest of the City in consideration of the following:

- (a) Whether the outside employment will in any way interfere with the employee's ability to meet the City's work schedule, including reasonable overtime and standby assignments;
- (b) Whether the outside employment will be directly connected with or contingent upon a representation that the employee is in any way representing the City, either directly or indirectly;
- (c) Whether the outside employment is consistent and appropriate with the employee's position held with the City;

(d) Whether the outside employment will interfere with the employee's physical, mental, or emotional ability to fully and completely discharge the job duties of his or her City position.

Any request for outside employment shall be retained with the employee's personnel records. Unless otherwise prohibited by law, the City reserves the right to cancel an approval for outside employment when it is deemed such employment is not in the City's best interest. Any employee engaged in outside employment without proper approval required herein may be subject to discipline. City employees may not use City equipment in connection with outside employment nor may they engage in outside employment while on City time. In no event shall any full-time outside employment be permitted for full-time employees. Employees may not accept other employment which might impair his or her independence of judgment in the performance of his or her public duties as an employee of the City or which might interfere with the ethical performance of such duties.

7.080. Personal or Outside Activities.

Employees should not perform personal business during working hours. Except as otherwise provided herein or authorized by the Department Director or the City Manager, no personal use of City offices, facilities, supplies, or equipment shall be permitted. Use of City vehicles shall be conducted in accordance with Section 7.080. Use of City telephones for personal calls should be kept to a minimum. If authorized in advance, employees shall reimburse the City for any permitted personal use of City equipment, property, or services such as postage, copies, long-distance or cellular telephone calls, printing, etc.

7.090. Electronic Communications

(a) Policy

It is the policy of South Weber City to establish basic guidelines concerning the appropriate use of email, voice mail, text messaging, internet technology, the City's Wi-Fi network connection, and other electronic communication systems owned and provided by the City. All communications over and activities conducted on these systems are the property of the City. The City has provided these systems to its employees and public officials for the purpose of performing professional responsibilities and duties. Because email is a primary way the City communicates important information, employees, appointed, and elected officials are encouraged to check for new email messages at least once a week.

Email related to City business is recognized as official correspondence. Whether printed or not, it is subject to the same policies, rules, and procedures, and must be treated in the same manner as any City correspondence sent or received in printed format.

Employees, appointed, and elected officials shall print and file with the appropriate file any and all emails containing substantive information related to City business. Deletion of emails containing substantive information without first printing said emails shall be prohibited. Employees found deleting such records may be subject to disciplinary action in accordance with Chapter 11 of this Policy.

Elected Officials are prohibited from using a personal email account from an outside email provider to conduct City business as it can be difficult to maintain appropriate records.

Purpose

To encourage the proper use of voice mail, email, internet, Wi-Fi, or other communication systems provided by the City.

Guidelines for Email, Voice Mail, Internet, Wi-Fi, and other Electronic Communications

1. The City encourages the appropriate use of all methods of communicating both internally and externally in conducting the affairs of the City. This includes the use of email, text messaging, voice mail, internet, Wi-Fi, and other electronic communication systems for both City related and personal purposes, but only in accordance with the guidelines in sections 2-5. Employees, appointed, and elected officials have no expectation of privacy when using any equipment or system provided by the City, are required to follow specific rules and procedures when utilizing these technologies for City business, and/or when using City resources. The City reserves the right to inspect the contents of any computer, telephone, cell phone, or any other equipment that is owned by the City. The City also reserves the right to inspect any web page history, email, voice mail, text message, instant message, downloaded image, or other electronic file residing on the City server as a result of use of any of the above-described items or as a result of the use of the City's internet with personally owned devices (Personal Digital Assistant (PDA), Tablets, Cell Phones). Any such inspection may occur at any time and for any reason. Personnel in Supervisory positions should be particularly aware of situations that may warrant monitoring such as:
 - a. Suspicion of a crime or violation of policy
 - b. To monitor productivity

The use of passwords is to prevent unauthorized access by other employees, elected officials, and the public and should not be construed as creating an expectation of privacy by the employee or elected official who uses the password.

2. The City encourages work-related and personal use of City email, voice mail, internet, and Wi-Fi systems for the following purposes:
 - a. To facilitate performance of job functions;
 - b. To facilitate the communication of information, both internally and externally, in a timely manner;
 - c. To coordinate meetings of individuals, locations, and City resources.
 - d. To share ideas and information;
 - e. For personal use during an employee's time off (provided the provision in section 3 (related to prohibited uses) and section 4 (relating to personal use) are followed); and
 - f. To encourage employee's and elected official's innovation.

3. Prohibited uses of City email, voice mail, internet, Wi-Fi, and any other electronic communication systems include, but are not limited to the following:
 - a. Sending, viewing, downloading, or storing pornographic or obscene images or information on City computers, cell phones, or other City equipment. It is also a violation of the City policy to send, view, or download pornographic or obscene images or information using the City's internet or Wi-Fi systems using any personally owned electronic device (Personal Digital Assistant (PDA), Tablets, Cell Phones) **at any time**. Unsolicited pornography or obscene images are to be reported to the City Manager or the Information Technology Personnel.
 - b. Sending, viewing, or downloading any other offensive, discriminatory, disparaging, or harassing graphical images or information.
 - c. Using any form of electronic communication in a manner that violates the City's sexual harassment policy
 - d. Sending obscene or suggestive images.
 - e. Political endorsements.
 - f. Commercial or business activities not related to the City.
 - g. Personal use of the internet other than brief incidental use.
 - h. Internet usage during official meetings, unless searching for information directly related to the current discussion.
 - i. Threats of harassment.
 - j. Slander or defamation.
 - k. Other illegal activities or activities prohibited by City policy.
4. Employees using City email, internet, Wi-Fi, or other related systems for personal use will be responsible for reimbursing the City for any direct expenses incurred from that use, such as the costs of printing or long-distance calls.
5. Although commercial or business activities not related to the City are prohibited on City email, internet, Wi-Fi systems, South Weber City does allow employees to sell limited personal items using the internal e-mail system. Selling for non-City employees is prohibited.
6. Employees and elected officials are cautioned to not send e-mail to every employee listed in the e-mail system that is indicative of a person's personal beliefs or of a religious nature.
7. Email, instant messaging, texts, voice mail, and other electronic communications can be used in court proceedings as evidence. Employees and elected officials are to be professional in their use of electronic communications systems.
8. Violations of this Policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination.
9. Violations of this Policy that may be construed to be of a harassing nature or that may create a hostile work environment will be treated as a violation of the City's harassment policies.

Employees and elected officials shall keep personal email and other electronic correspondence utilizing city resources to a minimum.

The contracted Information Management Team is responsible and accountable for ensuring employees and appointed and elected officials are able to communicate using the appropriate technologies in an effective, secure method by deploying the appropriate safeguards in the appropriate way.

Electronic Communications under GRAMA

The following devices and/or technology used to conduct City business may be subject to examination for matters related to personnel matters, litigation disclosures, forensic analysis, and information requests under the Government Records Access Management Act (GRAMA):

- a. Computers, tablets, cell phones, and Personal Digital Assistants (PDAs) owned by the City;
- b. Servers and other networks and devices owned by a third party (i.e., email servers, web servers);

Standards of Conduct

Employees and elected officials are reminded of the requirement to conduct themselves appropriately in all City correspondences as outlined in this Policy. Employees, appointed, and elected officials are required to be respectful of individuals and groups in their communications related to City business. Use of profane, vulgar, inflammatory, disrespectful, or derogatory language is unprofessional and is not appropriate in any City correspondence.

Records Retention Roles and Responsibilities

All electronic communication, including instant messages and text messages, are governmental records and are subject to the same statutes, ordinances, policies, and procedures as their printed counterparts. Employees, appointed, and elected officials are required to appropriately manage the retention and disposition of electronic communications records for which they are responsible. Records deleted or altered which are required to be retained must be restored. Questions regarding record retention should be directed to the City Recorder.

Role Definition of the:

Sender. Employees, appointed, and elected officials that originate a message and send it to another person or persons are the senders of the communication. The sender has the primary responsibility for ensuring messages related to City business are consistent with the City's position on the specific topic, are appropriately managed, and comply with the applicable policies and procedures for the specific type of communication.

Recipient. Employees, appointed, and elected officials to whom a message is sent are the receivers regardless of whether he/she is the primary recipient of the message or were "cc'd or Bcc'd." The receiver has the responsibility to ensure messages related to City business not originating from a City system, such as from a member of the public, are appropriately managed and comply with the applicable policies and procedures for the specific type of message.

Creator. Employees, appointed, or elected officials generating new information or content related to City business for a web page or social media site are creators of content. Creators of content related to City business posted on a web page or other social media outlet are responsible to ensure that the information is consistent with the City's position on the specific topic and that content is appropriately managed.

Participants. Employees, appointed, and elected officials that enter information or comments related to City business in response to content or entries posted on social media outlets are participants. These employees, appointed, and elected officials are responsible for ensuring the information or comments related to City business are consistent with the City's position on the specific topic.

Open Meeting Laws. Elected and appointed officials shall comply with all open meeting laws under UCA Title 52, Chapter 4 and shall refrain from creating situations that violate such law.

Because email is a primary way the City communicates important information, employees, appointed, and elected officials are encouraged to check for new email messages at least once a week.

Email related to City business is recognized as official correspondence. Whether printed or not, it is subject to the same policies, rules, and procedures, and must be treated in the same manner as any City correspondence sent or received in printed format.

Employees, appointed, and elected officials shall archive with the appropriate format any and all emails containing substantive information related to City business. Deletion of emails containing substantive information without first printing said emails shall be prohibited. Employees found deleting such records may be subject to disciplinary action in accordance with Chapter 11 of this Policy.

Elected Officials are discouraged from using a personal email account from an outside email provider to conduct City business as it can be difficult to maintain appropriate records. However, if the elected official chooses to use a personal email account to conduct City business, then it is subject to the policy and procedures outlined above and examination for matters related to personnel matters, litigation disclosures, forensic analysis, and information requests under the Government Records Access Management Act (GRAMA) as outlined in section C. "Privacy" above.

Social Media.

Social media refers to technologies and services designed by third parties to establish virtual communities of members with a common focus of interest. These are effective tools for communicating with the public where appropriate.

Employees, appointed, and elected officials have no expectation of privacy when using any equipment or system owned by the City, and are required to follow specific rules and procedures when utilizing these technologies for City business and/or when using City

resources. The City reserves the right to inspect the contents of any computer, telephone, cell phone, or any other equipment that it provides to an employee. The City also reserves the right to inspect any web page history, email, voice mail, text message, instant message, downloaded image, or other electronic file residing on the City server as a result of use of any of the above-described items or as a result of the use of the City's internet or Wi-Fi network connection systems with personally owned devices (Personal Digital Assistant (PDA), Tablets, Cell Phones). Any such inspection may occur at any time and for any reason. Personnel in Supervisory positions should be particularly aware of situations that may warrant monitoring such as:

- c. Suspicion of a crime or violation of policy
- d. To monitor productivity

Elected and appointed officials shall not communicate with each other about public business through social media and should avoid online relationships that could create the appearance of a conflict of interest.

Social Media shall be used and viewed as a second outlet to provide information to the public and shall, whenever possible, route people back to the city's official website. Unless otherwise specified, social media shall be considered transitory in nature and shall not be subject to record retention.

(1) Twitter. The City shall actively use Twitter to alert residents of upcoming events, provide information, etc.

(2) City Website. The City shall actively maintain a website to provide the public with information of upcoming events, forms, code information, etc. An official electronic version of the site shall be retained by the website host for 30 days. Comments received and responded to from the website (sent via separate email), shall follow the email policy and procedures outlined above.

(3) Facebook. The City's Facebook page(s) shall be created in accordance with current Facebook policies. Whenever possible it shall be used to redirect the public to the city's official website for more information.

(a) Site Administrator(s). The City Manager shall direct one person and one alternate person to act as the Facebook site administrator(s). This person will be responsible for posting content, responding to comments/requests (where applicable) and overall monitoring of the site.

(b) Disclaimer Statement. The City Attorney has prepared the following disclaimer statement to be linked to any City Facebook page:

"Welcome to the official Facebook® fan page of South Weber City, where you will find recent news stories, information, and notices regarding happenings here in South Weber. All fans of our page must comply with both Facebook® Terms of Use as well as those policies and limitations set forth herein. South Weber City reserves the right to edit or remove content that violates Facebook® Terms of Use or is deemed

inappropriate by South Weber City. While South Weber City has the sole right to edit or remove content, it does not have the responsibility to do so. Content which violates Facebook® terms and/or which may be inappropriate for the site, includes but is not limited to one or more of the following: • graphic, obscene, explicit, or racial comments or submissions, including comments that are abusive, hateful, or intended to defame anyone or any organization. • Personal attacks on South Weber City employees or other users of this page. • Solicitations or advertisements, including promotion or endorsement of any financial, commercial, or non-governmental agency, as well as attempts to defame or defraud any financial, commercial, or nongovernmental agency. • Comments that suggest or encourage illegal activity. • The appearance of external links on this site does not constitute endorsement, either officially or unofficially, on behalf of South Weber City. By your participation, you agree that you are participating on this page at your own risk, and by participating you agree further that you are taking personal responsibility for your comments, your username, and any information provided, including posting of personally identifiable information (e.g., phone numbers, email addresses, etc.). In addition, you agree to indemnify and defend South Weber City and its officers and employees from any claims or damages resulting from your interaction with this site. You further agree to hold South Weber City harmless from any claims or damages you may suffer resulting from your participation and/or interaction with this site. We do not allow advertisements or the offering to sell any goods or services, or conduct or forward surveys, contests, or chain letters. We do not allow downloading of any file posted by another user of or from a forum that you know, or reasonably should know, cannot be legally distributed in such manner. You are not allowed to upload or attach files that you know or should know contain viruses, corrupted files, or any other similar software or programs that may damage the operation of another's computer. You are not allowed to delete any author contributions, legal notices, or proprietary designations or labels in any file that is uploaded. South Weber City strongly encourages parents and guardians to supervise their children's use of this page. User generated content, including video, photos, wall posts, and comments, does not reflect the opinion or policies of South Weber City, its officers, employees, contractors, or affiliates. South Weber City (a) does not represent or warrant the accuracy of any statement made herein, (b) is not responsible for any User Content on this site, and (c) does not endorse any opinions expressed on this fan page. Finally, please keep in mind that this site is run by people, just like you. We are doing our best to keep the site interesting and informative and always appreciate your constructive criticism, but please be respectful. “

(4) Prohibited Use. Personal use of social media shall not be used during official meetings or during work hours. Personal social media accounts shall not be used as a forum for city business.

(5) Prohibited Content. Prohibited content includes political activities, harassing or offensive language or images, endorsements of any product, service or private organization, and commercial and fund-raising activities, except those sponsored or sanctioned by the City.

(6) Employee Personal Use of Social Media Accounts. Because personal communications of employees may reflect on the City, personal social media accounts shall not be used as a forum for City business, especially if employees are commenting on City business, Supervisors, or City policies, and because information posted by employees on social media sites or the internet may be spread to large audiences without the employees' knowledge or permission, the City has an interest in regulating employees personal use of social media. Employees who are known as such may be seen by citizens as representatives of the City and such employees' activities on social media networks may reflect upon the City. Employees and elected and appointed officials are expected to maintain an online image that is consistent with the City's goals and objectives.

Nothing herein shall be construed to prevent an employee from speaking out on matters of public concern provided that the employee's interest in making the communication outweighs the City's interest as an employer in preventing the communication. Examples of situations where the City's interest in preventing an employee communication may outweigh the employee's interest in making the communication include, but are not limited to, situations where the speech could:

- 1) Impair discipline by superiors or harmony among co-workers,
- 2) Have a detrimental impact on close working relationships for which personal loyalty and confidence are necessary,
- 3) Impede the performance of the speaker's duties,
- 4) Interfere with the regular operation of City business, or
- 5) Undermine public confidence in the City where public confidence is important to the successful accomplishment of the City's mission.

Therefore, with respect to the personal use of social media, all employees shall:

- I. Comply with privacy protection laws, e.g., GRAMA, HIPPA, and protect sensitive and confidential information.
- II. Not use the City logo or trademarks on the employee's social media networks unless approved to do so by the City Manager. Employees shall follow all copyright laws.
- III. Not make any disparaging comments about the workplace, City policies, Supervisors, co-workers, elected officials, citizens, customers, or other persons associated with the City.
- IV. Not use personal social media channels for internal business communications or disagreements among fellow employees. It is fine for employees to disagree, but employees should not use external blogs or other online social media channels to air their differences publicly.
- V. Not discuss or comment on City business or information that has not yet been made public such as unannounced strategies or projects, potential property acquisitions or divestitures, legal or regulatory matters affecting the City, and other similar subjects that could negatively affect the City. If an employee is uncertain about the sensitivity of a particular subject, the employee should seek

advice from the employee's manager or the City's legal department before talking about it or simply refrain from the conversation.

- VI. Refrain from sharing anything via social media channels that violates the right to privacy of an employee, customer, or other person with whom the City does business. Examples of social media disclosures that may compromise the right to privacy include, but are not limited to, pictures, video or audio recorded and shared through social media channels without the permission of any single person featured, or the public disclosure of private facts or the disclosure of information gained through unreasonable intrusion. A violation of the right to privacy under this section shall be enforced on a complaint basis. An employee who receives a complaint or a request to remove a picture, video or audio featuring another person, shall promptly remove such content. An employee shall not be subject to discipline under this section unless the employee fails to promptly remove such content or unless the employee acted maliciously in the posting of content featuring another person.
- VII. Not post any information to any blog, social networking site, or other public internet site, that would discredit or disparage the City.

Any employee who identifies himself/herself as a City employee on a social media site either directly (by stating occupation or place of employment) or indirectly (by posting a photo of the employee in a City uniform or in clothing with a City logo), or whose affiliation with the City is known or can readily be inferred shall with regard to their activities on social media:

- a. Not use ethnic slurs, profanity, or statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, or any protected class of individuals.
- b. Not post any material or engage in any speech containing obscene or sexually explicit language, images, or acts.

(7) Emergency Use. If social media is used during an emergency, it shall be considered a record and shall be maintained as such.

(h) Text Messages / SMS. Employees and appointed and elected officials may use text messaging technologies where informal communication is appropriate in the conduct of City business. Text messaging shall be treated in the same manner as a phone conversation. No record of correspondence is retained once the text message has been deleted from the sending or receiving device.

Employees and appointed and elected officials are responsible for capturing information contained in a text message where that message is pertinent to City business and where, in their best judgment, the information should be retained. Text messages retained on the sending or receiving device may be reviewed as part of investigations into work related misconduct including but not limited to personnel matters, litigation disclosure, and forensic analysis,

whether or not legal action may be required to obtain those records not contained on City owned devices.

7.100. Information to the Public

It is the policy of South Weber City that City departments and other government agencies may submit information about events, programs, policies, and other items to be disseminated to the public to increase community awareness.

1. All information for the Community Newsletter, updates, utility bills, special flyers, and employee newsletters must be approved by the City Manager.
 - a. Information for the above-listed items must be submitted according to deadlines established by the City Manager.
 - b. Information for the above-listed items must meet a City purpose. No private information will be accepted.
 - c. Information for the above-listed items should be submitted through electronic format whenever possible.
 - d. Information submitted for the above-listed items is subject to editing and redesign.
2. Non-City flyers, advertisements, and/or notices will not be accepted in the Community Newsletter, utility bills, etc. unless otherwise authorized by the City Manager.

7.110. Use of City Vehicles.

(a) Purpose. The purpose of this Section is to establish guidelines for the use of City vehicles by employees. Employees using City vehicles shall comply with this Policy. Employees failing to operate City vehicles in compliance with this Policy shall be subject to disciplinary action.

(b) Official City Business. Except as provided in Subsection (k), the use of City vehicles by employees shall be limited to official City business, provided that reasonable incidental stops may be made while in route of City business or during break or lunch periods. City vehicles are not to be taken outside of the City limits without Supervisor approval. Any questionable situations should be cleared with the City Manager or his designee.

(c) Use Agreement and Driver's License Verification. Each employee using a City vehicle shall sign a Vehicle Use Agreement and Driver's License Verification Form prior to using a City vehicle and shall carry a valid Utah Driver's License corresponding to the type of vehicle being operated. The City shall have the right to review the driving records of all employees before hire and annually in order to identify unsafe or uninsurable drivers. City employees required to operate City vehicles as a function of their jobs, who are found to have poor driving records, may be subject to disciplinary action up to and including termination. Any employee having his or her Driver's License suspended or revoked shall immediately report such suspension or revocation to the Department Head.

(d) Authorized Passengers. Non-City persons may only ride in City vehicles in connection with official City business and when accompanied by a City employee. No other persons such as

family or friends of employees or strangers are permitted to ride in City vehicles unless otherwise authorized by the City Manager.

(e) Parking and Operation. All employees using City vehicles shall operate the vehicles in a safe manner and in accordance with all state and local traffic regulations, including, but not limited to, all posted and required speed limits. Employees shall exercise defensive driving skills to prevent accidents and shall wear a seat belt at all times the vehicle is in operation. The employee shall be responsible for any citation or parking ticket received for non-compliance with such regulations.

(f) Secured Loads. Drivers of City vehicles shall be responsible to secure all loads adequately to ensure that items in their vehicles do not fall off or blow off in transit.

(g) Vehicle Maintenance. Employees are responsible for the daily care and general maintenance of City vehicles under their control or assigned to them, provided however, that no repair or other alteration to the vehicle shall be made without authorization from their Supervisor. Any suspicions regarding mechanical problems or any equipment breakdown, defect, or failure involving a City vehicle shall be reported immediately to their Supervisor. No Supervisor should knowingly require a subordinate to operate an unsafe vehicle or equipment.

(h) Vehicle Abuse. Any employee abusing a City vehicle shall be subject to disciplinary action. Vehicle abuse includes any intentional or unintentional misuse or misapplication of any City vehicle for a purpose other than that for which it was intended. Vehicle abuse shall include, but shall not be limited to, failure to provide proper maintenance of the vehicle such as checking the oil, tires, and windows, and failure to observe normal driver responsibility.

(i) Accidents. Employees shall not admit fault to an accident. Employees shall immediately report any accident or damage involving a City vehicle to their Supervisor in accordance with the accident reporting procedures set forth in Chapter 8.

(j) Take-Home Vehicle Use. Employees who are issued a City vehicle shall not be permitted to use the City vehicle for commuting to and from work. All City vehicles shall be parked and locked nightly either at the Public Works building or City Hall.

(k) Private Vehicle Use. When circumstances require an employee to use his or her private vehicle for City business, the employee shall be paid mileage reimbursement approved by the Department Head in the amount specified in the Internal Revenue Code. Employees shall be required to maintain appropriate insurance for such vehicles and shall be responsible and liable for any damage to the same.

(l) Minors. Employees must be 17 years of age or older to drive a city vehicle on public roads as part of their employment. A 17-year-old employee may drive on public roads only if the following requirements are met:

- (1) Driving is limited to daylight hours.
- (2) The employee has a license valid for the type of vehicle being driven.

(3) The employee has successfully completed a state approved driver education course and has no record of moving violation at time of hire.

(4) The vehicle does not exceed 6000 lbs. GVW.

(5) All occupants must be in seat belts when vehicle is moving.

(6) Driving is only occasional and incidental.

(7) The minor driver may not do the following:

- (i) Operate any other vehicle besides automobiles and trucks on public roads.
- (ii) Transport more than three passengers, including fellow employees.
- (iii) Drive more than 30 miles from the City shop.
- (iv) Talking on the phone or texting while driving.
- (v) Use headphones or other devices that can impair hearing.

(m) Use of Cell Phones and other Mobile Devices. Employees are prohibited from talking, texting, reading emails, and performing any other activity with a cell phone or any other mobile device while operating City vehicles and mechanical equipment. Employees who need to use a cell phone or other mobile device shall first stop the vehicle or mechanical equipment in a safe location and put the vehicle in park prior to using the device.

(n) Safety Belt Policy

In order to reduce unnecessary risk to employees and the City, it is the policy of South Weber City that all employees use available safety belts while traveling in City vehicles for or on City business.

1. All occupants of vehicles owned by the City shall use available front and rear safety belts in a proper way as long as the vehicle is in mobile operation.
2. A City vehicle should never have more passengers than there are seatbelts.
3. Occupants of privately-owned vehicles whether operated at personal or City expense shall abide by the above-stated guideline while on City business.
4. Appropriate disciplinary action may be taken for violations of this Policy. Such action may include loss or reduction of workers' compensation benefits for injuries suffered that are in violation of this Policy.
5. City employees shall not operate a City vehicle in a manner that would violate city, state, and/or federal laws.
6. The Risk Manager shall develop the means to periodically audit the implementation of this Policy.

(o) **Violations.** Employees who violate these directives are subject to disciplinary action, up to and including termination.

7.120. Equipment Use Policy.

(a) Use of City Equipment

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Operators of equipment within the City shall be trained and certified to operate such equipment. Appropriate training records should be maintained by the department.

(b) Use of City Computers

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Personal use of South Weber City computer software and applications must comply with the South Weber City Acceptable Use Policy (see Exhibit C & D), 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 South Weber City business due to volume, timing, or frequency is considered an unacceptable use of South Weber City resources.

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Costs associated with applications downloaded to South Weber 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 South Weber City employees. Installation of employee personal printers must be pre-authorized.

(c) Personal Use of Printers, Photocopy and Fax Machines

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Photocopiers and printers are primarily reserved for city use; however, personal copies and printed materials can be made at the cost found in the City's Consolidated Fee Schedule, 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 South Weber City.

7.130. Drug and Alcohol Policy.

(a) Purpose. It is the purpose of this Policy to provide guidelines for the implementation and management of a drug and alcohol testing program for the City. This Policy is intended to provide a safer and more efficient work force by avoiding the negative circumstances created by employee drug and alcohol abuse. The provisions of this Policy are intended and shall be interpreted to be in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act.

(b) Definitions. As used in this Policy, the following words shall have the following meaning:

- (1) "Alcohol"** means the intoxicating agent in beverage alcohol, beer, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- (2) "Drugs"** means any substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other recognized drug compendia, or supplement to such compendia, and its metabolite.
- (3) "Employee"** means any full-time, part-time, introductory, or limited employee of the City and any person employed by or providing services for the City in a safety sensitive position.
- (4) "Employer"** means South Weber City (hereinafter referred to as "the City").
- (5) "Prospective Employee"** means any person who has made application for full-time, part-time, or safety sensitive position of employment or volunteer services with the City and who has been selected as a final applicant by the City.
- (6) "Refusal to Submit"** to a test means that the employee (1) fails to provide adequate breath for alcohol testing as required herein without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required herein without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.
- (7) "Sample"** means urine, blood, breath, saliva, or hair.
- (8) "Safety-Sensitive Position"** means any position involving duties which directly affect the safety of governmental employees or the general public, or positions where there is access to controlled substances during the course of performing job duties.
- (9) "Utah Local Governmental Entity Drug-Free Workplace Act"** means the Drug-Free Workplace Act set forth at Utah Code Ann. § 34-41-101, et seq., as amended.

(c) Applicability. This Drug and Alcohol Testing Policy shall apply to all City employees, including those City employees who are required to comply with the DOT Drug and Alcohol Testing Policy, to the extent permitted therein.

(d) Policy. Alcohol or drug abuse can impair an employee's ability to perform the functions of the particular job safely and effectively; increase accidents, absenteeism, and substandard performance; create poor employee morale; and/or undermine public confidence in the City's work force. It is the Policy of the City to employ a work force and create a workplace free from such adverse effects of alcohol and drug abuse. Violation of this Policy may be cause for disciplinary action up to and including termination.

(e) Regulations. No employee of the City may possess, sell, or be under the influence of any drugs or alcohol during working hours, when conducting City business, or while on City premises, as shown by the presence of such substances or their metabolites in the employee's system.

Off-the-job drug use and/or alcohol consumption, which affects an employee's job performance, jeopardizes the safety of employees, the public, or City equipment or results in behavior that is a discredit to the City, is prohibited. An employee who is on-call shall not consume alcohol or any drug which may impair his/her ability to perform assigned duties. Any employee who is called back to work during non-scheduled work hours and has recently consumed alcohol or drugs which impair his/her ability to safely perform his/her duties shall notify the Supervisor of the impairment and shall not report to work. An employee who is convicted of a drug or alcohol related offense shall provide notice to the City in writing of the conviction.

Employees in safety sensitive positions or who drive City vehicles as part of their job duties shall notify their Supervisor before beginning work, or during the work shift, when taking any medication or drugs, whether prescribed or not, that may cause a safety hazard. An employee who is injured in a work-related accident and is found to be in violation of any of the above provisions may have his/her worker's compensation disability benefits reduced.

An employee who is a drug user or alcohol abuser is encouraged to seek help either through the City's Employee Assistance Plan or through other community resources. An employee who violates any of the above provisions shall be subject to disciplinary action up to and including termination in accordance with the City's Personnel Policies and Procedures.

(f) Testing Required. In accordance with the provisions of this Policy, all prospective and current employees shall be subject to drug and alcohol testing as a condition of hiring and/or continued employment with the City. Failure to comply with this Policy may result in the City refusing to hire a prospective employee or disciplinary action for current employees, up to and including termination.

(g) Basis for Testing. Prospective and current employees shall be subject to testing for the presence of drugs and/or their metabolites and alcohol by the City in accordance with the provisions of this Policy as a condition of hiring, continued employment, and voluntary services for any of the following reasons.

(1) Pre-Employment. Final applicants selected for any full-time, part-time, or safety sensitive position with the City shall be subject to drug testing as a condition of employment.

(2) Pre-Announced Periodic. Employees may be subject to pre-selected and pre-announced drug and alcohol testing as a condition of continued employment conducted on a regular schedule.

(3) Accidents. Employees involved in any work-related accident involving the loss of life or substantial harm to any person or property shall be subject to drug and alcohol testing as determined by the employee's immediate Supervisor or City Manager.

(4) Reasonable Suspicion. Employees acting in a manner which raises reasonable suspicion that the employee has improperly used or reported to work under the influence of drugs or alcohol shall be subject to drug and alcohol testing. "Reasonable Suspicion" shall be determined by the Supervising Agent and shall mean an articulated belief based upon recorded facts and reasonable inferences drawn from those facts that the employee is in violation of this Policy.

(5) Random. Employees shall be subject to unannounced drug and alcohol testing. Employees shall be selected for random testing by using a method uninfluenced by any personal characteristics other than job category.

(6) Rehabilitation. Employees in any rehabilitation program shall be subject to drug and alcohol testing in accordance with the program requirements. Rehabilitation testing means unannounced, but pre-selected drug or alcohol testing done as part of a program of counseling, education, and treatment of an employee in conjunction with this Policy.

(7) Compliance. Employees shall be subject to drug and alcohol testing when required by state or federal law. See DOT Drug and Alcohol Testing Policy regarding additional drug and alcohol testing requirements for employees subject to commercial driver's license requirements under the Omnibus Transportation Employees Testing Act and the Department of Transportation Regulations enacted thereunder.

(h) Testing Procedures.

(1) Consent. Prior to submitting to a drug and alcohol test required herein, prospective, or current employees shall sign a Consent Form authorizing the test, permitting the release of test results to the appropriate personnel, and providing the prospective or current employee the opportunity to explain or provide information the employee considers relevant to the test, including current or recent use of prescription and non-prescription drugs or other relevant medical information.

(2) Collection. All sample collection for drugs and alcohol testing under this Policy shall be performed under reasonable and sanitary conditions. Sample collection, documentation, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification,

contamination, or adulteration and which ensures the privacy of the individual being tested. The instructions, chain of custody forms, and collection kits, including bottles and seals used for sample collection shall be prepared by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. Sample collection shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an entity independent of the City.

(3) Samples. Employees shall submit a split urine sample for drug testing or retesting as required herein. The urine sample shall be divided into two specimen bottles by the collection entity in accordance with the Utah Governmental Entity Drug-Free Workplace Act. Employees shall submit to a breath alcohol test for alcohol testing required herein.

(4) Testing. Sample drug testing shall conform to scientifically accepted analytical methods and procedures and shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology.

(5) Time. Any drug or alcohol testing required by the City under this Policy shall occur during or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

(6) Costs. Except as otherwise provided, the City shall pay all costs of sample collection and testing required herein, including the cost of transporting current employees to the testing site if the testing is conducted at a place other than the work site.

(i) Results.

(1) Positive Results. Positive test results shall refer to those test results that meet or exceed the standard permissible levels of substance in the body as set forth in the Federal DOT Rules and Regulations if addressed therein, or by standards adopted by the State of Utah if not addressed by the Federal DOT Rules and Regulations. Specifically, an employee's alcohol concentration shall not exceed the limits set forth in Subsection (e) of the City's DOT Drug and Alcohol Testing Policy.

(2) Notice. Prospective and current employees shall be notified as soon as possible of any positive test results conducted in accordance with this Policy by telephone or in writing at their last-known telephone number and address and told of his or her option to have the split urine sample tested as provided in Subsection (4).

(3) Confirmation. Before the result of any test required herein may be used as a basis for action by the City, the positive test result shall be verified or confirmed using a gas chromatography, a gas chromatography-mass spectroscopy, or other comparably reliable analytical method.

(4) Second Test Option. If the test results of the urine sample indicate the presence of drugs or their metabolites, the donor of the test shall have seventy-two (72) hours from the time he or she is notified of such results to request, at his or her option, to have the split urine sample tested. The cost of the second test shall be paid by the donor, unless the second sample tests negative, in which case the City shall pay for the cost of the second test. In addition to the initial test results, the test results of the split sample shall be considered at any subsequent disciplinary hearing if the requirements of this Policy have been complied with in the collection, handling, and testing of the samples.

(j) Action.

(1) Discipline or Refusal to Hire. The City may use confirmed positive test results, or any refusal of a prospective or current employee to take the test or to sign the Consent and Release Form, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees.

(2) Rehabilitation. The City may also require that an employee rendering positive test results under this Policy enroll in a City-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, at the expense of the employee and as a condition of continued employment.

(3) Procedure. Any disciplinary action taken by the City for violation of this Policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and proper appeal proceedings.

(k) Policy Distribution. This Policy shall be distributed to employees and made available for review by prospective employees.

(l) Records. The use and disposition of all drug and alcohol test results and records shall be considered confidential and are subject to the limitations of the Utah Government Records Access and Management Act and the Americans with Disabilities Act.

(m) Prescribed Drug Use. This Policy shall not apply to the proper use of drugs prescribed to an employee by a licensed physician who has been informed of the employee's occupation and job duties and is of the opinion that the employee can safely work while taking the prescribed drug. All employees shall inform the licensed physician of the employee's occupation and job duties and ask the physician if the employee can safely perform such duties while taking the prescribed drug. If the licensed physician is of the opinion that the employee cannot safely work or perform his or her job duties while taking the prescribed drug, the employee shall report the prescribed drug use and the physician's opinion regarding its use in writing to the employee's Supervisor or the City Manager prior to performing any work for the City.

(n) Disclaimers.

(1) Physician/Patient Relationship. A physician/patient relationship is not created between a prospective or current employee and the City or any person performing the test, solely by this Policy and the procedures set forth herein.

(2) Disabled. A prospective or current employee shall not be considered "disabled" for purposes of the Utah Anti-Discriminatory Act or the Americans with Disabilities Act solely by reason of testing positive under the terms of this Policy.

(3) Law Enforcement. The provisions of this Policy shall not apply to the possession of drugs or alcohol by law enforcement officers during the performance of and in the normal course of their duties for purposes of confiscation, undercover operations, and training.

7.140. Department of Transportation (DOT) Drug and Alcohol Testing.

(a) Purpose. It is the purpose of this Policy to provide guidelines for the implementation and management of a drug and alcohol testing program for City employees who are subject to the Commercial Driver's License drug and alcohol testing requirements under the federal Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation Regulations promulgated thereunder. The provisions of this Policy are intended and shall be interpreted in accordance with the Omnibus Transportation Act and the Department of Transportation Regulations as defined herein.

(b) Applicability. This Policy applies to all City employees who operate a commercial motor vehicle in commerce and who are subject to the Commercial Driver's License requirements of the Department of Transportation, hereinafter "CDL Employees." All other employees shall comply with the Drug and Alcohol Testing Policy rather than the provisions set forth herein. All City CDL employees shall be subject to the testing requirements of this Policy and the City Drug and Alcohol Testing Policy, subject to the following limitation. When the provisions of this Policy are applicable to a certain situation, this Policy shall be complied with and no other testing requirements may be imposed. However, when provisions of this Policy do not apply to a situation which is otherwise covered by the City's Drug and Alcohol Policy, CDL employees shall be subject to testing under the City's Drug and Alcohol Policy. For instance, if a CDL employee is involved in an accident involving loss of life requiring testing under this Policy, the employee would be subject to testing under this Policy and not subject to testing under the other Policy. However, if the employee is involved in an accident not requiring testing under this Policy but requiring testing under the other Policy, the CDL employee would be subject to testing under the other Policy. In any case, if there is any conflict between this Policy and any other Policy or regulation of the City, the requirements of this Policy shall control and no other testing requirements shall be imposed which would conflict or hinder compliance with this Policy.

(c) Policy. Alcohol or controlled substance abuse in the workplace is a threat to the safety, health, and job performance of employees and it is the Policy of the City to employ a work force and create a workplace free from such adverse effects of alcohol and controlled substance abuse. It is further the Policy of the City to balance the employee's privacy interest with the City's need to comply with the DOT Regulations and testing requirements for employees subject

to the Commercial Driver's License requirements. Violation of this Policy may be cause for disciplinary action up to and including termination.

(d) Definitions. As used in this Policy, the following words shall have the following meanings:

- (1) "Alcohol"** means the intoxicating agent in beverage alcohol, beer, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- (2) "Consortium"** means an entity that provides alcohol or controlled substances testing as required by the Department of Transportation rules and regulations and that acts on behalf of the City for conducting such tests.
- (3) "Controlled Substances"** shall include marijuana, cocaine, opiates, amphetamines, phencyclidine, their metabolites, and any other controlled substance or its metabolite designated for required testing by the DOT Regulations. Specimens collected under this Policy may only be used to test for controlled substances and their metabolites as defined herein and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by DOT Regulations.
- (4) "DOT Regulations"** means the rules and regulations promulgated by the U.S. Department of Transportation for alcohol and controlled substance testing requirements for employees subject to the Commercial Driver's License requirements pursuant to the Omnibus Transportation Act of 1991, including, but not limited to §§ 49 C.F.R. 40 and 49 C.F.R. 382, as amended.
- (5) "Employee"** means any person in the service of the City who is required as part of his or her job duties to operate a commercial motor vehicle in commerce and is subject to the Commercial Driver's License requirements of § 49 C.F.R. 383, as amended.
- (6) "FHWA"** means the Federal Highway Administration.
- (7) "Refusal to Submit"** to a test means that the employee: (1) fails to provide adequate breath for alcohol testing as required by the DOT Regulations without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required by the DOT Regulations without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.
- (8) "Safety-Sensitive Functions"** means any duties requiring a Commercial Driver's License or other duties deemed safety-sensitive under the DOT Regulations. An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- (9) "Substance Abuse Professional"** means a licensed physician or licensed or certified psychologist, social worker, employee assistance professional, or addiction

counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders as defined in the DOT Regulations.

(e) Prohibitions.

(1) Alcohol Concentration. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

(2) On-Duty Alcohol Use. No employee shall use alcohol while performing safety-sensitive functions.

(3) Pre-Duty Alcohol Use. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.

(4) Post-Accident Use. No employee may use alcohol for eight (8) hours following an accident in which the employee is required to take a post-accident test, or until he or she undergoes the post-accident test.

(5) Controlled Substance Use. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances, as shown by the presence of drugs or their metabolites in the employee's system, except when the use is pursuant to the instructions of a physician as set forth herein.

(6) Controlled Substance Testing. No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances or their metabolites in the employee's system.

(7) Refusal to Submit. No employee shall refuse to undergo a required alcohol or controlled substance test.

(f) Testing Required. All employees subject to this Policy are required to abide by this Policy and the testing requirements set forth herein as a condition of employment. Employees shall be subject to pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return-to-duty testing, and follow-up testing as set forth herein. Prior to submitting to testing required herein, employees shall sign a Consent Form authorizing the test and permitting release of the test results to appropriate personnel.

(g) Pre-Employment Drug Testing. Prior to the first time an employee performs a safety-sensitive function for the City, the employee shall undergo testing for controlled substances. The City shall not allow an employee to perform a safety-sensitive function unless the employee has been administered and the City has received a controlled substance test result from a Medical Review Officer indicating a verified negative test result. A controlled substance test may not be required if the employee has participated in a drug testing program that meets the DOT Regulations within the previous thirty (30) days and all other exception requirements as set forth in the DOT Regulations are satisfied.

(h) Random Testing.

(1) Required Alcohol Testing. Except as otherwise provided by the DOT Regulations, at least twenty-five percent (25%), of the number of City CDL employees, shall be randomly tested for alcohol each year in accordance with the DOT Regulations.

(2) Required Controlled Substance Testing. Except as otherwise provided by the DOT Regulations, at least fifty percent (50%) of the number of City CDL employees shall be randomly tested for controlled substances each year in accordance with the DOT Regulations.

(3) Selection Technique. The selection of employees for random alcohol and controlled substance testing shall be made by a scientifically valid method, such as a random number table or computer-based random number generator that is matched with the employee's Social Security number, or other comparable identifying numbers. Under the selection procedure, each employee shall have an equal chance of being tested each time selections are made.

(4) Unannounced Tests. Random alcohol and controlled substances tests conducted hereunder shall be unannounced and the dates for administering the tests should be spread reasonably throughout the calendar year. An employee notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately.

(5) Time for Alcohol Testing. Employees shall be randomly tested for alcohol only while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

(6) Consortium. The City may contract with a consortium to administer and manage its random drug and alcohol testing requirements.

(i) Reasonable Suspicion Testing.

(1) Testing Required. Employees shall submit to an alcohol and/or controlled substances test when a trained and approved Supervisor has reasonable suspicion to believe that the employee has violated the prohibitions of this Policy.

(2) Reasonable Suspicion. The Supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion observations for use of controlled substances in violation of this Policy may include indications of the chronic and withdrawal effects of controlled substances.

(3) Suspicion Form. The Supervisor shall complete a signed and written record of his or her observations leading to a controlled substance or alcohol test under reasonable

suspicion using a "Reasonable Suspicion Form" prepared by the City within twenty-four (24) hours of the determination or before the results of the test are announced, whichever is earlier.

(4) Alcohol Testing Requirements. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee. Alcohol testing under reasonable suspicion must be made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with this Policy.

(5) Time Limit for Alcohol Test. If a test required by this Section is not administered within two (2) hours following the determination of reasonable suspicion, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this Section is not administered within eight (8) hours following the determination, the City shall cease attempts to administer an alcohol test and shall prepare and maintain a record regarding the same.

(6) Records. Records required to be maintained under this Section shall be submitted to the FHWA in accordance with the DOT Regulations.

(7) Performance. Notwithstanding the absence of a reasonable suspicion alcohol test under this Section, no employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the employee to perform or continue to perform such functions until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

(8) Action. The City shall not take any action under this Section against an employee based solely on the employee's behavior and appearance, with respect to alcohol or controlled substance use, until an alcohol and/or controlled substance test has been conducted and confirmed in accordance with this Policy.

(j) Post-Accident Testing.

(1) Testing. As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances of each surviving driver when:

- (i) the driver was performing a safety-sensitive function with respect to the vehicle and the accident involved loss of human life; or
- (ii) the driver receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved; or

(iii) bodily injury is sustained by any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(iv) one or more motor vehicles incurs disabling damage as a result of the accident, as defined by the DOT Regulations, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) Available for Testing. An employee subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to the testing. Nothing in this Section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

(3) Time Limit for Alcohol Test. If a test required by this Section is not administered within two (2) hours following the accident, the City or its agent shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this Section is not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain a record regarding the same.

(4) Time Limit for Controlled Substance Test. If a test required by this Section is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered as set forth in Subsection (3).

(5) Records. Records required to be maintained under this Section shall be submitted to the FHWA in accordance with the DOT Regulations.

(k) Return to Duty Testing.

(1) Alcohol Testing Required. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subsection (e) concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(2) Controlled Substance Testing. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subsection (e) concerning controlled substances, the employee shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

(l) Follow-Up Testing.

(1) Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances in accordance with provisions set forth herein, the employee shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional consisting of at least six (6) tests in the first twelve (12) months following the employee's return to duty and in accordance with the DOT Regulations.

(2) **Time for Testing.** Follow-up testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

(m) Testing Procedures. All testing conducted under this Policy shall comply with the alcohol or controlled substance testing procedures set forth in the DOT Regulation, including but not limited to § 49 C.F.R. 40, as amended. All procedures used for testing shall be conducted in a manner which protects the employee and the integrity of the testing processes, safeguards the validity of the test results, and ensures that the results are attributed to the correct employee. Employees shall be notified of any positive alcohol or controlled substance test results in accordance with the DOT Regulations.

(n) Confirmation Tests. Alcohol tests with a result of 0.02 or greater shall be confirmed by a second test that provides quantitative data of the alcohol concentration. Controlled substances tests with a positive result shall be confirmed by a second analytical procedure to identify the presences of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from the screen test in order to ensure reliability and accuracy.

(o) Results. No employee shall be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by this Policy until the procedures set forth herein are complied with. Any employee found to have violated the prohibitions set forth in Subsection (e) shall be removed immediately from safety-sensitive functions and shall be required to undergo evaluation and treatment set forth herein. Any employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, shall not be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. No other action shall be taken against the employee for test results showing an alcohol concentration of less than 0.04, unless otherwise authorized by law or City Policy.

(p) Referral. Each employee who has engaged in prohibited conduct under Subsection (e) of this Policy shall be advised by the City of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

(q) Evaluation. Each driver who engages in conduct prohibited by Subsection (e) of this Policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

(r) Treatment. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substance tests in accordance with this Policy. Evaluation and follow-up testing required herein shall be at the expense of the employee.

(s) Action. The City may use confirmed positive test results, or any refusal of a prospective or current employee to take the test, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees. Any disciplinary action taken by the City for violation of this Policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and proper appeal proceedings.

(t) Policy Distribution. Educational materials, including this Policy, shall be distributed to all City employees subject to the requirements set forth herein. Each employee shall be responsible for reading this Policy and shall file an Employee Acknowledgment Form with the City certifying that he or she has received a copy of this Policy. Any employee questions regarding this Policy or the DOT Regulations may be addressed to the City Manager.

(u) Records and Confidentiality. The City shall maintain records of its alcohol misuse and controlled substances use program in accordance with the DOT Regulations and for the time periods required therein. The records shall be considered confidential and shall be maintained in a secure location, separate from other personnel records, with controlled access. Confidential records will be shared on a need-to-know basis only, provided that the employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substance, including any records pertaining to his or her alcohol or controlled substances tests.

(v) Prescribed Drug Use. Employees taking prescribed medications may not report to duty unless the employee advises the physician of the employee's occupation and job duties and the physician is of the opinion that the employee can safely perform such job duties while taking the prescribed drug. If the licensed physician is of the opinion that the employee cannot safely work or perform the employee's job duties while taking the prescribed drug, the employee shall report the prescribed drug use and the physician's opinion regarding its use in writing to the employee's Supervisor or the City Manager prior to performing any work for the City.

(w) Background Checks. The City shall follow the requirements for background checks for employees with past substance abuse violations in accordance with the DOT Regulations. Prospective employees shall complete and sign a Release Form to allow the City to review previous test results in accordance with the DOT Regulations. The City shall not use an

employee to perform safety-sensitive functions if the City obtains information on the employee's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested by the employee, without obtaining information on a subsequent substance abuse professional evaluation and/or determination and compliance with the DOT Regulations for return to duty testing.

7.150. No Smoking Policy

1. In order to conform with local, state, and federal law, and to eliminate the health hazards of passive smoking, it is the policy of South Weber City that smoking shall not be permitted in City buildings, vehicles, and facilities. Smoking shall not be permitted in any City building, vehicle, or facility, including maintenance areas. Smoking at the City Center complex or outside of any other City buildings shall only be permitted in areas designated by ordinance.
2. Department Directors responsible for a building (FAC, Fire Station) and/or facility shall place cigarette butt receptacles and "no smoking" notices at each main entrance to the building.

7.160. Notary Public Services Policy

It is the policy of South Weber City that all certified notaries employed as part of the South Weber City Administrative Office adhere to the highest standards of competence and responsibility in the providing of notary public services. Notaries Public of the aforementioned office shall never:

- a. Perform, nor be instructed to perform, any notarial act which the notary or the notary's Supervisor knows to be false or violates notary law or correct procedures; and/or
- b. Notarize any signature without the maker of the signature first appearing personally before the notary;

Notaries public of above referenced office shall:

- a. Exercise reasonable care to properly verify the identity of the maker of the signature by means of personal knowledge or by valid satisfactory evidence;
- b. Correctly maintain a notary journal of all notarial acts they perform;
- c. Refuse to execute a notarial certificate on any document the truth or legality which is uncertain; and
- d. Exercise diligence and utmost care in the performance of all notarial acts.

7.170 Reporting Fraud and Abuse

(A) Definition

"Improper governmental action" means any action by a South Weber 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.

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(B) 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 supervisor/city manager/city manager's designee shall take prompt action to assist South Weber City in properly investigating the report of improper governmental action. South Weber 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.

South Weber City employees may report information about improper governmental action directly to the city attorney, 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.

South Weber 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 South Weber City in these procedures.

(C) 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 who shall provide a copy to the person charged with a violation. The complainant shall provide the city manager 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 South Weber City

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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. South Weber 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 South Weber City policy. A thorough investigation of complaints is South Weber City's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, South Weber 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 the Internal Auditor, 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.

(D) 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.

7.180 City Hotline

(A) Introduction

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

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- 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

(B) Filing a Complaint

Complaints should be submitted in writing using the attached form (Exhibit E). 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 South Weber 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: [Hotline@southwebercity.com

US Mail: South Weber City, Attn: Internal Auditor, 1600 E South Weber Dr, South Weber, UT 84405

(C) Entity Processing of a Hotline Complaint

1. After receipt of the complaint, the Internal Auditor 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 South Weber 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.

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- 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

(D) Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting government waste or violations of law in good faith, 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

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have given written notice or otherwise formally communicated the conduct to the entity (see *Utah Code* § 67-21-3(1)(b)(iv)(A) for more information).

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.

7.190 sh Receipting and Deposit

(A) Purpose

Establish a uniform control design for all departments of South Weber City that receive cash. This policy has been developed by the Finance Director with input received from the City Treasurer, 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 Treasurer will propose changes to the City Council for review and approval.

(a) Cash Receipts at non-City Hall Locations

1. All funds received are entered into the accounting system at the time of the transaction, or in the case of the Family Activity Center (FAC) into an accounting sub-system. 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 someone who does not receive cash. If an office does not have enough employees to have adjustments made by a supervisor that does not 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.

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- 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 brought to the Treasurer's office in the same day.
- 5. When deposits are made with the Treasurer's office the employee making the deposit will turn over the funds and watch as it is counted, receive a receipt detailing the amount, date of receipt and the signature of the Treasurer's office employee who took custody of the funds. This receipt will be returned to the location and kept with the receipt records. Any discrepancy in the funds being deposited and the supporting documentation should occur when custody of the funds changes.
- 6. The Treasurer's office enters the deposit into the accounting system and takes funds to the bank.
- 7. 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.

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(b) Deposits with Treasurer

- 1. Treasurer's office employee will receive FAC 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 or designee 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.

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7.200 Conflict of Interest

(A) Overview

South Weber 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.

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(B) 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.

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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.

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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 and notarized. Completed Forms shall be submitted to the City Recorder and made available to the public upon request.

h. The City Recorder shall provide copies of all completed Forms to the South Weber City Mayor at the end of January each year.

i. The City Council Chair shall review all completed forms and consider the disclosures. The City Council Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the City.

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CHAPTER 8: SAFETY

- 8.010. Employee Duties.**
- 8.020. Report of Accident.**
- 8.030. Risk Management Policies.**
- 8.040. Occupational Injuries and Accidents**
- 8.050. Workers' Compensation Claims**
- 8.060. Medical Examinations.**
- 8.070. Claims and Lawsuits**

8.010. Employee Duties.

Employees shall implement safety precautions at all times and must be aware of conditions that may be hazardous. Any unsafe conditions should be reported immediately to a Supervisor or the City Manager and reasonable measures should be taken to remedy the hazardous condition. Employees shall maintain their work area in a clean and safe condition and shall adhere to all requirements of City safety rules and regulations. Failure to comply with such safety provisions may result in disciplinary action up to and including termination.

8.020. Report of Accident.

(a) Accident Defined. For purposes of this Section, accident shall be defined as any incident where possible damage to property, injury to personnel, or possible liability against the City may result. Accidents are not limited to automobile accidents, but include collision with stationary objects, individuals falling on stairs or walkways, etc.

(b) Reporting. All accidents or injuries shall be reported immediately to a Supervisor. When deemed necessary by the Supervisor, a written report shall be prepared by the employee and submitted to their Supervisor within twenty-four (24) hours from the occurrence. Any Supervisor who receives a written report of an accident or injury shall immediately refer the matter to the City Manager. Upon receiving notice of an accident or injury and the employee's written report of the incident, and when deemed necessary, the employee's Supervisor or City Manager, as the case may be, shall fill out an Accident Report Form, including a description of the date, time, place, witnesses, circumstances, and extent of injury. The Accident Report Form should be filled out within five (5) days of the occurrence of the accident. An employee's failure to report an accident or injury may result in denial of a Worker's Compensation claim and may result in disciplinary action up to and including termination. Employees shall not admit fault to an accident.

(c) Manager Responsibility. All claims for damages, either for or against the City, as a result of an accident, and all communications and correspondence with insurance companies, attorneys and other third parties regarding accidents or injuries shall be handled by the City Manager's Office on behalf of the City. Unless otherwise authorized, employees should not discuss such matters with outside parties and shall refer all such inquiries to the City Manager.

(d) Vehicle Accidents. In addition to the above requirements, an employee involved in an accident involving a City vehicle, should immediately call the police and should not attempt to move any vehicles involved in the accident. All accidents involving City vehicles must be immediately reported to the City Manager regardless of the amount of damage. Employees shall not admit fault to an accident.

(e) Drug Testing. Employees involved in any work-related accident involving the loss of life or substantial damage/harm to any person or property, as determined by the employee's immediate Supervisor or City Manager, shall immediately submit to a drug and alcohol test. For accidents other than those determined to be substantial, the employee's Supervisor, Department Head, or the City Manager may still require the employee submit for drug and alcohol testing.

(f) Threats of Suicide. The appropriate response to a medical emergency or to a situation of imminent suicidal risk is to call 911.

South Weber City employees are advised to report all suicide threats, attempts, and preparatory efforts that occur to the appropriate authorities which may include an emergency contact, designated Employee assistance Program (EAP), etc. This includes incidents that have occurred at work as well as incidents that have occurred away from the workplace.

8.030. Risk Management Policies.

It is the policy of South Weber City to provide a safe work environment, to place responsibility for risk management with each department, to establish a City Risk Management Committee, and to reduce the potential for loss from risk exposures in all city, department, and individual employee activities.

(a) Department policies and programs shall address the following areas of concern:

1. Each Department Director is responsible for risk management in his or her department and shall be responsible to fully implement all applicable Utah Local Governments Trust (ULCT) risk reduction programs.
2. Each Director shall develop and maintain policies and practices designed to meet the particular risk management needs of his or her department. Department Directors shall be responsible for imposing appropriate discipline on employee(s) who violate established safety rules, policies, and/or procedures.
3. Citizen Safety. Department policies and procedures shall be designed to promote the safety and protection of private individuals and property.
4. Employee Safety. Individual employees shall take responsibility for their own safety as well as the safety of other employees, citizens, property, etc. Department policies and procedures shall provide appropriate levels of safety for individual employees. Adequate training, appropriate supervision, reasonable scheduling, proper equipment, and other management tools should be utilized in creating a safe working environment. Safety concerns will include the following:
 - i. All vehicles and equipment will be maintained and operated in a safe manner. Each department shall establish a method for employees to report unsafe equipment and working conditions.

- ii. No employee shall operate or be assigned to operate any vehicle or equipment that is not in safe operating condition as determined by established standards.
- iii. Safety features shall be a factor in the purchase of new equipment and vehicles.
- iv. Department policies and procedures shall be designed to properly maintain City-owned property and equipment.

(b) Risk Management Committee. In order to provide review of accidents a City Risk Management Committee is hereby formed consisting of the City Manager, Finance Director, City Recorder, City Treasurer, and all Department Heads of the City, or their authorized designee.

The Risk Management Committee shall act as the Accident Review Committee that will review each vehicle accident and determine if it was preventable. In making such determinations the Committee shall ascertain the cause of the accident and how similar accidents can be avoided in the future. Any employee involved in an accident may be required to appear before the Risk Management Committee to explain his or her actions and circumstances involved. Each department in the City is expected to maintain a safe workplace for its employees consistent with federal, state, and local safety codes and regulations.

(c) Risk Manager. The Risk Manager is responsible for coordinating risk management activities in the City as follows:

- 1. The City Manager or designee shall act as the City Risk Manager and will be a resource and assist the Risk Management Committee, Departmental Accident Review Committee, Department Directors, and employees in the implementation of risk management and safety programs in their area and in the organization of departmental risk management activities and training.
- 2. The Risk Manager is responsible for overseeing insurance coverage in the City to ensure that coverage is adequate, and policies are kept up to date.
- 3. The Risk Manager shall negotiate claims settlement and resolve claims with the public and employees. The Risk Manager is responsible for reporting all property, liability, and worker's compensation claims to the City's insurance provider(s).

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(d) Safety Incentive Program. A "Safety Incentive Program" has been established for the Public Works Department to motivate and reward employees for maintaining and creating a safe work environment. The goal of the program is to proactively promote safety and to reduce the likelihood for accidents as defined in section 8.020 of this Policy

8.040 Occupational Injuries and Accidents.

It is the policy of South Weber City that occupational injuries and accidents shall immediately be reported to the appropriate City officials. The purpose of this Policy is to provide for immediate notification and reporting of occupational injuries and accidents; and assess unsafe conditions, the extent and nature of injuries, and any liability exposures. Specific reporting policies and practices are as follows:

- 1. Employees shall immediately notify their Supervisor or Department Director of an occupational injury or accident.

2. Employees shall immediately notify the City's Risk Manager of a fatality or serious occupational injury. Serious injury shall include amputations, fractures of major bones (both simple and compound), and hospitalization. The Risk Manager shall immediately notify the Utah Occupational Safety and Health Offices when required by law or regulation.
3. During non-business hours, employees shall also immediately notify the Davis County Sheriff of a fatality or serious occupational injury. The Davis County Sheriff shall also notify the Risk Manager as soon as possible.
4. Upon notification of injury or accident, the Supervisor, Division Manager, or Department Director shall complete the following:
 - i. An ACCIDENT/INCIDENT REPORT filled out by the Supervisor and the employee. The ACCIDENT/INCIDENT report may be completed electronically or in hard copy form.
 - ii. The ACCIDENT/INCIDENT REPORT should be forwarded to the Risk Management office within 48 hours of the accident. Reports that are completed electronically will automatically be forwarded to the Risk Management office.
 - iii. All reports shall be reviewed by the Department Director. This review shall not delay the delivery of the report to the Risk Manager. If this review is not immediately practical, copies of incomplete reports shall be forwarded to the Risk Manager within 48 hours of the accident. Once the review is complete, an updated final copy of the report shall be forwarded to the Risk Management office.
 - iv. Failure to report a work-related injury or illness as outlined in this Policy may result in the delay of Workers' Compensation benefits and may result in disciplinary action. Workers' Compensation claims are to be conducted as outlined in section 5.040. of the South Weber City Policies and Procedures Manual.

8.050 Workers' Compensation Claims

If an Injury Should Occur

An employee, who is injured on-the-job, no matter how slight, must report the incident to their Supervisor immediately. **Employees may lose their right to workers compensation benefits if they fail to report injuries promptly.** Supervisors must contact the Risk Manager immediately if the injury is serious or if time off work is prescribed by a medical doctor. An "Accident/Incident" form must be filled out by the employee and Supervisor on all reported injuries and returned to Risk Manager within 48 hours.

Medical

Employees requiring medical attention for an on-the-job injury that occurs during regular business hours must report to:

**Ogden Intermountain Work Med
1355 Hinckley Drive
Ogden UT, 84401
801-387-6151**

Employees exposed to blood should go to Ogden Regional or McKay-Dee Hospital.

For life or limb threatening accidents/illness, the employee should go to the nearest emergency facility. These emergencies include compound fractures, pelvis and femur fractures, unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord

injury, shock, or poisoning. Call 911 in these instances and the paramedics will direct the care of the employee.

Urgent situations are those requiring immediate care but are not life threatening. Examples include bone fractures other than those listed above or injuries requiring stitches. These types of injuries can be treated at Work Med, **801-387-6151**.

Except in cases of life or limb threatening accidents or illnesses, employees must seek initial medical treatment only from the facilities specifically identified in this Policy (IHC Work Med, Ogden Regional Medical Center, McKay-Dee Hospital, and Davis County Regional Medical Center). If employees seek medical treatment from another provider, employees may be required to pay any charges in excess of the customary charges for the treatment.

Failure to follow the City's Workers' Compensation policies may result in disciplinary action.

Special Medical Procedures

Procedures such as surgery, MRI's, CAT scans, physical therapy, and chiropractic sessions require prior approval from the City's Workers' Compensation Third Party Administrator. If an employee fails to obtain prior approval, the employee may be required to pay the entire bill for the unauthorized services.

Return to Work After a Work-Related Injury

1. **Return to Work – Full Duty:** Immediately following initial treatment for a work-related injury, the employee shall return to work for regular full duty unless directed otherwise by the treating medical provider. The employee shall obtain a written return to work release from the medical provider and shall immediately provide a copy of the work release to the employee's Supervisor and to the Risk Manager. Supervisors shall not allow an employee to return to work unless a written work release is provided from a medical professional.

2. **Return to Work – Modified Duty:** If the treating medical provider places work restrictions on the employee, and the employee is unable to return to full duty, the employee shall return to work either immediately following initial treatment or the next business day regardless of the employee's regular work schedule. The employee shall provide a copy of the written work restrictions to the employee's Supervisor and the Risk Manager.

3. South Weber City has a permissive return to work policy. Temporary transitional assignments are mandatory and, where practical, these assignments will be made available to all injured employees who are unable to immediately return to full duty following a work-related injury. If a transitional assignment is available and the employee chooses not to accept the transitional assignment, the employee shall not be eligible to receive Workers' Compensation wage replacement benefits and will not be allowed to use their accrued sick leave. Temporary transitional assignments shall be given in accordance with the "Return to Work after Serious Injury or Illness" section in this Policy manual.

4. **Return to Work – Off Duty:** Because the City has a permissive return to work policy, it is rare that an employee will be unable to return to a temporary transitional assignment. If an employee receives direction from the treating medical provider to remain off work for a period in excess of one full calendar day, the employee shall immediately notify the Risk Manager.

Payroll for Workers' Compensation Temporary Disability

1. An employee requiring medical attention on the same day as an on-the-job injury should not be charged sick leave or workers' compensation that day. The entire shift should be paid as regular time worked.
2. An employee begins his/her waiting period for workers' compensation wage replacement benefits effective the first full day of time off work due to an on-the-job injury as reported by the doctor. For the purpose of calculating waiting periods days with time off include weekends and unscheduled workdays.
3. The waiting period for workers' compensation wage replacement benefits is three (3) days after the time off work is confirmed by a doctor's report. Days counted as time off do not need to be consecutive. If an employee returns or has been released to return to work, a new doctor's report must confirm time off for further workers' compensation benefits. A full-time employee may use sick or vacation leave during this waiting period.
4. If time off work is required due to a workers' compensation injury, the person preparing payroll must notify the Risk Manager on the day timecards are due. The City's Workers' Compensation Third Party Administrator will determine appropriate waiting periods, leave supplements, and amounts of workers' compensation owed.

Workers' Compensation Temporary & Permanent Disability Benefits

All qualifying workers' compensation disability benefits shall be awarded in accordance to the State of Utah Workers Compensation Act. The City's Workers Compensation Third Party Administrator shall make payment of these benefits.

Reduction, Denial or Loss of Workers' Compensation Benefits

Workers' Compensation benefits may be reduced, denied, or lost as provided by state law. Failure of employees to follow procedures for reporting and processing Workers' Compensation claims as required by state law and the Utah Labor Commission may result in the reduction, denial, or loss of Workers' Compensation benefits. Employees should also be aware that benefits may be in jeopardy when:

1. An employee fails to use or tampers with safety devices provided by the City.
2. An employee fails to obey any order or reasonable rule adopted by the City for the safety of the employee.
3. The major contributing cause of an employee's injury is the employee's use of illegal substances.
4. The major contributing cause of an employee's injury is the intentional abuse of drugs in excess of prescribed therapeutic amounts.
5. The major contributing cause of an employee's injury is intoxication from alcohol.

8.060. Medical Examinations.

Post-offer applicants and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations. An applicant who has received a job offer may be required to undergo a medical examination to demonstrate ability to safely perform the essential functions of the position. Employment offers are contingent upon satisfactory completion of such examinations. As a condition of continued employment, employees may be required to undergo periodic job-related medical examinations in accordance with applicable legal restrictions and requirements. All medical examinations required by the City shall be paid for by the City in accordance with Utah Code Ann. § 34-33-1, as amended. All records regarding medical examinations of applicants and employees shall be maintained as classified in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code Ann. § 63-2-101, et seq., as amended.

8.070. Claims and Lawsuits

In order to protect employees and the City from additional risk by providing timely response to claims and lawsuits through proper claims handling procedures, it is the policy of South Weber City that claims and lawsuits against the City or its employees shall be handled in a systematic and expedient manner.

1. Any employee receiving a claim or notice threatening legal action shall immediately notify the Risk Manager and forward to the Risk Manager all written documents together with a description of the manner in which the claim or notice was received.
2. Upon receiving any claim or notice of legal action, or threat of legal action, the Risk Manager shall:
 - a. Immediately record the claim with the City Recorder's Office.
 - b. Analyze the claim to determine the appropriate action to be taken. Care shall be taken in handling claims so as not to prejudice the City's right to defend itself nor to conflict with the rights and procedures of the City's current insurance carrier.
 - c. Notify the City Attorney's office of serious claims that may develop into lawsuits.
 - d. Notify the Utah Local Governments Trust (ULGT) within one business day of serious occurrences likely to give rise to significant liability. Lawsuits to be covered by ULGT and Notices of Claims to be handled by ULGT are to be sent to ULGT within three business days.
3. The Risk Manager shall manage all claims as follows:
 - a. Obtain the necessary information from the claimant and conduct an in-house investigation.
 - b. Discuss each claim and the pertinent information with the Director of the department affected by the claim. The Risk Manager will seek input from the Department Director before deciding the disposition of the claim.
 - c. Coordinate and subrogate third party claims on behalf of the City.
4. The Risk Manager shall immediately forward all lawsuit documents to the City Attorney and the Utah Local Governments Trust (ULGT) for appropriate action. The City Attorney's and the

Risk Manager shall work in cooperation with the ULGT to conclude the lawsuit and mitigate losses to the City.

5. It is the general policy of the City to defend City employees against claims or actions brought against them as individuals while carrying out City activities unless the actions which bring about the claims or lawsuits are malicious, fraudulent, or occur while the employee is under the influence of alcohol or drugs or the employee is performing duties clearly outside of the assigned course and scope of his or her duties. Employees desiring indemnification shall request it in writing within 10 days of receiving the claim or lawsuit. The written request shall be submitted to the City Attorney.

CHAPTER 9: EVALUATION AND DEVELOPMENT

9.010. Performance Evaluation System.

9.020. Tuition Aid Program.

9.030. Training and Travel.

9.010. Performance Evaluation System.

(a) Purpose. The purpose of this Section is to provide guidelines for the implementation of a City employee performance evaluation system.

(b) Evaluation Periods. Performance evaluations shall be completed for all employees in their introductory period, full-time, and part-time employees at regular basis on forms provided by Personnel for the purposes of recording current job performance, setting goals and objectives, recognizing accomplishments, setting salaries, and acknowledging strengths and/or deficiencies. Performance evaluations shall also serve to assist the employee in improving performance as necessary and to aid the Supervisor in counseling the employee regarding performance and progress. Each employee shall be evaluated in accordance with the provisions set forth herein at the following times:

(1) Introductory Period. Each introductory employee shall be evaluated at the end of the introductory period, and at any other time during the introductory period deemed necessary by the Supervisor, Department Director, or City Manager.

(2) Annual. Each employee shall be evaluated annually in accordance with the City schedule. The requirement for an annual evaluation shall not guarantee that the evaluation will be completed within one year of the previous evaluation in cases where further investigation by the Supervisor is required or when there are extenuating circumstances that prohibit the completion of the evaluation at or near the end of the calendar year.

(3) Additional. Additional evaluations may be conducted during the course of employment due to specific problems related to satisfactory performance related to the duties of the position held; or at any other time at the discretion of a Department Director or the City Manager. Supervisors are encouraged to meet regularly and/or periodically with employees to monitor the progress made towards specified goals and objectives for the employee.

(c) Evaluations. Each employee shall be evaluated by his or her immediate Supervisor according to the performance criteria established by the Department Director. Performance evaluations shall be prepared by the employee's Supervisor and shall be signed by the Supervisor, the City Manager, and the employee. Each evaluation shall be discussed with the employee and the employee shall be given the opportunity to make written comments. If the employee refuses to sign the performance evaluation, it shall be noted on the evaluation. The employee may also add comments as to why the performance evaluation is not being signed.

(d) Evaluation Interview. In addition to filling out an Evaluation Form, the Supervisor shall conduct an in-person interview with each employee under his or her direction wherein the Evaluation Form is reviewed, and the employee is given a chance to comment on the evaluation. The interview should be used to improve communication between the employee and the Supervisor. The parties should discuss the favorable and unfavorable aspects of the employee's performance and set specific goals and objectives for the employee's improvement and development during the next evaluation period.

(e) Evaluation Records. Evaluation records shall be maintained with the employee's personnel records. Such records shall be maintained and accessed in accordance with the Utah Government Records Access and Management Act, as adopted and amended by the City. The employee shall be given a copy of the performance evaluation by the Department Director. Once approved by the Department Director, performance evaluations shall not be changed unless requested by Personnel.

(f) Compensation Based on Performance. Employee pay is based upon employee job performance and the compensation plan as adopted and amended by the City.

9.020. Tuition Aid Program.

(a) Purpose. It is the purpose of this program to provide educational assistance in the form of tuition aid to eligible employees for course work taken at an accredited or approved institution, when funds are available, in order to enhance the abilities of the City work force. It is the intent of this Program to benefit the individual and to benefit the City through the utilization of the employee's newly acquired skills and knowledge. The Program is not intended to train employees for opportunities with other employers or to provide reimbursement for seminars and professional training.

(b) Funds. The City shall allocate in its annual budget funds deemed appropriate for the Tuition Aid Program. All Tuition Aid shall be contingent upon sufficient funds allocated by the City.

(c) Eligibility. In order to be eligible for Tuition Aid, employees must be full-time employees of the City in good standing and must have completed their introductory period of employment with the City. A contract with the City may be required in order to be eligible.

(d) Standards.

(1) Job Related. All classes, courses, or degrees must be pre-approved by the City and must be reasonably related to the employee's present job or determined by the City to be related to the employee's probable future work with the City. In determining whether the course work is "job related," the City shall consider the knowledge, skills, and abilities required by the employee's current job description.

(2) Accredited Institution. Course work must be offered at a college, university, or educational institution accredited by the state of Utah or other institution approved by the City Manager.

(3) Credit. Course work must be taken for credit and completed. No reimbursement shall be made for audits, incomplete, or withdrawals.

(4) Time. Course work must be taken on the employee's own unpaid time. Exceptions may be approved by the City Manager based upon a written statement of the Department Head that unusual circumstances exist.

(5) Job Performance. Employees outside educational activities should not interfere with the employee's work and employee's job performance must remain satisfactory. Unsatisfactory job performance during enrollment may result in denial or forfeiture of education assistance in addition to disciplinary action.

(6) Repayment. Employee must sign a Repayment Agreement agreeing to repay the City in full for any Tuition Aid in the event the employee voluntarily leaves employment with the City or is terminated for reasons other than reduction in force or job elimination in accordance with the limitations set forth in Subsection (f). Employee shall also agree that the total refund required to be made to the City hereunder may be deducted from the employee's final paycheck from the City.

(e) Procedure.

(1) Application. Any eligible employee desiring to obtain Tuition Aid shall file a Tuition Aid Application with his or her Department Head. The Application shall be filed prior to the commencement of the course.

(2) Review. The employee's Department Head shall review the Application based upon the Standards set forth in this Policy including review of the employee's eligibility for assistance. The Department Head shall thereafter recommend approval or denial of the Application to the City Manager. The City Manager shall review the Application based upon the Standards set forth herein, verify available funds for the request, and approve or deny the Application.

(3) Reimbursement. Upon satisfactory completion of the approved course work, a portion of the employee's tuition expenses, fees, and books may be reimbursed to the employee as follows:

- (i) 90% for an "A" grade (or "pass" if course is only offered as Pass/Fail)
- (ii) 75% for a "B" grade
- (iii) 60% for a "C" grade
- (iv) 0% for lower than a "C" grade

(4) Transcript and Receipt. Prior to reimbursement, the employee must submit to the City Manager, a certified transcript of grade or certificate of completion of the course work and receipts for the actual tuition, fees, and book expenses incurred.

(f) Limitations.

(1) Funds. All Tuition Aid is contingent upon sufficient funds available in the City budget and shall be distributed on a first-come basis as determined by the date of final approval of the Application by the City Manager.

(2) Annual Maximum. Eligible employees are limited to a maximum reimbursement of \$2,000.00 per employee during any calendar year for tuition, fees, and books.

(3) Other Sources. Reimbursement is limited by the amount of financial aid the employee receives from other sources such as grants or scholarships; i.e., the employee is only eligible for reimbursement from the City for the appropriate percentage of the employee's total out-of-pocket costs after the grant or scholarship has been deducted.

(4) Repayment. Employees who voluntarily leave employment with the City or are terminated for reasons other than reduction in force or job elimination shall be required to repay the City the prorated portion of any tuition aid received from the City within two (2) years prior to the date of termination. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the amount of the approved costs incurred up to the effective date of termination. Exceptions to this Policy may only be made in writing by the City Council who must sign the decision and provide explanation as to why the exception is in the best interest of the City.

(5) Compliance. Failure to comply with this Policy may result in disapproval of Application and/or nonpayment of the reimbursement as determined appropriate in the sole discretion of the City Manager.

(g) Records. A copy of Tuition Aid records should be retained by the City.

9.030. Training and Travel.

(a) Purpose. City employees may be permitted and/or required to attend seminars, meetings, conferences, workshops, and other educational courses when it is anticipated that the training and information received by the officer or employee will increase their knowledge and effectiveness, keep current on new developments, and introduce new innovative practices and procedures that will benefit the City. It is the purpose of this Policy to provide reasonable and systematic means by which attendance and travel to such events will be approved and the cost estimated and controlled for economic, budgetary, and auditing purposes. It is the intent of this Policy to provide adequate controls over training and travel expenditures and to maintain accountability for such expenditures while allowing for flexibility.

(b) Budget. The City shall allocate in its annual budget funds deemed appropriate for training and travel expenditures. Each Department Director shall be responsible for keeping expenditures within his or her respective department budget.

(c) Eligibility. For purposes of this Policy, "travel" shall be considered any in-state or out-of-state trip taken by a City employee in the course of performing his or her duties, including trips

to or attendance at seminars, meetings, conferences, and workshops. All training and travel expenditures must be pre-approved by the City as set forth herein. All training and travel expenditures must be anticipated to serve a bona fide public purpose and confer a benefit upon the City.

(d) Procedure.

(1) Application. An employee desiring to utilize training and/or travel funds shall file a Training and Travel Application with their Department Director, stating the purpose, details, and estimated expenses of the training and travel at least two (2) weeks prior to the desired date of departure. Applications for training and travel by a Department Director shall note the name of the person to be in charge of the department during the Department Director's absence. The City Manager shall provide a copy of each Application to Personnel upon approval.

(2) Review. The City Manager shall review the Application based upon the requirements set forth herein including review of the Department's training and travel budget. The City Manager shall make the final determination for approval or denial.

(3) Advancements. Upon the request of the employee and timely submission of the Application, approved travel expenses may be advanced using the current General Administrative Service (GSA) guideline per diem rates.

(4) Receipts. The traveling officer or employee shall document expenses of the trip and keep all original receipts and credit card receipts except that receipts for meals covered by the per diem compensation shall not be required.

(5) Documents. An expense report indicating the actual expenses of the trip together with all original required receipts shall be submitted to the Department Director within thirty (30) days after the event in order to receive any payment or refund. Except for per diem advancements, if less money was spent than was advanced, a reimbursement check made payable to the City for the difference shall be attached. Except for per diem advancements, if more money was spent than was advanced, a voucher request for the difference to be paid to the employee shall be attached.

(6) Summary. The City Manager may request a written summary or an oral report on all seminars, workshops, conferences, or conventions attended.

(e) Standards.

(1) Mode of Transportation. Employees are responsible for arranging their own transportation. The most economical form of transportation shall be used considering factors such as the cost of the transportation, the availability of City vehicles, and the amount of time required. If any employee chooses a more costly form of transportation, the City will pay the lesser cost of the two forms, and the per diem rate shall be based upon the amount of time it would have taken under the less costly form of transportation.

If extra time is needed for the more costly form of transportation, the employee shall use vacation or compensatory time for the excess time needed to reach the destination.

(2) Costs. Employees are encouraged to utilize the lowest cost travel arrangements possible. Airline reservations should be made, whenever possible, at least thirty (30) days in advance. If a reduced airfare is offered for a stay over a Saturday night, and the reduced rate more than compensates for additional lodging and per diem costs, the employee is encouraged to stay over the additional night. The government or corporate rate should be requested at all hotels.

(3) Permitted Expenses. The following allowances and payments may be made for travel expenses.

(i) Transportation. The City may pay for the cost of the most economical form of transportation. Employees traveling in a City vehicle shall use the assigned fuel card.

(ii) Meals and Incidental Expenses. The City may pay employees a per diem amount to cover the cost of meals during each day of travel or training. The per diem rates for meals shall be based on the standard per diem rates identified by the General Service Administration (GSA). For business travel that does not require an overnight stay, lunch per diem is available.

(iii) Fees. The City may pay the actual and reasonable cost of registration and other fees for classes, seminars, workshops, conferences, and conventions.

(iv) Ground Transportation. The City may pay the reasonable and necessary costs for ground transportation, including airport shuttle, taxicab, rental car, and parking lot fees. Receipts must be submitted for reimbursement.

(v) Airfare. The City will pay the cost for standard coach airfare. Flight arrangements shall be made so that arrival times allow for sufficient rest to fully participate in and benefit from the conference, seminar, workshop, or meeting session. The employee's travel itinerary and other supporting cost documentation must be submitted for reimbursement.

(vi) Lodging. The City may pay for the reasonable and necessary costs of lodging if an overnight stay is required. Should an overnight stay be required, the City will provide hotel accommodations at the government rate or single room conference rate. An itemized hotel bill must be submitted with the final travel authorization. Room service shall not be reimbursed. The employee will be responsible to pay for in-room movies and/or any other hotel services including alcoholic beverages.

(vii) Miscellaneous. The City may pay for other miscellaneous costs as deemed reasonable and necessary by the City Manager.

(4) Personal Expenses.

(i) Employees. Employees traveling on City business, including employees traveling with a spouse or other companion, shall strictly distinguish expenses incurred as part of City business from personal expenses. The City will provide reimbursement only for those expenses which the employee would normally incur if traveling alone. For example, the City will pay for the employee's lodging at the single room rate and the employee shall be required to pay for any additional double occupancy lodging charge or upgrade. The City shall not pay for personal expenses such as telephone charges, personal transportation charges, room service charges, etc.

(ii) Elected Officials. Elected officials shall be paid the standard mileage allowance for any City business conducted outside the City after exceeding 150 miles one way.

1. South Weber City employees shall exercise primary access to utilize a pool car vehicle; therefore, the request for access by an employee shall be higher priority than the request for access from that of an elected official; and
2. Elected officials shall not be permitted access to a pool car vehicle if the mode of transportation is otherwise funded as a result of paid membership (or other compensation) regarding a board, committee, or other organization.

(5) Auxiliary Programs. Frequently, in conjunction with its regular program for members, a conference or convention will provide auxiliary programs for the employee's spouse/partner. These auxiliary programs generally foster understanding and compliment an employee or official's development and performance on the job. Therefore, it is the policy of the City that, where these opportunities are offered and available, the registration cost of the auxiliary program will be allowable if it has been included in the City Budget.

CHAPTER 10: GRIEVANCES

10.010. Grievances.

10.020. Informal Grievance Procedures.

10.030. Formal Grievance Procedures.

10.040. Appeal.

10.050. Retaliations.

10.060. Records.

10.010. Grievances.

Employees may appeal a decision or disciplinary action (other than demotion or dismissal which are governed by provisions of Chapter 11) by the City which affects his or her employment pursuant to the provisions set forth herein. These guidelines should not be construed as preventing, limiting, or delaying the City from taking disciplinary action, including immediate termination, in circumstances where the City deems such action appropriate. Except as required by state or federal law, the grievance procedures provided herein shall be exhausted prior to seeking alternative remedies.

10.020. Informal Grievance Procedures.

An employee with a grievance may first attempt to settle the matter through discussion with his or her Supervisor. If the grievance involves the employee's Supervisor, the matter may be discussed with the City Manager. In such event, all references in this Section to Supervisor shall refer to the City Manager. The Supervisor should review the matter and conduct any investigation as deemed appropriate under the circumstances. If the employee does not believe the problem has been satisfactorily resolved within ten (10) days after the circumstances are first discussed with the Supervisor, or any time prior thereto, the employee may pursue formal grievance procedures as provided herein.

10.030. Formal Grievance Procedures.

(a) Complaint. An aggrieved employee may file a formal written grievance with the City Manager within twenty (20) days from the date of the event giving rise to the grievance or within twenty (20) days from the date the employee has knowledge, or should have knowledge, of the event giving rise to the grievance. Grievances shall be filed using an Employee Grievance Form as provided by the City (See Appendix). The time for filing a formal written grievance shall be extended during the time for which informal grievance procedures are pursued. If the grievance involves the City Manager, the grievance may be filed with the City Council, in which case all references herein to City Manager shall refer to City Council.

(b) Investigation. Upon receipt of a grievance, the City Manager should review and investigate the matter as deemed appropriate under the circumstances.

(c) Decision. The City Manager should, within a reasonable time from receipt of the grievance, prepare and provide the employee written notice of his or her final decision in the matter.

10.040. Appeal.

An employee aggrieved by a final decision of the City Manager regarding a formal grievance filed hereunder may appeal such decision to the City Council by filing a written appeal stating the grounds therefore with the City Recorder within twenty (20) days from the date of the decision. The City Council shall conduct a review of the matter reviewing the City Manager's decision for fairness or correctness. The City Council shall prepare and provide to the employee written notice of its final decision in the matter within a reasonable time from receipt of the appeal.

10.050. Retaliations and Bad Faith Grievances.

Employees are entitled to bring good faith grievances hereunder without fear of retaliation. No person shall discriminate against another because that individual made a grievance complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein. No person shall coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Employees are further protected under the provisions of the Utah Protection of Public Employees Act, as set forth at Utah Code Ann. § 67-21-1, et seq. Notwithstanding this anti-retaliation policy, if conclusive evidence exists that an employee knowingly or recklessly brought a bad faith grievance and/or made false allegations, then appropriate disciplinary action may be taken.

10.060. Records.

The City shall maintain records pertaining to employee grievances filed hereunder and records pertaining to an appeal of such grievances in accordance with the Utah Government Records Access and Management Act, as adopted and amended by the City.

CHAPTER 11: DISCIPLINE

- 11.010. General Conduct.**
- 11.020. Responsibility for Discipline.**
- 11.030. Investigation.**
- 11.040. Levels of Discipline.**
- 11.050. Administrative Leave.**
- 11.060. Probation.**
- 11.070. Suspension.**
- 11.080. Demotion.**
- 11.090. Dismissal.**
- 11.100. Pre-Disciplinary Action Hearing.**
- 11.110. Appeals.**
- 11.010. General Conduct.**

All disciplinary actions short of termination are intended to be corrective and obtain compliance with policies, orders, procedures, standards of conduct, expected performance standards, and/or improve performance. It shall be the City's discretion as to which type of informal and/or formal disciplinary action is most appropriate. Only full-, part- time, and probationary employees shall have the right to file an appeal to disciplinary actions and then only to formal disciplinary actions. Nothing contained in these Policies and Procedures shall preclude dismissal or suspension with or without pay effective immediately without prior notice and a hearing where the continued presence of the employee would present a hazard or disruption to employees, the public, or the City. When such a dismissal or suspension is imposed, the employee shall be assured rights of a post disciplinary appeal in accordance with this procedure. The City has no obligation to make use of any of these informal actions and need not proceed with them in any particular order. All disciplinary actions shall become part of the employee's personnel record.

It is the responsibility of all employees of the City to conduct themselves in accordance with the City's policies, rules, and regulations and to perform their work in a satisfactory manner. Employees are expected to conduct themselves in a professional and competent manner and to be courteous and cooperative at all times with fellow employees, Supervisors, and the public. An action not in accordance with such policies or in violation of any City rule or regulation shall be subject to disciplinary action up to and including termination.

11.020. Responsibility for Discipline.

The basic responsibility for discipline lies with the employee's Supervisor under the direction of the City Manager, provided that any disciplinary action involving probation, suspension, demotion, or dismissal shall require prior review and approval of the City Manager in accordance with the procedures set forth herein.

11.030. Investigation.

Prior to any disciplinary action or recommendation of any disciplinary action, the Supervisor shall investigate the alleged conduct to the extent deemed necessary and appropriate under the

circumstances. Such investigation should provide the employee with an opportunity to respond verbally and/or in writing to the alleged claims.

11.040. Levels of Discipline.

When there are grounds for discipline, an employee shall be subject to appropriate disciplinary action based upon the particular facts and circumstances of each case. Disciplinary action may include one or more of the following: verbal warning, written reprimand, probation, suspension with or without pay, demotion, and/or dismissal.

Informal Action

Informal action may be appropriate when a rule, order, procedure, standard of conduct, and/or expected performance level has been violated. Any one or a combination of the following informal actions may be used as deemed appropriate by the City:

- A. Verbal Reprimand – Whenever grounds for disciplinary action exist and the Supervisor determines that more severe action is not required, the Supervisor may verbally communicate to the employee the observed deficiency. Written documentation of the warning should be prepared by the Supervisor setting forth the date, time, circumstances, and grounds for the discipline; and the date, time, and circumstances of the verbal notice. Such written documentation shall be maintained with the employee's personnel records. Failure to remedy the deficiency described in a verbal warning may result in additional disciplinary action being taken. The Supervisor(s) should make it clear to the employee that the violation is unacceptable and that any repetition may lead to stronger disciplinary action;
- B. Corrective Interviews – The Supervisor(s) confers with the employee regarding violations and develops a written corrective plan which includes target dates for the correction of violations by the employee. The plan shall be reviewed with and signed by the employee with a copy to be placed in the employee's personnel file;
- C. Written Reprimand – Whenever grounds for disciplinary action exist and the Supervisor determines that more severe action is not required, the Supervisor may reprimand an employee in writing. Written reprimands shall include a detailed statement of the date, time, circumstances, and grounds for the discipline. Written reprimands should also indicate violations and specific actions the employee is to take to correct any violations. Warning should be provided that formal disciplinary action may result if corrective action is not taken by the employee. Such written reprimand shall be signed by the employee and the Supervisor and maintained with the employee's personnel records for the sole purpose of acknowledging the receipt thereof. Should the employee refuse to sign the written reprimand, the Supervisor shall sign and note the date and time of such refusal. Copies of written reprimand shall be placed in the employee's personnel file. These informal types of corrections are intended to correct a problem without recourse to the severity of formal disciplinary action.

Formal Disciplinary Action

Formal disciplinary actions may include but are not limited to:

- A. Suspension without pay;
- B. Reduction in salary;
- C. Demotion to a lower job classification;
- D. Probation;
- E. Dismissal; or
- F. Any combination of the above.

11.050. Administrative Leave.

In the event of an emergency, or when otherwise deemed appropriate and necessary pending full investigation of alleged violations of an employee, a Supervisor or the City Manager may temporarily relieve any subordinate from duty with pay or temporarily reassign the employee to another position at the same rate of pay. Such temporary relief from duty with pay shall be considered administrative leave and shall not preclude subsequent disciplinary action against the employee.

Suspensions of Exempt Employees

Suspension of exempt employees without pay shall be made in weekly increments; provided, however, deductions from pay may be made for unpaid disciplinary suspensions of one or more days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed because of violation(s) of a written policy applicable to all employees, such as the City's policies prohibiting sexual harassment or workplace violence. Suspensions for any other reason shall be in weekly increments. This provision applies only to exempt employees

Formal Disciplinary Procedure

Any disciplinary action may be initiated and imposed at the Department Director level. If the alleged violation occurs at the Department Director level, all references to Department Director in these formal disciplinary procedures shall mean City Manager. For all disciplinary actions including dismissals, the following steps shall be followed.

STEP 1

Any alleged violation by an employee of policy, procedure, rules, regulations, directives, orders, laws, and/or expected performance levels shall be investigated by the employee's management Supervisor. The Supervisor shall prepare a written report of the investigation which includes the specific violation(s), all available facts, statements of witnesses, the employee's statement, and any recommendations for discipline the Supervisor deems appropriate. As appropriate, this report shall be forwarded to the City Manager.

STEP 2

The City Manager shall review the report, conduct an additional investigation, if warranted, and reach a determination as to whether formal disciplinary action is warranted.

STEP 3

If it is determined that formal disciplinary action is warranted, Personnel shall be notified of the action to be imposed. The employee shall then be provided a written Notice of Intent to Discipline from the Department Director, which contains the following:

- A. A statement which clearly defines the specific action to be taken and the effective date of the action. In cases of suspension, the beginning and ending time should be stated specifically. Generally, the disciplinary action shall become effective after the employee has been allowed the three days to appeal the action to the Department Director.
- B. A statement (and preferably the quoting of the reason(s) as provided in this document) of the policy or procedure that has allegedly been violated or other cause or reason for the disciplinary action.
- C. A statement of the specific action or charges which allegedly constitutes a violation of the policy or procedure.
- D. A description of the records and documents upon which the action is based and a statement that copies of the records are available to the employee upon request.
- E. A statement that the employee may request a meeting with the Department Director within three (3) working days of receiving the Notice of Intent to Discipline to discuss the discipline and present specific evidence as to why the action is not warranted.
- F. A statement that failure to request a meeting with the Department Director or to show for the requested meeting shall forfeit any additional appeal rights.

STEP 4

If the employee has requested a meeting with the Department Director to present additional evidence within three (3) working days of receiving the Notice of Intent, the Department Director shall:

- 1. Hold the meeting promptly;
- 2. Consider any additional evidence submitted by the employee;
- 3. Impose the disciplinary action or modify the disciplinary action as deemed appropriate;
- 4. Notify the employee in writing of the decision and of the employee's appeal rights; and
- 5. Forward a copy of the entire proceedings to Personnel.

The failure of an employee to request a meeting with the Department Director as outlined in Step 5 or the failure of an employee to appear for the meeting after requesting it shall forfeit any additional appeal rights of the employee.

11.060. Probation.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be placed on disciplinary probation for a period not to exceed six (6) months. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted. The purpose of disciplinary probation is to provide a period during which the employee's performance is carefully monitored and evaluated. Probationary status shall not preclude any other disciplinary action being taken against the employee as deemed appropriate. Any probationary period may be extended by the City Manager.

11.070. Suspension.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be suspended, with or without pay, for a period of time not to exceed fifteen (15) calendar days. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted. Any employee suspended with pay must be available to work during all regular business hours.

11.080. Demotion.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be demoted. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted.

11.090. Dismissal.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be dismissed. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted.

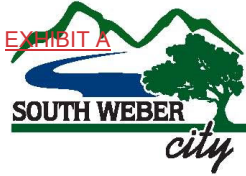
11.100. Pre-Disciplinary Action Hearing.

Upon receipt of a Supervisor's recommendation of disciplinary action involving probation, suspension, demotion, or dismissal; the City Manager shall review and investigate the matter as deemed appropriate and shall hold a pre-disciplinary action hearing. The purpose of the pre-disciplinary action hearing is to provide the employee with notice and an opportunity to respond to the alleged violations and proposed disciplinary action. The City Manager shall provide the employee with written notice of the date and time of the pre-disciplinary action hearing and shall provide the employee with a copy of the Supervisor's letter recommending the proposed disciplinary action and stating the grounds, therefore. After the pre-disciplinary action hearing, the City Manager shall provide the employee with written notice of his or her final decision stating the disciplinary action to be taken, if any, and the employee's right to appeal the same.

11.110. Appeals.

All appointed officers and employees of the City, other than the City Manager, shall hold their employment without limitation of time, being subject to discharge or dismissal only as provided in Utah Code Ann. § 10-3-1106, as amended. Any appointed officer or employee covered herein

who is discharged or transferred to a position with less remuneration for any reason shall have the right to appeal the discharge or transfer to the City Appeals Board in accordance with the provisions of Utah Code Ann. § 10-3-1106, as amended. All other disciplinary actions may be appealed in accordance with the grievance procedures set forth in Utah Code Chapter 10.



Ethical Behavior Pledge Form

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

I, _____ am the/a duly elected/appointed
_____ of South Weber City.

I pledge to adhere to the ethical behavior policy as approved by the city. 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 code 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 South Weber City code of ethics.

DATED THIS _____ DAY OF _____ 2021

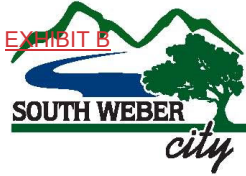
Signed by: _____

Title/Office: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ 2021

City Recorder: _____



Ethical Behavior Pledge Form

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

I, _____ am an employee of South Weber City.

I pledge to adhere to the ethical behavior policy as approved by the city. 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 code 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 South Weber City code of ethics.

DATED THIS _____ DAY OF _____ 2021

Signed by: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ 2021

Supervisor: _____

EXHIBIT C

Acceptable Use Policy

Introduction

The purpose of City-provided information technology (IT) resources is to support city departments in achieving their mission and goals, and to improve city government in general. These resources are intended to assist in the efficient and effective day to day operations of city departments, including collaboration and exchange of information with and between city departments, other branches of government and others. These resources also provide public access to public information. Corporate online systems increase company production and employee effectiveness, but they can become a *time waster instead of a production enhancer* if used without policy guidelines. The employer has total discretion over employee access privileges and the nature of public discussions on the online system, making it a productive and stable environment.

Effective use of city-provided IT resources is important to the South Weber City. To help improve the effectiveness of your use of these resources, incidental and occasional personal use is permitted, as long as such use does not:

- a. Interfere with existing rules or policies pertaining to the department and the city.
- b. Disrupt or distract the conduct of city business (e.g., due to the volume or frequency)
- c. Involve solicitation
- d. Involve a for-profit personal business activity.
- e. Have the potential to harm the city, or
- f. Involve illegal activities

Note: Any resources used for personal use that incurs a cost must be reimbursed to the city.

Privacy Issues and Legal Implications

Employees have no expectation of privacy in the use of any IT resources. The city has the right to access and disclose the contents of electronic files, as required for legal, audit, or other legitimate city operation or management. Do not transmit personal information about yourself or someone else using city-supplied IT resources without proper authorization. E-mail and other electronic files may be accessible through the discovery process in the event of litigation. Each of these technologies may create a "record" and therefore are reproducible and subject to judicial use.

Violation of the Information Systems Security Policy

Non-compliance to the minimum requirements or violation of South Weber City's Information Systems security policy could result in action that may include, but is not limited to, the following:

- a. Suspension
- b. Termination
- c. Other disciplinary action
- d. Civil and/or criminal prosecution

Employee Responsibilities

Access only files, data and protected accounts that are your own, that are publicly available, or to which you have been given authorized access.

Use IT resources efficiently and productively. Refrain from monopolizing systems, overloading networks with excessive data, or wasting computer time, connect time, disk space, printer paper, or other IT resources.

South Weber City employees assigned a user ID and password are solely responsible for the confidentiality of that password and the consequences resulting from misuse of the password by them or anyone else:

- a. Change your passwords with regular frequency or in accordance with the city's policy regarding the frequency of changing passwords
- b. Do not use obvious passwords
- c. When you are away from your desk, take precautions to protect your accounts

Report to the city's appropriate authority if you:

- a. receive or obtain information to which you are not entitled

(Note: Also notify the owner or sender of such information)

b.become aware of breaches of security, or

c.know of any inappropriate use of city-provided IT resources.

Seek the advice of the authorized person responsible for any city-provided IT resource if you are in doubt concerning your authorization to access that resource.

Adhere to copyright law regarding use of software, information, and attributions of authorship. Upon the request of the city, delete (from any computer) and return all city-provided software used for off-site work.

Conduct yourself as a representative of both the city department and city government as a whole. As a minimum, this means that you shall not use IT resources to.

a. Distribute offensive or harassing statements; disparage others based on race, national origin, sex, sexual orientation, age, disability or political or religious beliefs.

b.Distribute incendiary statements which might incite violence or describe or promote the use of weapons or devices associate with terrorist activities.

c.Distribute or solicit sexually oriented messages or images.

Unacceptable Use of IT Resources

The first and foremost rule for using these technologies is:

Don't say, do, write, view, or acquire anything that you wouldn't be proud to have everyone in the world learn about if the electronic records are made public.

Any use of city-provided IT resources for inappropriate purposes, or in support of such activities, is prohibited (unless authorized through job responsibilities). The following list is currently considered unacceptable use of city-provided IT resources.

Illegal Use

Any use of city-provided IT resources for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.

Commercial Use

Any use for commercial purposes, product advertisements or "for profit" personal activity.

Sexually Explicit

Any sexually explicit use, whether visual or textual. You should not view, transmit, retrieve, save, or print any electronic files which may be deemed as sexually explicit.

Religious or Political Lobbying

Any use for religious or political lobbying, such as using E-mail to circulate solicitations or advertisements.

Copyright Infringement

Duplicating, transmitting, or using software not in compliance with software license agreements. Unauthorized use of copyrighted materials or another person's original writings.

Unnecessary Use of IT Resources

Wasting IT resources intentionally:

- a. Placing a program in an endless loop;
- b. Printing unnecessary amounts of paper;
- c. Disrupting the use or performance of city-provided IT resources or any other computer system or network (for example, unauthorized world wide web pages, recurrent mass communications); or
- d. Storing any information or software on city-provided IT resources which are not authorized by the department.

Security Violations

- a. Accessing accounts within or outside the city's computers and communications facilities for which you are not authorized or do not have a business need.
- b. Copying, disclosing, transferring, examining, renaming or changing information or programs belonging to another user responsible for the information or programs.
- c. Violating the privacy of individual users by reading E-mail or private communications unless you are specifically authorized to maintain and support the system.
- d. Representing yourself as someone else, fictional or real.

Viruses

Knowingly or inadvertently spreading computer viruses: "Computer viruses" are programs that can destroy valuable programs and data. To reduce the risk of spreading

computer viruses, do not import files from unknown or disreputable sources. If you obtain software or files from remote sources, follow proper procedures to check for viruses before use. You should adhere to any city-specific policy in this area.
Awareness of the following will help reduce the occurrence of viruses:

- a. All information or files electronically down-loaded from the Internet onto a workstation must be scanned before being used.
- b. All demo disks must be write-protected and scanned before use.
- c. Any electronic information being brought into South Weber City's IT environments (i.e., diskette), must be scanned before use.
- d. Zip files are of particular concern.

Junk Mail

Distributing "junk" mail, such as chain letters, advertisements, or unauthorized solicitations.

Confidential Information

Transmitting classified information under the Government Records Access and Management Act without proper security.

Software Security

Software forms the heart of the computers' operations and maintaining it in a secure manner is essential to ensure that the systems are available for use when required and operate in the manner in which they are intended. The software also provides a means by which security of the system can be violated and uses of particularly powerful or sensitive aspects must be controlled.

Hardware Security

Due regard must be given to the degree of importance that each item of IT equipment, and the information stored on it, has within South Weber City and the value of specific pieces of hardware. Measures must be taken to ensure that hardware or information on it is not rendered inoperable. Access to computer equipment shall be restricted to authorized personnel.

Bring Your Own Device (BOYD)

Employees are allowed to purchase and use Smartphones and tablets of their choice at work for their convenience. South Weber City reserves the right to revoke this privilege if users do not abide by the policies and procedures outlined. This policy is intended to protect the security and integrity of South Weber City's data.

Employees must agree to the terms and conditions of this policy to use their devices on the City's network.

Acceptable Use

South Weber City defines acceptable business use as activities that directly or indirectly support the business of South Weber City.

Personal Use

South Weber City defines acceptable personal use on company time as reasonable and limited personal communication or recreation, such as reading or game playing.

Internet Filtering

Employees are blocked from accessing certain websites during work hours/while connected to the corporate network at the discretion of the company. Such websites may be blocked due to content or for security reasons such as viruses.

Unacceptable Use

Devices may not be used at any time to:

- a. Store or transmit illicit materials
- b. Store or transmit proprietary information belonging to another company
- c. Harass others
- d. Engage in outside business activities
- e. Etc.

Resources

Employees may use their mobile device to access the following company-owned resources: email, calendars, and contacts

Use in Vehicles

South Weber City has a zero-tolerance policy for texting or emailing while driving and only hands-free talking while driving is permitted

Reimbursement

Device Cost

At the discretion of the Department Head, South Weber City may reimburse the employee for all or part of the cost of the device

Allowance

South Weber City may pay the employee an allowance at the discretion of the Department Head while employed with South Weber City

Additional Expenses

South Weber City will not reimburse the employee for the following charges: roaming, plan overages, etc.

Devices and Support

Phones

Smartphones including iPhone, Android, Blackberry and Windows phones are allowed

Tablets

Tablets including iPad and Android are allowed

Connection Issues

Connectivity issues are supported by ISM; employees should contact the device manufacturer or their carrier for operating system or hardware-related issues

Setup

Devices must be presented to ISM for proper job provisioning and configuration for wireless access

Risks/Liabilities/Disclaimers

Termination

South Weber City reserves the right to disconnect devices or disable services without notification

Lost Devices

Lost or stolen devices must be reported to the company within 24 hours. Employees are responsible for notifying their mobile carrier immediately upon loss of a device.

Acceptable Use

The employee is expected to use his or her devices in an ethical manner at all times and adhere to the company's acceptable use policy as outlined above

Liability

The employee is personally liable for all costs associated with his or her device

Data Loss

The employee assumes full liability for risks including, but not limited to, the partial or complete loss of company and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable

Disciplinary Action

South Weber City reserves the right to take appropriate disciplinary action up to and including termination for noncompliance with this policy

Social Networking

The purpose of South Weber City's social networking policy is to allow the company to take advantage of social media's business benefits and promote its products/services, contribute to the relevant online dialog, and better engage with customers and prospects, while avoiding the significant risks involved.

South Weber City reserves the right to monitor how employees use company-owned property, including computers and networking equipment, and employees should be mindful that any and all web browsing they do on the company's premises may be monitored.

Acceptable Use

Discrimination

Employees are forbidden from using social networks to post or display comments about co-workers, supervisors or South Weber City that are vulgar, obscene, threatening, harassing, or a violation of South Weber City's policies on discrimination or harassment

Confidential Material

Employees may not use social networks to disclose any confidential or proprietary information about South Weber City or its employees, customers or business partners

Identity

When appropriate, employees should disclose their relationship with South Weber City in their online posts and refrain from speaking on behalf of South Weber City when not authorized

Unacceptable Use

Social media use is subject to the same workplace policies employees must follow in other situations, including but not limited to South Weber City's policies regarding harassment, discrimination, defamation, confidentiality, non-competition and general Internet use.

South Weber City employees should keep in mind that they are personally responsible for what they post online and be mindful that what they say will be available publicly for a long time.

Overview of Technologies

The following are examples of technologies that this policy governs. As new technologies gain popularity and use, they too will be governed by this policy. This overview will increase understanding of the uniqueness of these technologies as they relate to creating electronic 'records'. Each of these technologies creates an electronic record. This is what separates these from other forms of communications such as telephone conversation. An electronic record is reproducible and therefore deserves special recognition.

E-mail

E-mail is a major means of communication in city government, and it offers an efficient method of conducting city business. E-mail, as defined in this document, consists not only of the city-provided E-mail system, but also the act of sending and receiving E-mail through the Internet.

There are a number of characteristics that distinguish e-mail from other means of communication, such as paper records, telephones, and information stored on electronic media such as diskettes. Awareness of these characteristics should guide your use of E-mail.

a. Backups

As part of standard computing and telecommunications practices to prevent loss of data, E-mail systems and the systems involved in the transmission and storage of E-mail messages usually are "backed up" on a routine basis. This process results in copying data, such as the contents of an E-mail message, onto storage media that may be retained for periods of time and in locations unknown to the sender or recipient of a message. The frequency and retention of backup copies vary from organization to organization. While it may be difficult and time consuming, it should be assumed backup copies of e-mail messages exist and can be retrieved, even though the sender or recipients has discarded his/her copy of a message.

b. Special Status

While password protecting your E-mail account is beyond usual measures taken to protect access to paper records and telephones, it does not confer a special status on E-mail records with respect to applicability of laws policies and practices.

c. Monitoring

In the course of their work, managers, network and computer operations personnel or system administrators may monitor the network or E-mail system. It should be assumed that the content of e-mail messages may be seen by these authorized individuals during the performance of their duties.

d. Forgeries

No system of communication is completely secure, including E-mail. Just as with paper communications, and E-mail message can be forged, and it can be distributed beyond the address list originally defined by its author.

e. Viruses

Executable files (e.g. *.exe, *.com) can be transmitted via E-mail. You must always check executable files attached to E-mail messages for viruses before they are executed on city-provided IT resources.

f. Legal Implications

E-mail and other electronic files may be accessible through the discovery process in the event of litigation.

Facsimile (Fax)

Fax machines, in the past, simply created a paper copy of the original message. With today's technology, this is becoming less and less true; and electronic copy may be created. The same rules governing acceptable use of other city-provided IT resources also apply to the use of fax technology. The faxed message may be "backed up" onto other storage media. As with other technologies the content of faxed messages may be seen by authorized individuals during the performance of their duties.

Use of fax technology does not always require a password for access. Recipients should not assume that the sender is always reported. A fax should always be perceived as a non-private communication method. Remember, anyone at the other end may read your fax.

Internet

The Internet provides the ability to communicate, collaborate with others and access information throughout the world. However, there is little in the way of hierarchy or control of the information available. Increased access to computers and people all over the world also brings the availability of controversial material that may not be considered of value to an individual or the city.

Even if you are able to encrypt your data, anything you transmit over the Internet is subject to interception, reading, and copying by other people. This includes E-mail, personal information and passwords that are transmitted when you log into an account or log into another computer. The following guidelines should be followed when accessing the Internet:

a. Internet access will only be authorized after formal approval is granted by South Weber City.

- b. It is forbidden for South Weber City personnel to use the Internet in a way that violates the privacy rights of others or in a way that breaches restrictions under relevant laws and legislation (e.g., advertising, copyright, libel and defamation).
- c. South Weber City's Internet access should never be used for personal gain. Games, or other personal recreation, letter writing campaign, chain letters, solicitation or other activities that might be construed as illegal or unethical.
- d. Data or other information downloaded from any Internet site must be scanned for viruses.
- e. The Internet is an unsecured communication medium and must not be used to transmit confidential, sensitive or proprietary business information.

Voice Mail

Voice mail is a means of communication that is in and of itself unique. It is similar to a telephone conversation, but it creates a "record". This should always be remembered by anyone using this technology. By the very definition of a record, the sender must remember that the message can also be saved, replayed, and shared with others that the sender did not intend. It also can be used in litigation. The same rules of password protection and confidentiality that concern other technologies also apply here.

Emerging Technologies

This policy does not address the specific details of technologies that are not yet to be invented or implemented within city government. This policy should be sufficient to allow you to determine the acceptable use of any new or emerging technology. If you have any questions regarding appropriate use of particular technology not specifically covered in this policy, please contact the appropriate individual in the city.

1. Your judgement regarding incidental and occasional personal use is important. While this policy does not attempt to articulate all required or proscribed behavior, it does seek to assist in such judgement by providing the above guideline. If you are unclear about the acceptable "personal" use of a city-provided resource or wish to use the resource for what may be considered as a good cause, seek authorization from the city department's appropriate authority.

2. Use caution when sending classified information. Always display "CONFIDENTIAL" on the screen when sending classified information. Confirm that encryption has been enabled. Inform the recipient of the information's classification, their responsibility to keep it private, and their responsibility to dispose of it in a secure manner at the end of its retention period.

EXHIBIT D

SOUTH WEBER CITY

COMPUTER ACCESS AGREEMENT

Please read and initial each of the following: _____

1. As an employee of South Weber City, I have received a copy of South Weber Information Technology Resources Acceptable Use Policy. I hereby accept and agree to abide by the standards set in the policy and as outlined below for the duration of my employment with South Weber City including, but not limited to the following:

2. The computer system is **South Weber City property** and has been developed for city business. The use of IT resources are for the benefit of the city government.

3. I understand that **personal** e-mail and personal Internet browsing should not be done on city time.

4. Installation or introduction of **unauthorized software** to a city owned computer network is prohibited.

5. I understand that **unauthorized copying** of software from city computers to personal computers is illegal.

6. I will access only files, data and protected accounts that are my own, that are publicly available, or to which I have been given **authorized access**.

7. I understand **data stored on city equipment is for city use**. Any unauthorized transmission or copying of information, electronically or otherwise, is prohibited.

8. I will not view or transmit any **crude, vulgar, or sexually explicit material**, whether visual or textual. I understand that I should not view, transmit, retrieve, save, or print any material which may be deemed inappropriate.

9. It is the employee's responsibility to demonstrate the need for city related access to the **Internet**. I understand that I will need to be able to justify my Internet use periodically.

10. It is the employee's responsibility to **report any inappropriate use of e-mail or the Internet**.

11. Under no condition shall you give your password to another person. To **protect your password**, change it frequently, and don't use obvious passwords.

12. Violation of any of these policies **could result in termination** of employment.

Employee Signature

Date

EXHIBIT E

HOTLINE REPORTING FORM

Email completed form to:

Hotline@southwebercity.com

or Mail to:

South Weber City

Attn: Internal Auditor

1600 E South Weber Dr

South Weber, UT 94405

Complainant Information:

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

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.

Appendix A

Bereavement Leave Form

Grievance Leave Form

Health Compensation Form

Jury Duty Form

Mileage Reimbursement Form

Outside Employment Form

Sick Leave Form

Travel Request Form

Tuition Reimbursement Form

Vacation Leave From

RESOLUTION 22-09

**A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL
AMENDING POLICIES AND PROCEDURES MANUAL**

WHEREAS, South Weber’s Fraud Risk Assessment identified some weaknesses in written policy; and

WHEREAS, the Admin/Finance Committee recommended adding two sections to strengthen the city’s defense against possible fraud; and

WHEREAS, staff held a review period for all employees; and

WHEREAS, changes were brought to the Council on February 8, 2022 and there was discussion about creating code for the conflict of interest section; and

WHEREAS, that section has been removed and brought forward as an ordinance;

NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, State of Utah, as follows:

Section 1. Amendment: The Policy and Procedure Manual shall be amended as contained in Exhibit 1.

Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 22nd day of March 2022.

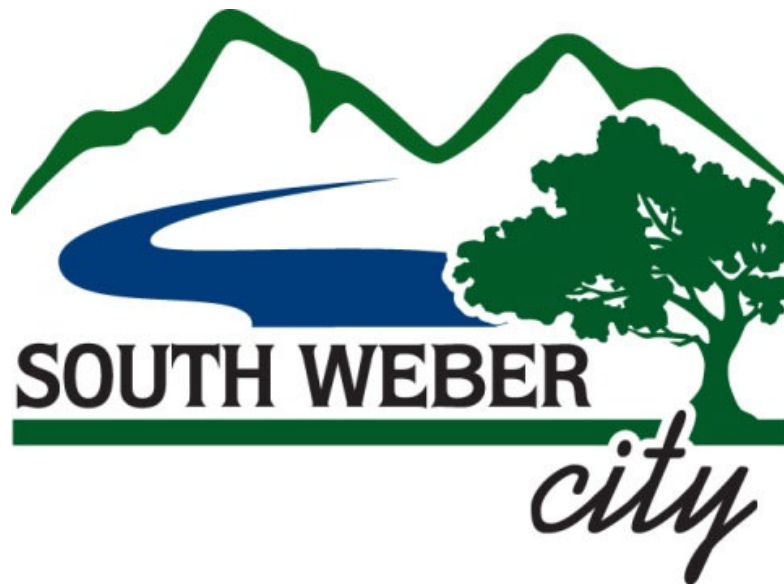
Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

Rod Westbroek, Mayor

Attest: Lisa Smith, Recorder

EXHIBIT 1

POLICY AND PROCEDURE MANUAL



Policies and Procedures

Amended February 22, 2022
(Res. 22-09)

CHAPTER 1: INTRODUCTION

- 1.010. Intent and Purpose
- 1.020. Interpretation
- 1.030. Acknowledgement Form
- 1.040. Amendments
- 1.050. Disclaimer

CHAPTER 2: ADMINISTRATION

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

CHAPTER 3: HIRING

- 3.010. Equal Opportunity Employer
- 3.020. Recruitment
- 3.030. Introductory Period
- 3.040. Employment of Relatives (NEPOTISM)

CHAPTER 4: COMPENSATION

- 4.010. Compensation
- 4.020. Annual Review
- 4.030. Garnishments
- 4.040. Exempt and Non-Exempt Employees
- 4.050. Overtime
- 4.060. On-Call
- 4.070. Differentials and Compensation
- 4.080. Holiday Pay
 - 4.090. Paid Leave
 - 4.100. Unpaid Leave
 - 4.110. Leave Procedures
 - 4.120. Leave Procedures Exceptions
 - 4.130. Vacation Leave
 - 4.140. Sick Leave
 - 4.150. Family and Medical Leave Act
 - 4.160. Military Leave
 - 4.170. Jury Duty Leave
 - 4.180. Injury Leave
 - 4.190. Bereavement Leave
- 4.200. Employee Recognition Program
- 4.210. Employee Wellness Program
- 4.220. Employee Assistance

CHAPTER 5: BENEFITS

- 5.010. Disclaimer
- 5.020. Retirement
- 5.030. Medical and Dental

- 5.040. Life Insurance
- 5.050. Workers Compensation
- 5.060. Family Activity Center Membership

CHAPTER 6: WORKING CONDIITONS

- 6.010. Work Hours
- 6.020. Americans with Disabilities Policy
- 6.030. Harassment Policy
- 6.040. Sexual Harassment Policy
- 6.050. Workplace Violence Policy

CHAPTER 7: CONDUCT

- 7.010. Personal Appearance
- 7.020. Public Relations
- 7.030. Working Relations
- 7.040. Employee Ethics
- 7.050. Honesty
- 7.060. Confidentiality
- 7.070. Outside Employment
- 7.080. Personal Activities
- 7.090. Electronic Communications Policy
- 7.100. Information to the Public
- 7.110. Use of City Vehicles Policy
- 7.120. Equipment Policy
- 7.130. Drug and Alcohol Policy
- 7.140. DOT Drug and Alcohol Testing
- 7.150. No Smoking Policy
- 7.160. Notary Public Services Policy
- 7.170. Reporting Fraud and Abuse
- 7.180. City Hotline
- 1.190. Cash Receipting and Deposit
- 7.200. Conflict of Interest

CHAPTER 8: SAFETY

- 8.010. Employee Duties
- 8.020. Report of Accident
- 8.030. Risk Management Polices
- 8.040. Occupational Injuries and Accidents
- 8.050. Workers' Compensation Claims
- 8.060. Medical Examinations
- 8.070. Claims and Lawsuits

CHAPTER 9: EVALUATION AND DEVELOPMENT

9.010. Performance Evaluation System

9.020. Tuition Aid Program

9.030. Training and Travel

CHAPTER 10: GRIEVANCES

10.010. Grievances

10.020. Informal Grievance Procedure

10.030. Formal Grievances

10.040. Appeal

10.050. Retaliations

10.060. Records

CHAPTER 11: DISCIPLINE

11.010. General Conduct

11.020. Responsibility for Discipline

11.030. Investigation

11.040. Levels of Discipline

11.050. Administrative Leave

11.060. Probation

11.070. Suspension

11.080. Demotion

11.090. Dismissal

11.100. Pre-Disciplinary Action Hearing

11.110. Appeals

CHAPTER 1: INTRODUCTION

1.010. Intent and Purpose.

1.020. Interpretation.

1.030. Acknowledgment Form.

1.040. Amendments.

1.050. Disclaimer.

1.010. Intent and Purpose.

The purpose of these Policies and Procedures is to provide guidelines and information for City employees to assist them in performing and pursuing competent and satisfying employment with South Weber City. The intent of South Weber City is to comply with all federal and state laws and regulations applicable to the City and/or its employees, whether mentioned herein or not. Except as otherwise specifically provided, these Policies and Procedures supersede all prior policies and procedures of the City which are inconsistent with the matters stated herein:

1. Compensation.
2. Annual Review.
3. Garnishments.
4. Exempt and Non-Exempt Employees.
5. Overtime.
6. Compensatory Time.
7. Call-Backs.
8. Differential Pay,
9. Holiday Pay.
10. Paid Leave.
11. Unpaid Leave.
12. Leave Procedures.
13. Leave Procedures Exceptions.
14. Vacation Leave.
15. Sick Leave.
16. Family and Medical Leave.
17. Military Leave.
18. Jury Duty Leave.
19. Injury Leave.
20. Bereavement Leave.

The City reserves the right to change these Policies and Procedures by City Council resolution at any time, and for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Policies and Procedures Manual do not constitute an express or implied contract with any person.

1.020. Interpretation.

It is the policy of South Weber City that the City Manager shall provide the official interpretation of these Policies and Procedures. Department Heads and Supervisors shall be responsible for implementing these Policies and Procedures within their departments under the direction of the City Manager. Employees may appeal any decision or interpretation of these Policies and Procedures to the City Manager that are affecting his or her employment in accordance with the grievance procedures set forth in Chapter 10.

1.030. Acknowledgment Form.

It is the policy of South Weber City that all City employees are responsible to be aware of and adhere to all the provisions of these Policies and Procedures and any amendments hereto. Each employee shall sign and submit to the City an Acknowledgment Form, as provided by the City, attesting to the fact that he or she: (1) has received a copy of these Policies and Procedures; and (2) will take the opportunity to read and understand the provisions set forth herein.

1.040. Amendments.

It is the policy of South Weber City that the City reserves the right to unilaterally alter, amend, except, or revoke any policy, practice, or procedure set forth herein at its sole discretion.

1.050. Disclaimer.

It is the policy of South Weber City that the information contained herein, and any amendments or alterations hereto, do not constitute a contract or agreement of any kind between the City and its employees. No person other than the City Manager, with the advice and consent of the City Council, has the authority to enter into an agreement with any employee for any specified employment term or to make any commitments contrary to the relationship of City employees. Any such agreement or commitment must be made in writing. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the City and its employees. Nothing herein shall be construed to limit the City's right to discharge an employee or to create any other obligation or liability on the City. The City alone shall be entitled to enforce or waive the provisions of any policy, practice, or procedure set forth herein. The provisions of these Policies and Procedures are intended to also apply to members of the City Council, Planning Commission, Appeal Authority, and/or any other commissions or committees of the City.

CHAPTER 2: ADMINISTRATION

2.010. Personnel Director.

2.020. Employee Definitions.

2.030. Classification Plan.

2.040. Personnel Records.

2.010. Personnel Director.

The City Manager shall designate and supervise an employee to fulfill the duties and responsibilities of Personnel Director to other personnel as deemed appropriate and as authorized by law. The duties and responsibilities of the Personnel Director include, but are not limited to the following:

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

2.020. Employee Definitions.

City employees are categorized as follows:

- (a) **Full-Time and Exempt.** Employees who are scheduled to work forty (40) hours per week or more on a regular basis and who are not considered limited employees as defined herein. Full-time and exempt employees are eligible for all City benefits.
- (b) **Part-Time.** Employees who are scheduled to work twenty-nine (29) hours or fewer per week on a regular basis and who are not considered limited employees as defined herein. Part-time employees are not eligible for benefits except as otherwise specifically provided herein or as otherwise required by law. Part-time employees shall be deemed at-will employees and are subject to termination with or without cause.
- (c) **Limited or Volunteer.** Employees who are hired to work on a temporary, seasonal, provisional, volunteer, or emergency basis, or for a period of employment expected to last no longer than seven (7) months or less than twenty-nine (29) hours per week. Limited employees are not eligible for any benefits and shall be deemed at-will employees subject to termination with or without cause.
- (d) **Introductory Employees.** Employees who are in their first twelve (12) months of employment at their respective position are introductory employees. The successful completion of the one (1) year introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration with the City. Introductory employees are considered at-will during their introductory period and are subject to termination with or without cause.

2.030. Classification Plan.

It is the policy of South Weber City that the City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

2.040. Personnel Records.

(a) Personnel Records. It is the policy of the City to maintain personnel records concerning its employees. Such records may include, but are not limited to records regarding hiring, compensation, paid and unpaid leave, awards, grievances, disciplinary action, education, training, and other relevant records. Personnel records are all protected by and subject to Government Records Access Management Act (GRAMA).

(b) Updates. Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions, and related information so that the employee's personnel records may be accurately maintained.

(c) Maintenance. Personnel records shall be maintained, classified, and accessed in accordance with GRAMA, as adopted and amended by the City.

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

CHAPTER 3: HIRING

3.010. Equal Opportunity Employer.

3.020. Recruitment.

3.030. Introductory Period.

3.040. Employment of Relatives.

3.010. Equal Opportunity Employer.

South Weber City is an "Equal Opportunity Employer", and it is the policy of the City to comply with federal and state equal employment opportunity laws and guidelines. The City shall not discriminate in the hiring, employment, promotion, or other employment practices with respect to its employees on the basis of race, color, religion, sex, national origin, political affiliation, age, disability, or status as a veteran, in accordance with applicable federal and state laws. It is the policy and commitment of the City to protect the civil rights of all employees and applicants for employment with the City and to provide a work environment free from discrimination and harassment.

3.020. Recruitment.

It is the policy of South Weber City that recruitment, selection, and hiring of all applicants for job positions within the City shall be conducted in accordance with recruitment procedures approved by the City Manager. The City shall conduct pre-hire criminal background checks on all full-time, part-time, seasonal, or volunteer employees, and may conduct criminal background checks on such employees at other random times. The City shall also conduct pre-hire financial background checks on executive employees including the City Manager and department directors; and may conduct additional financial backgrounds checks for executive employees at other random times. Firefighters shall pass department physical evaluations prior to being hired.

3.030. Probationary Period.

It is the policy of South Weber City that the first six (6) months of employment with the City shall be considered a "Probationary Period" which shall be used as a training and evaluation period for the City to observe the employee's ability to perform the various duties pertaining to the position and for the employee to determine whether or not the position adequately meets his or her own expectations and personal needs. The City considers the probationary period an intrinsic part of the employee selection process during which the employee will be carefully observed by the City. At the end of the Probationary Period, the employee's Supervisor shall conduct an evaluation of the employee in accordance with the performance evaluation procedures set forth in Chapter 9 and prepare a final Probationary Period Performance Evaluation to the City Manager recommending whether the employee should be retained, terminated, or extended. The employee's Supervisor may recommend an additional probationary period of up to 6 months as approved by the City Manager. Probationary employees are considered at-will during their probationary period subject to termination with or without cause.

3.40. Employment of Relatives (Nepotism)

It is the policy of South Weber City to prevent an environment where favoritism, real or perceived, can exist; and to define the conditions under which relatives of City employees may be considered for employment in accordance with UCA 52:3.

1. A relative is defined as the employees' husband, wife, parent, stepparent, nephew, niece, grandparent, son-in-law, daughter-in-law, sister, stepsister, brother, stepbrother, son, stepson, daughter, stepdaughter, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin; or a spouses' grandparent, grandchild, aunt, uncle, nephew, niece, or first cousin.
2. A person shall not be hired within the same department as an employed full- or part-time relative.
3. Limited or volunteer employees who are related may be hired within the same department as long as one relative does not supervise the other. In the event that a department has related limited or volunteer employees working, and one is hired for a full- or part-time position, the other relatives shall be allowed to continue working for the duration of their assignment but shall not be eligible for rehire or appointment in the same department as long as the first relative is a full-time or part-time employee.
4. If two employees in the same department marry, one employee shall be required to immediately transfer to another department (subject to available positions) or terminate employment with the City.
5. If two employees in the same department become related as a result of a marriage, but are not married to each other, and the relationship creates a disruption of work or of the work environment or any other problem not conducive to an effective work environment, an appropriate remedy shall be implemented by the Department Director on a case-by-case basis. In most cases, it is anticipated that the appropriate remedy shall be that one employee must transfer to another department (subject to available positions) or terminate employment.
6. No employee who is related to someone within the same department shall be promoted to a Department Director or any management position.
7. Any employee who in any way attempts to influence the hiring of his/her relatives for any position shall be subject to disciplinary action.

CHAPTER 4: COMPENSATION

- 4.010. Compensation.**
- 4.020. Annual Review of Compensation Plan.**
- 4.030. Garnishments.**
- 4.040. Exempt and Non-Exempt Employees.**
- 4.050. Overtime and Compensatory Time.**
- 4.060. On-Call.**
- 4.070. Differential Pay**
- 4.080. Holiday Pay.**
- 4.090. Paid Leave.**
- 4.100. Unpaid Leave.**
- 4.110. Leave Procedures.**
- 4.120. Leave Procedures Exceptions.**
- 4.130. Vacation Leave.**
- 4.140. Sick Leave.**
- 4.150. Family and Medical Leave.**
- 4.160. Military Leave.**
- 4.170. Jury Duty Leave.**
- 4.180. Injury Leave.**
- 4.190. Bereavement Leave.**
- 4.200 Exempt Employee Leave**
- 4.210. Employee Recognition Program**
- 4.220. Employee Wellness Program**
- 4.230. Employee Assistance Program**

4.010. Compensation.

It is the policy of South Weber City that compensation shall be based upon the City's compensation plan and includes, but is not limited to, the pay grade schedule and the salary schedule as adopted by the City. The City will establish and maintain pay programs and practices based on market conditions to support and maintain up-to-date information for the City's compensation plan, pay grade schedule, and salary schedule.

The City's compensation program recognizes individual performance. Employees will be eligible for pay increases based on their individual performance throughout a performance year, subject to range maximums for their position.

4.020. Annual Review of Compensation Plan.

It is the policy of South Weber City that the employee compensation plan should be reviewed annually by the City Manager who may recommend appropriate changes to the City Council for approval or denial. The City Council may review and make changes or recommendations to the Compensation Plan at any time in accordance with applicable procedures regarding the same.

4.030. Garnishments.

It is the policy of South Weber City that an employee's pay shall be subject to attachment, garnishment and execution under such rights, remedies, and procedures as provided by law.

4.040. Exempt and Non-Exempt Employees.

It is the policy of South Weber City that for purposes of overtime compensation under the Fair Labor Standards Act, the City Manager shall be deemed "exempt" and designate other exempt positions in the City through job description. All other employees of the City are hereby designated as "non-exempt."

4.050. Overtime and Compensatory Time.

It is the policy of the South Weber City that exempt employees will not receive overtime compensation. Nonexempt employees may receive overtime compensation at a rate of one and one-half times their regular rates of pay in accordance with the provisions and regulations of the Fair Labor Standards Act. No employee may perform work over his or her designated hours without prior approval of their Department Director. Overtime accrued by employees without Department Director approval are subject to disciplinary action.

Employees may request compensatory time off in lieu of cash overtime payments in accordance with the leave procedures set forth herein. Compensatory time may be accrued up to 240 hours at the calendar year end. Compensatory time over 240 will be paid out biannually. The City encourages employees to use compensatory time for the health, welfare, and benefit of the employee. Employees should be permitted to use compensatory time off within a reasonable period after making the request if such use does not unduly restrict the operations of the City and/or the department within which the employee works. Payments for compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment. Employees shall be compensated for unused and accrued compensatory time in accordance with the provisions and regulations of the Fair Labor Standards Act. Nothing in this or any other policy shall be construed to give an expectation or right to continued or future compensatory time hours.

4.060. On-Call.

It is the policy of South Weber City that in order for the City to quickly respond to emergencies involving the City's water, sewer, and other utilities it is necessary that qualified employees of the Public Works Department remain on-call during nights, weekends, and holidays. Employees who are on-call shall remain within thirty (30) minutes of the City and be able to receive phone inquiries at all times during the on-call period. When an employee is required to be on-call he or she shall be compensated, at a rate \$11.00 (eleven dollars) per day (\$77.00 [seventy-seven dollars] per week), and in the event that on-call time includes a paid holiday, compensation shall be an additional \$11.00 per holiday, for making themselves available during the on-call period; and when called out the employee shall be compensated at his or her regular rate of pay for a minimum of two (2) hours. Telephone requests for information to or from the employee's home

or cellular phone shall not be considered as compensable time if the call transpires to be less than 15 minutes of telephone time.

4.070. A. Differential Pay and Certifications

It is the policy of South Weber City to provide differential pay for specific professional certifications that contribute directly to the ability of an employee to provide a broader range of service to the community or to provide a current service at a reduced cost. For the purposes of recognizing and rewarding employees who improve their skills, knowledge, and proficiency in carrying out their assigned functions through additional training and certification beyond what is normally required for the position, the following guidelines have been established:

1. Professional certifications, which qualify an employee for differential pay, must represent a level of training and skill beyond what is required to perform the regularly assigned duties of the position.
2. The **City Manager** shall evaluate requests for differential pay to ensure compliance with this Policy.
3. Employees eligible to receive differential pay must submit proof of the initial certification and of all renewals and/or recertification to the **City Manager**.
4. The differential pay shall be effective the first pay period after proof of certification has been submitted. It shall terminate the pay period in which the employee is no longer certified.
5. Personnel Director shall be responsible for maintaining records of all certifications and expiration dates, and to terminate the differential if proof of re-certification has not been provided.
6. Approved differentials are as follows:

A. All employees in the Public Works Department, including the Department Director, who become certified with the State of Utah as a Grade I, II, III or IV Systems Operator are eligible to receive differential pay as follows (differential rates are not cumulative):

- Grade I
- Grade II
- Grade III
- Grade IV
- Backflow/Cross Connection**
- Certified Inspector for Sediment and Erosion Control*
- Certified Professional in Storm Water Quality*
- Certified Professional in Sediment and Erosion Control*
- Registered Storm Water Inspector*

* Available for Public Works or Building Inspections employees.

** Available for designated Parks employees.

B. Employees in the parks section and storm water section who become certified by the Professional Lawn Care Association of America (PLCAA) as a Certified Turf-grass Professional are eligible to receive a differential in addition to their regular salary.

C. Employees classified as a Building Inspector must have ICC Building, Electrical, Mechanical, and Plumbing certifications in accordance with the job description. In addition, they receive differential pay for the following certifications.

- ICC Fire Inspector Certification (requires CBO approval)
- ICC Building Plans Examiner
- ICC Electrical Plans Examiner
- ICC Mechanical Plans Examiner
- ICC Plumbing Plans Examiner
- ICC Residential Plans Examiner
- ICC Property Maintenance and Housing Inspector
- ICC Disaster Response Inspector
- ICC Accessibility Inspector/Plans Examiner Certification
- ICC Commercial Energy Inspector
- ICC Residential Energy Inspector/ Plans Examiner
- ICC Chief Building Official Legal/ Management Module
- ICBO Structural Masonry Special Inspector Certification
(Requires CBO approval)

D. Employees who are fluent in Spanish and regularly communicate with Spanish speaking customers are eligible to receive a differential. This differential must be requested by the City Manager on a case-by-case basis.

E. South Weber City agrees to expend the costs of professional certification(s), such as, examinations, and C.E.U.'s (continued education unit). In the event that an employee fails an examination, it is to the discretion of the City Manager to hold the employee responsible for the examination payment.

4.080. Holiday Pay.

It is the policy of South Weber City that all full-time employees shall receive holiday pay for each of those days defined herein as legal holidays of the City. Employees shall be compensated for the number of hours that would normally be worked on that given day if it were not a holiday.

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

- (a) New Year's Day - January 1st;
- (b) President's Day - third Monday in February;
- (c) Memorial Day - last Monday in May;
- (d) Independence Day - July 4th;
- (e) Pioneer Day - July 24th;

- (f) Labor Day - first Monday in September;
- (g) Columbus Day - second Monday in October;
- (h) Thanksgiving - fourth Thursday in November;
- (i) The day after Thanksgiving;
- (j) Christmas Day - December 25th;
- (k) Either the day before or after Christmas as determined by the City Manager; and
- (l) Employee's Birthday; or equivalent time off if the birthday falls on a weekend or holiday.

South Weber City will automatically adopt any future paid holidays which are adopted by the state and/or federal government.

Full-time employees required to work on a legal City holiday shall receive an equivalent amount of time off on an alternate day as approved by his or her Supervisor or receive a wage at one and one-half times the straight-time rate for the hours worked on the holiday. Part-time employees required to work on a legal City holiday shall receive a wage at one and one-half times the straight-time rate for the hours worked on the holiday. Employees must have authorization from their Supervisor prior to working on a holiday. Holidays occurring during an employee's vacation or sick leave are not counted as vacation or sick days; excluding those employees who are scheduled to work on the holiday and will be given an alternate day off for the holiday.

Fire and public works employees required to work on a premium holiday as defined by this Policy shall receive a wage at two times the straight-time rate for the hours worked on the holiday. The following are considered premium holidays: Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day.

In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. Should the holiday fall on a Sunday, the following Monday shall be treated as a holiday. For eligible employees, the employee BIRTHDAY holiday can only be taken as scheduled, and with prior authorization by their Supervisor. It must be taken by the employee within one week (before or after) the employee's birthdate in one full day segment or two half-day segments on consecutive days.

4.090. Paid Leave.

Full-time employees are eligible to accrue vacation leave, sick leave, and other paid leaves as may be established by the City. Part-time employees who at the time of the adoption of this Policy accrue vacation and sick leave shall continue to be afforded this benefit at the accrual rates set forth herein. No paid leave shall accrue or be granted to non-qualifying part-time and limited employees unless otherwise approved by the City.

4.100. Unpaid Leave.

Employees may be granted unpaid leave under certain circumstances in accordance with the procedures set forth herein. Unless otherwise provided by law, such as military or family and medical leave, unpaid leave is a privilege and not a right. Employees shall not be entitled to the

accrual of any vacation or sick leave credits during the period of extended unpaid leave, but shall be entitled to life insurance, group health insurance, and seniority entitlement as required by law. Unless otherwise required by law, the employee may be required to pay for continuation of insurance benefits during unpaid leave.

4.110. Leave Procedures.

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

(b) Approval. Department Heads shall approve or deny employee leave requests at his or her discretion, except as otherwise provided herein. Any approved employee leave request shall be signed by the Department Head and City Manager stating any special provisions or conditions for the leave. Employees who do not answer to a Department Head shall submit all leave requests to the City Manager. Any Employee Leave Request exceeding thirty (30) days requires approval from the City Council. Any leave which qualifies or may qualify as Family Medical Leave must be reported to the City Manager to ensure that the appropriate notice and records are maintained for such leave. Department Heads desiring leave shall consult with the City Manager prior to scheduling such leave to ensure that proper measures have been or will be taken to provide for the proper and efficient functioning of the department during the Department Head's absence.

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

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

(e) Records. Original Leave Request Forms shall be maintained by the Personnel Director in accordance with the Government Records Access and Management Act, as adopted and amended by the City.

4.120. Leave Procedures Exceptions.

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

(a) Absence due to illness. In the event an employee is absent due to illness the request for leave may be handled by a telephone report to his or her Supervisor or Department Head. In the event the Supervisor or Department Head is not available, the employee may notify

the City Manager. Such notice shall be given as soon as practical before the employee's work shift begins.

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

4.130. Vacation Leave.

(a) Eligibility. Full-time employees are eligible to accrue vacation leave in accordance with their tenure of employment at the rates set forth herein and are eligible to use accrued vacation leave upon accrual. Part-time employees who, at the time of the adoption of this Policy, accrue vacation leave shall continue to be afforded this benefit at the accrual rates set forth herein. No other employees shall accrue and be eligible to use vacation leave as provided herein.

(b) Employee Accrual Rates. Full-time employees may accrue vacation hours according to the following table:

Years of Employment with South Weber City	Vacation Hours Accrued Per Pay Period
0-4	4
5-9	5
10+	6

Any and all employees currently accruing vacation time at any rate higher than 6 hours per pay period at the time of this Policy update will continue to accrue at their current rate.

(c) Accumulation. Vacation leave is credited to each employee on a per pay period basis. In the first year of hire in an eligible position vacation shall accrue from the date of hire for that position at four (4) hours per pay period. Employees can accumulate and carry forward to the next calendar year a maximum of two hundred and forty (240) hours. Any unused vacation hours in excess of two hundred and forty (240) hours will be forfeited at the end of each calendar year on December 31st. Upon good cause and request from the employee's Department Head a thirty to sixty (30-60) day extension of the December cut-off date may be considered by the City Manager.

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

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

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

(g) Annual Cash Out. Employees may cash out up to 80 hours of their accrued vacation hours once per year. An employee who cashes out hours must retain no less than 40 hours.

4.140. Sick Leave.

South Weber City provides eligible employees with paid sick leave each year to cover approved absences due to illness.

(a) Eligibility. All full-time employees are eligible to accrue sick leave at the accrual rates set forth herein.

(b) Accrual. Full-time employees may accrue up to twelve (12) days of paid sick leave, or to accrue ninety-six (96) hours per year. Eligible part-time employees shall accrue sick leave at a rate of six (6) days per year, or to accrue forty-eight (48) hours per year.

(c) Utilization of Sick Leave. Eligible employees may utilize sick leave for the following purposes:

- (1) Employee illness or injury
- (2) Illness or injury of an employee's immediate family member. For purposes of this section only, immediate family member includes; spouse, partner, significant other, son, daughter, parent, parent-in-law, or anyone else living in the same household, and anyone for whom the employee has legal guardianship
- (3) Dental and medical appointments
- (4) The use of paid sick leave may not exceed forty (40) hours in a work week

(d) Notification. Employees are expected to notify their Supervisor prior to or at the beginning of their scheduled work period. Employees, at the discretion of the Supervisor, may be required to provide written verification by his or her doctor stating the reasons the employee was unable to work due to illness.

(e) Records. Sick leave shall be recorded on the employee's timecard.

4.150. Family and Medical Leave.

(a) Purpose. It is the purpose of this Section to provide guidelines for employees regarding leaves of absence in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the federal Act shall control.

The provisions of this Section are intended to supersede the unpaid leave provisions provided elsewhere in these Policies and Procedures.

(b) Eligible Employees. Employees eligible for Family and Medical Leave as provided herein include employees who have been employed with the City for at least twelve (12) months and who have performed at least one thousand two hundred fifty (1,250) hours of service for the City during the previous 12-month period immediately preceding the commencement of the leave.

(c) Permitted Leave. Eligible employees shall be entitled to a total of twelve (12) workweeks of unpaid leave during any 12-month period for the following:

- (1) The birth of a son or daughter of the employee and to care for such son or daughter;
- (2) The placement of a son or daughter with the employee for adoption or foster care and to care for such son or daughter;
- (3) In order to care for the employee's spouse, son, daughter, or parent with a serious health condition; or
- (4) A serious health condition that makes the employee unable to perform the functions of his or her position.

(d) Designation of 12-Month Period. For purposes of determining the 12-month period in which the twelve (12) weeks of leave entitlement occurs, the City uses a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

(e) Leave Procedure.

(1) Notice. An employee must notify in writing his or her Department Head, who shall then notify the City Manager, of any needed Family and Medical Leave by filing an Employee Leave Request at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based upon an expected birth, placement for adoption, or foster care, or planned medical treatment for a serious health condition of the employee or a family member. If a thirty (30) day notice is not practicable, such as because of lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. Failure to give proper notice of intended leave to the City may result in denial of the taking of the leave for up to thirty (30) days after the date the employee provides notice in accordance with provisions of the Act.

(2) Designation of Leave. Once the City has acquired knowledge that the leave is being taken for a Family and Medical Leave Act-qualifying reason, the City shall designate the leave as such, whether it is paid or unpaid, and give notice of the designation to the employee. Except as otherwise provided in the Act, absence preceding a notice to the employee of the designation, may not be counted against the employee's FMLA leave entitlement.

(3) Certification. The City may require the employee to provide certification from a health care provider regarding the necessity of the leave in accordance with and subject to provisions of the Act.

(4) Reporting. The City may require the employee to report periodically to the employer on the status and intention of the employee to return to work in accordance with and subject to provisions of the Act.

(5) Fitness for Duty. The City may require the employee to obtain and present certification from the health care provider stating that the employee is able to resume work in accordance with the Act.

(6) Intermittent Leave. Intermittent leave or reduced schedule leave may be taken under certain circumstances in accordance with and subject to provisions of the Act. Any intermittent leave requested or granted shall be subject to conditions set forth in the Act, including but not limited to, alternative position transfer, reasonable notice, scheduling, and certification.

(f) Leave Protection.

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

(2) Position. Except as otherwise provided in the Act, employees who take family or medical leave shall be entitled on return from such leave to be restored at the option of the City to: (1) the position of employment held by the employee when the leave commenced, or (2) an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. The employee may be denied restoration of their positions in accordance with and subject to provisions set forth in the Act.

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

(4) Insurance. The City shall maintain coverage for the employee under any "group health plan" for the duration of the leave at the level and under the conditions of coverage the employee would have been provided had the employee continued in employment for the duration of such leave as required by the Act and applicable

provisions of COBRA. The City may recover the cost of maintaining such coverage in accordance with provisions of the Act if the employee fails to return from leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

(g) Records. The City shall make, keep, and preserve records pertaining to Family and Medical Leave in accordance with the Act. Access and maintenance of such records shall be subject to the requirements of the Utah Government Records Access and Management Act, as adopted and amended by the City. Documents relating to medical certifications, recertification, fitness for duty, or medical histories of employees or employees' family members shall be treated as confidential medical records.

4.160. Military Leave.

Employees who enter active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence from employment with the City during their military service to the extent required by State and Federal law, including Utah Code Annotated provisions regarding "Governmental Employees in Military Service" set forth at Utah Code Ann. § 39-3-1, et seq., as amended.

4.170. Jury Duty Leave.

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

4.180. Injury Leave (Worker's Compensation).

Employees injured during the performance of their job duties are covered by Workers' Compensation Insurance as provided by state law and shall be compensated for such leave in accordance therewith. In order for the employee to continue at a full salary during a disability from an on-the-job injury, worker's compensation payments may be supplemented by accrued sick leave and vacation time. After all leave time is exhausted, the employee must revert to worker's compensation payments within the definition of State Law.

4.190. Bereavement Leave.

With approval of the employee's Department Head and the City Manager, employees may be granted up to three (3) days of time off with pay for the death of an immediate family member. For the purposes of this section only, immediate family shall be defined as spouse, partner, significant other, child, stepchild, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchildren, or

anyone else living in the same household, and anyone for whom the employee is legal guardian. Exceptions require approval by the City Manager.

4.200 Exempt Employee Leave

Exempt employees who are not eligible for overtime/compensatory time are granted 40 hours of personal leave at the beginning of each calendar year to be used within that same year. Any unused personal leave is forfeited. Personal leave cannot be cashed out, transferred to another type of leave, or transferred to another employee.

4.210. Employee Recognition Program.

It is the policy of South Weber City to celebrate the success of its employees. Employees are to be appropriately recognized for their years of service, meritorious performance, and supportive attitude in addition to normal salary considerations.

4.220. Employee Wellness Program

It is the policy of South Weber City to provide an incentive for employees to maintain a high level of physical and mental wellness in order to improve employee productivity.

Employees will be given incentives to participate in an employee wellness program. The wellness program will include incentives for physical as well as mental wellness. Requests for city sponsorship of recreation teams shall be considered by the respective Department Director and may be partially funded out of department resources. **The Recreation Director shall be responsible for administering the wellness program.**

4.230. Employee Assistance Program

South Weber City provides an Employee Assistance Program (EAP) for all full- and part-time employees. An EAP is a confidential counseling and referral service that is designed to help employees and their family members deal with personal or work-related problems. Additional information about the EAP program is available from the Personnel Director.

CHAPTER 5: BENEFITS

- 5.010. Disclaimer.**
- 5.020. Retirement.**
- 5.030. Medical, Dental, and Optical.**
- 5.031. Life Insurance**
- 5.040. Workers Compensation.**
- 5.050. Family Activity Center Membership**

5.010. Disclaimer.

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

5.020. Retirement

(a) Defined Benefit Plan. The City is a member of the Utah State Retirement System. All benefited full-time employees are required to participate in the Utah State Retirement System (URS), unless otherwise allowed by URS regulations. Participation and administration of the system shall be conducted in accordance with state statutes and regulations regarding the same. No employee shall be exempt from such system unless permitted by law and approved by the City Council. The City Council may also approve and fund a supplementary retirement plan.

(b) Defined Contribution Plans. City employees who are either full-time or part-time and who, at the time of the adoption of this Policy, accrue vacation leave, may participate in the Utah State Retirement System 401(k) and 457 defined contribution plans. Employees working fewer than 80 hours per pay period will be paid a certain percentage based on the hours worked.

(1) City Contribution – Standard. The City will contribute funds in the amount of 1.51% of the employee's salary to the 401(k) for all full time and part time employees who, at the time of the adoption of this Policy, accrue vacation leave

(2) City Contribution – Match. The City will match 50% of the eligible employee's contribution to a 401(k) plan, up to 1.5% of the employee's salary.

5.030. Medical, Dental, and Optical

The City participates in group medical, dental, and optical programs for its eligible employees. Medical and dental coverage is provided to employees and their dependents. Optical coverage is optional. South Weber City does not employ more than 50 ongoing, full-time, and full-time equivalent employees and therefore, is not subject to the shared responsibility requirement (play

or pay) of the Patient Protection and Affordable Care Act (PPACA). South Weber City is not subject to a penalty for any full-time employee if that employee is offered “qualifying coverage” that passes benefits and affordability tests. Coverage offered by the City to eligible employees, is deemed “qualifying coverage” as it meets the benefits and affordability tests that have been required since January 1, 2014.

For purposes of this Policy health care eligibility, and in accordance with the PPACA, a full-time employee is one who is employed to work on average at least 30 hours per week regardless of the internal definition of full-time employment of the hiring entity. There is a Look-Back Measurement Method or a Monthly Measurement Method that can also be used to determine full-time equivalency.

5.040. Life Insurance.

The City participates in a group life insurance program. Each benefited employee is provided a term life insurance policy that covers \$40,000.00.

5.050. Workers Compensation.

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

(b) Transitional Work Duties. In order to assist ill or injured employees in regaining their health and returning to their regular working schedule, the City has a transitional work program.

Transitional duties may be assigned to ease the period from injury through recovery to regular job duties. An evaluation from the treating physician will determine the employee's physical capabilities and serve as a basis for establishing transitional duties.

5.060. Family Activity Center Membership.

Full-time employees, as well as elected and appointed officials, receive free family memberships to the Family Activity Center so long as they are employed and in good standing with the City. Part-time employees receive a free individual membership so long as they are employed and in good standing with the City.

CHAPTER 6: WORKING CONDITIONS

6.010. Work Hours.

6.020. Americans with Disabilities Act (ADA).

6.030. Harassment Policy

6.040. Sexual Harassment Policy

6.050. Workplace Violence Policy

6.010. Work Hours.

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

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

6.020. Americans with Disabilities Act (ADA).

(a) Policy. It is the policy of South Weber City not to discriminate on the basis of disability. No qualified individual with a disability should by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City, or be subjected to discrimination in employment under any service, program, or activity conducted by the City. Discrimination based on a disability has been held to constitute a violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended, and shall not be tolerated.

(b) Purpose. It is the purpose of this Policy to communicate to all applicants, employees, and other interested persons dealing with the City that discrimination on the basis of a disability is prohibited and shall not be tolerated. It is further the intent of this Policy to communicate to persons with disabilities that they have a means to discourage and seek relief from conditions which create barriers for individuals with disabilities or conduct which constitutes discrimination against individuals with disabilities.

(c) ADA Coordinator. The City Manager is hereby designated as the ADA Coordinator for the City. The ADA Coordinator shall be responsible for the administration of this Policy. Any

questions, comments or complaints regarding matters set forth herein should be addressed to the ADA Coordinator, 1600 East South Weber Drive, South Weber, Utah 84405.

(d) Scope. This Policy shall extend to all conduct defined as discriminatory under the Americans with Disabilities Act as applicable to the City. Specifically, the following conduct shall be prohibited:

(1) Services. "[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."⁴² U.S.C. § 12132, as amended.

(2) Employment. "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."⁴² U.S.C. § 12112, as amended.

(e) Procedure. Whenever a person believes he or she has been discriminated against on the basis of a disability regarding access to or benefit from City services, activities, or programs, or in connection with any employment with the City, the following steps should be taken:

(1) Complaint. The aggrieved party should file a written complaint with the ADA Coordinator within ten (10) days of the date the complainant becomes aware of the alleged violation.

(2) Investigation. Upon receipt of a complaint, the ADA Coordinator shall immediately notify the Mayor of the complaint and investigate the complaint. Investigation of the complaint may include, but is not limited to, interviewing the complainant, and affording all interested persons and their representatives, if any, the opportunity to submit oral or documentary evidence relevant to the complaint.

(3) Findings and Conclusions. The ADA Coordinator shall, within a reasonable time from receipt of the complaint, prepare and distribute to all parties his or her findings and conclusions from the investigation, including a description of the resolution of the complaint and notice of the complainant's right to appeal.

(f) Retaliation. Interested persons are entitled to bring good faith complaints hereunder without fear of retaliation. It is unlawful for any person to discriminate against another because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein, and it is further unlawful for any person to coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Any interested person who believes he or she has been subjected to any act of retaliation described herein has the right to file a further complaint alleging reprisal as a separate action under this Policy.

(g) Records. The ADA Coordinator shall maintain or cause to be maintained all records of the City pertaining to ADA rules and regulations and any complaints filed hereunder in accordance with the Utah Government Records Access and Management Act, as adopted and amended by the City, and any applicable federal regulations.

(h) Appeal. Any person aggrieved by a decision of the ADA Coordinator regarding a complaint filed hereunder may appeal such decision by filing with the City Council a written appeal within ten (10) days from the date of the decision stating the grounds for the appeal. The City Council shall investigate the matter and prepare its findings and conclusions within a reasonable time from receipt of the appeal.

(i) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving discrimination based upon disability.

6.030. Harassment Policy.

It is the purpose of South Weber City to maintain a safe and enjoyable work environment free from any form of inappropriate harassment or abusive behavior. South Weber City prohibits all forms of illegal harassment of employees by Supervisors, managers, fellow employees, elected or appointed officials, volunteers, customers, residents, or visitors. The City will not tolerate harassment of its employees. Under Title VII of the Civil Rights Act, any form of discrimination related to an employee's race, color, sex, religion, national origin, age, sexual orientation, disability, marital, or veteran status is a violation of this Policy and will be treated as a disciplinary matter. Sexual Harassment is included among the prohibitions (see section 6.040).

Harassment is inappropriate conduct that undermines the employment relationship that refers to occasional comments that may be considered socially unacceptable. Harassment on the basis of any protected class or characteristic is strictly prohibited under this Policy. Harassment includes verbal or physical conduct that designates or shows hostility or aversion to an individual because of his or her race, color, religion, national origin, age, disability, sexual orientation, marital, or veteran status, or any other characteristic that is protected by law. The conduct includes, but is not limited to:

- a. Epithets, slurs, or negative stereotyping;
- b. Threatening, intimidating, or hostile acts;
- c. Jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail or text message).

Retaliation against any employee who rejects, protests, or complains about harassment is prohibited. A complaint procedure is available to employees to report all types of harassment. If employees feel that they are being harassed by a Supervisor, co-worker, elected or appointed official, volunteer, resident, or visitor because of their race, color, sex, religion, national origin, age, disability, sexual orientation, or marital, or veteran status, they should first let the harassing person know of their objections, if feasible. Additionally, the employee shall report the problem, in writing, as outlined below.

If an employee experiences or is witness to harassment in the workplace, he/she shall report it immediately in writing to his/her direct Supervisor. If the target for reporting is the person who is harassing the employee, the employee may approach another manager or Department Director. All allegations of harassment will be quickly investigated. To the extent possible, employee confidentiality and that of any and all witnesses, and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation and will be provided the opportunity to discuss the outcome with the City Manager.

If circumstances warrant, the City Manager may appoint a two-person investigative team to investigate complaints of harassment, submitted in writing. If a two-person team is not appointed, the investigation may be handled by the accused person's manager or Department Director. Complaints of sexual harassment will be investigated pursuant to the Sexual Harassment Policy.

The investigation may also include a thorough review of files and other tangible evidence. The investigators will make every reasonable attempt to resolve any questions of credibility between the complaining and the accused employees rationally and objectively.

Information obtained during the course of an investigation of harassment will be maintained in confidence as much as is feasible. It will be released only to individuals who have a need to know it, e.g., individuals who will enable the City to investigate the charges thoroughly and appropriate Supervisors and managers.

Individuals who make false statements during the course of a harassment investigation may be subject to discipline which may include termination. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline which may include termination. Where investigations confirm the allegations, the perpetrator's department will take appropriate corrective and/or disciplinary action.

Bullying is a form of harassment which is also prohibited. Bullying can be physical (hitting, pushing, shoving, and "getting in the face of"), verbal (making fun of, maliciously teasing, threatening, coercing, calling derogatory names) or relational (spreading rumors, ostracizing). Bullying is prohibited regardless of whether or not it is used to target a person of a protected class.

Retaliation for making a harassment complaint is another form of harassment. Retaliation against any employee who rejects, protests, or complains about any type of harassment is prohibited. Retaliation is conduct that would tend to discourage others from making a complaint against harassment or is intended to punish a person who made a complaint and includes such behavior as ostracizing or being continually rude towards a person who has complained, denying privileges granted to others, or taking adverse employment action because an employee made a complaint. Retaliation is prohibited regardless of whether or not the original complaint made by the victim or alleged victim of retaliation had any merit.

6.040. Sexual Harassment Policy.

(a) Policy. It is the policy of South Weber City to provide its employees with a work environment free from sexual harassment. Sexual harassment is unacceptable and is prohibited. Sexual

harassment shall not be tolerated nor condoned by the City under any circumstances. This zero-tolerance Policy applies to all employees, officers, and agents of the City, as well as any other third parties doing business with or served by the City.

(b) Purpose. It is the purpose of this Policy to communicate to all employees of the City and all persons conducting business with or served by the City that sexual harassment is prohibited. It is also the intent of this Policy to inform and communicate to employees experiencing or witnessing sexual harassment that they have a means to discourage and report offensive or inappropriate conduct and that such reports will be immediately investigated, and appropriate action will be taken

(c) Notice. All employees of the City shall be responsible for knowing the provisions of this Policy regarding sexual harassment. The City Manager shall be responsible for informing employees of any amendments to this Policy. Any violation of this Policy by City employees shall result in disciplinary action up to and including termination.

(d) Definitions. As used herein, the following words shall have the meaning described below:

(1) "Retaliation" means a retaliatory action taken against any person complaining of or reporting sexual harassment or any person involved or cooperating in an investigation of sexual harassment or a retaliatory action taken against any other person or property as a result of a sexual harassment complaint and/or investigation.

(2) "Sexual Harassment" means unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(e) Prohibited Conduct. Sexual harassment of any nature is prohibited under this Policy, whether or not such conduct rises to the level of unlawful harassment. Examples of the kind of conduct that constitutes sexual harassment under this Policy includes, but is not limited to, the following types of behavior. Prohibitions hereunder include same-sex harassment.

(1) Sex Role Stereotyping. This conduct consists of assignment of nonjob-related duties, functions, or roles based on gender. Examples include making coffee, serving refreshments, and running errands, when not related or necessary to the functions and responsibilities of the employee's position with the City.

(2) Targeted Gender Harassment. This conduct includes intentional behavior that is directed at a specific gender. Examples of this kind of prohibited conduct include sexual comments and jokes as well as suggestions or gestures about gender or sexuality.

(3) Targeted Individual Harassment. This conduct consists of intentional behavior that is targeted at an individual or a specific group which causes serious negative physical or

psychological effects to the victim and adversely affects productivity and morale. This prohibited conduct includes negative or offensive sexual comments, jokes or gestures directed to or relating to an individual's gender or sexuality, or unwelcome physical conduct of a non-criminal nature.

(4) Criminal Sexual Harassment. This conduct includes behavior which violates state or federal law. Prohibited conduct includes forcible sexual abuse, intentional intimate touching of another (such as buttocks or genitals of another or the breasts of a female) and taking indecent liberties with another individual.

(f) Employee Responsibility. Employees shall promptly report any sexually harassing conduct they experience, learn of, or witness utilizing the complaint procedures provided herein. Such prompt reporting will assist the City in eliminating any harassment at an early stage and/or reduce or eliminate any resulting harm.

(g) Complaint Procedures. Whenever an employee believes he or she has experienced, learned of, or witnessed any type of sexual harassment, the employee shall report the matter utilizing the following procedures.

(1) Complaint. An employee may report and/or complain of any alleged sexual harassment by verbally notifying or filing a written complaint of the harassment with his or her Supervisor. If the employee's Supervisor is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her Supervisor, the employee may verbally notify or file a written complaint with the employee's Department Head or the City Manager. If the Department Head or the City Manager is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her Department Head or the City Manager, the employee may verbally notify or file a written complaint with the Personnel Director or the Mayor.

(2) Notice. Except as otherwise provided herein, any Supervisor, Department Head, Personnel Director, or the Mayor receiving notice of an alleged incident of sexual harassment, either verbally or in writing, shall take immediate action to report such incident and/or complaint to the City Manager. In the event the City Manager is implicated in the complaint, the Mayor shall be notified by the Supervisor, Department Head, or Personnel Director of the report or complaint.

(3) Investigation. It is an express policy of the City that all complaints of sexual harassment will be investigated. Except as otherwise provided herein, the City Manager, or his or her designee, shall promptly and thoroughly investigate any such complaint of sexual harassment. The investigation shall be undertaken without bias or premature judgment. The investigation may include interviews with the complaining employee, the subject of the complaint, co-workers, and former employees who may have knowledge of the situation. In the event the City Manager is implicated in any sexual harassment complaint, the Mayor shall cause to be conducted a prompt and thorough investigation of the matter. In such event, all references in Subsections (4) and (5) to the City Manager shall be read to refer to the Mayor. The City may also hire a third-party

investigator to conduct any investigation of alleged sexual harassment. All investigations shall include, at a minimum, providing a copy of this Policy to the complainant and the accused; informing the parties of the law regarding sexual harassment and the provisions of this Policy; and reviewing the complaint with the complainant and the accused.

(4) Decision. Upon completion and review of the investigation, the City Manager shall determine whether there has been a violation of this Policy and shall immediately thereafter take such action as he or she deems appropriate under the circumstances in accordance with applicable procedures regarding the same. In the event a third-party investigator has been hired to investigate the matter, the City Manager shall review the conclusions of the investigation and decide the matter as provided herein. Written notice of the decision, including any appropriate findings and conclusions, shall be prepared, and distributed to the parties within a reasonable time from receipt of the complaint.

(5) Determine Remedy. If a violation of this Policy is found, the City Manager shall determine the appropriate discipline for the violator ranging from written reprimand to termination of employment. The City Manager shall take the following factors into consideration in determining the appropriate discipline, together with any other appropriate factors:

- i. the relationship of the parties;
- ii. the nature of the offense;
- iii. the number of complainants; and
- iv. the number of occurrences.

(6) File Records. If the accused is found to have violated this Policy, all records concerning the complaint, investigation, findings, and discipline shall be maintained with his or her personnel records. If the accused is found innocent of any violation of this Policy, no records concerning the incident shall be maintained with his or her personnel records.

(h) Confidentiality. All complaints and investigations of sexual harassment will be confidential to the extent possible under the circumstances and only those persons necessary for the investigation and resolution of the complaint will be provided information. Breach of this confidentiality requirement may result in disciplinary action being taken.

(i) Retaliation. Employees are entitled to bring good faith complaints regarding alleged sexual harassment and/or to participate in the investigation of any such complaints without any fear of retaliation. Retaliation against an accused or any person involved or cooperating in an investigation of sexual harassment is a separate violation of this Policy. If an employee believes he or she has been subjected to any act of retaliation resulting from any complaint or investigation of sexual harassment, he or she has the right to file a complaint hereunder alleging retaliation as a separate action under this Policy.

(j) Misuse of Policy. Any false claims of sexual harassment or allegations made in bad faith will result in disciplinary action taken against the accuser.

(k) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving sexual harassment and shall be exhausted prior to pursuing other available remedies.

6.050. Workplace Violence Policy

For purposes of this Policy, workplace violence is defined as a single behavior or series of behaviors which constitute actual or potential assault, battery, harassment, intimidation, threats, or similar actions, attempted destruction, or threats to South Weber City or personal property; which occur in a South Weber City workplace, while using company resources, at a company work location, or while an individual is engaged in company business.

South Weber City strictly prohibits use of violence or threats of violence in the workplace and views such actions very seriously. The possession of weapons in the workplace, threats, threatening or menacing behavior, stalking, or acts of violence against employees, visitors, guests, or other individuals by anyone on South Weber City property will not be tolerated. Violations of this Policy will lead to disciplinary action up to and including termination of employment and the involvement of appropriate law enforcement authorities as needed.

In the unfortunate event that a credible threat of violence arises, established protocols and awareness can help address the issues promptly.

1. Establish and disseminate an anti-violence policy. Creating awareness of procedures to follow in the event of actual violence or the threat of violence is critical. An employer's personnel manual should include a policy that, at a minimum, prohibits violence and threats in the workplace (including those made in jest) and requires employees to report all related incidents. Of course, in a crisis situation, employees likely will not have time to consult the manual. However, implementing a policy and reviewing it with employees at least annually can help keep protocols top of mind and enable employees to stay calm in the face of a threat or actual violence.
2. Assess the threat. In the event an employee threatens violence, an employer should first assess the seriousness of the threat in order to determine an appropriate course of action. What were the circumstances? Does the employee have a history of erratic behavior? What was the tone of the threat? How specific was it? For example, there may be a significant difference between an employee's off-hand remark(s); and a specific threat emailed to a coworker ("Jane turned me down for the last time. I have my brother-in-law's gun, and I'll be waiting for her when she comes to work on Monday.") An employer should weigh all facts in order to assess the seriousness of the threat. If time permits, consider involving an outside investigator.
3. An employer's actions may include changing locks and access codes, securing doors that ordinarily are left open, alerting key employees to the threat, reviewing

safety protocols with all employees, and notifying the Davis County Sherriff's Office. If the threat involves imminent harm, an employer should immediately contact law enforcement authorities, lock down facilities, and consult with legal counsel.

Focus on maintaining peace in the workplace. Employers can protect the safety of their employees and reduce the likelihood of workplace violence by following a few simple guidelines:

- Proactively create and maintain a positive work environment;
- Treat terminated employees with courtesy and respect, including providing on-site outplacement support to help diffuse emotions and refocus those affected.

(A) Action to be Taken.

Any employee or other individual who makes substantial threats, exhibits threatening behavior, or engages in violent acts on South Weber City premises shall be removed from the property as quickly as safety permits, and may be asked to remain away from South Weber City premises pending the outcome of an investigation into the incident. People who commit these acts outside the workplace, but which impact the workplace are also violating this Policy and will be **handled** appropriately. South Weber City reserves the right to respond to any actual or perceived acts of violence in a manner the City see fit according to the particular facts and circumstances.

When threatening behavior is exhibited or acts of violence are committed, South Weber City will initiate an appropriate response.

This response may include, but is not limited to, evaluation by external professionals, suspension and/or termination of any business relationship, reassignment of job duties, suspension, or termination of employment, and/or criminal prosecution of the person/persons involved. Threats to fellow employees or citizens of South Weber City of using firearms, knives, explosives, or other lethal means will be met with zero tolerance and will end in immediate suspension and/or termination.

No existing South Weber City policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

(B) Reporting Procedure.

South Weber City's personnel are responsible for notifying the designated management representative of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a company-controlled site or is connected to company employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the

designated representative is not available, employees should report the threat to their Supervisor or another member of the management team.

South Weber City understands the sensitivity of the information requested and has developed confidentiality procedures, which recognize and respect the privacy of the reporting employee(s). Consistent with the values of South Weber City, people should act in ways that maintain respect and dignity for individuals while acting in an accountable and swift manner to address the situation.

(C) Protective or Restraining Orders.

All individuals who apply for and obtain a protective or restraining order which lists company locations as being protected areas, must provide to the City Manager, the Department Director, and the Personnel Director a copy of the petition and order.

Suggested Procedures for Safety and Protection of Employees Experiencing Threats of Violence

- Encourage the employee to save any threatening e-mail or voice-mail messages. These can potentially be used for future legal action or can serve as evidence that an existing restraining order was violated.
- The employee should obtain a restraining order that includes the workplace and keep a copy on hand at all times. The employee may consider providing a copy to the police, his/her Supervisor, or appropriate individuals/departments within the South Weber City administration.
- The employee/employer should provide a picture of the perpetrator to reception areas.
- The employee should identify an emergency contact person should the employer be unable to contact the victim.
- If an absence is deemed appropriate, the employee should be clear about the plan to return to work. While absent, the employee should maintain contact with his or her Supervisor.
- Work with local law enforcement personnel and encourage employees to do so regarding situations outside the workplace.
- We're not an Air Force Base! Limit information about employees disclosed by phone. Information that would help locate a victim or indicates a time of return should not be provided.

CHAPTER 7: CONDUCT

- 7.010. Personal Appearance.**
- 7.020. Public Relations.**
- 7.030. Working Relations.**
- 7.040. Employee Ethics.**
- 7.050. Honesty.**
- 7.060. Confidentiality.**
- 7.070. Outside Employment.**
- 7.080. Personal and Outdoor Activities**
- 7.090. Information to the Public.**
- 7.100. Electronic Communications Policy.**
- 7.110. Use of City Vehicles.**
- 7.120. Equipment Use Policy.**
- 7.130. Drug and Alcohol Policy.**
- 7.140. DOT Drug and Alcohol Testing.**
- 7.150. No Smoking Policy**
- 7.160. Notary Public Services Policy**
- 7.170. Reporting Fraud and Abuse**
- 7.180. City Hotline**
- 1.190. Cash Receipting and Deposit**
- 7.200. Conflict of Interest**

7.010. Personal Appearance.

Impressions gained by the public visiting the office or dealing with City employees at any location are very important to the City as a public entity. Consequently, employees are expected to take pride in their appearance and grooming and to dress in a conservative and appropriate manner. Clothing must be clean and in good repair at all times. Employees in departments that require uniforms must adhere to department uniform standards unless otherwise directed by the Department Head.

7.020. Public Relations.

Employees are expected to be courteous, cooperative, diplomatic, and discrete in dealing with the public (face to face, telephone conversations, and written correspondence). Employees shall treat all citizens equally and with professionalism and avoid making cultural, ethnic, racist, or sexist slurs. Complaints or concerns expressed by citizens are to be promptly reported or referred to the appropriate Supervisor.

7.030. Working Relations.

Employees are expected to maintain a productive and supportive working relationship with others in the course of carrying out their responsibilities. They shall also encourage teamwork, support team efforts, communicate in a constructive manner, and exhibit good listening skills. Employees shall be courteous and cooperative with those they work with, consistently treat others equally and with professionalism and avoid cultural, ethnic, racist, and sexist slurs.

7.040. Employee Ethics.

It is the policy of South Weber City to reaffirm that there be no conflicts of interest with City employees and that no employee improperly benefits from holding a position with the City. All employees are required to adhere to legal, moral, and professional standards of conduct in the fulfillment of their duties with the City and shall demonstrate the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust, and confidence of the public. Employees, elected and appointed officials, and contracted employees shall adhere to the provisions of the *Municipal Officers' and Employees' Ethics Act*, as set forth in **Utah Code Ann. § 10-3-1301**, et seq., as amended. The appropriate disclosure statement shall be filed annually with the City in accordance with the Act. Employees are encouraged to discuss and raise any questions or concerns regarding public employees' ethical duties with their Department Head or the City Manager when such questions arise.

(A) Prohibited Conduct

No current employee or officer, as specified, shall:

1. Conflict of Interest

See South Weber City Code Ord:2022-06

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 South Weber 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 the 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;
- 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 South Weber City. This includes receiving compensation, gratuity, or other benefit from an interested party of an agreement or contract with South Weber 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 city employment, which, as determined by the City Council and according to Utah Administrative Code R477-9-2:
 - i. Interferes with an employee's performance.
 - ii. Conflicts with the interests of South Weber 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 South Weber City may not provide a basis for denying employment to the applicant.
 - ii. A 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 city employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - iv. A city officer or employee may not use city equipment while engaged in campaigning or other political activity.
 - v. A 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 city officer or employee may not attempt to make another officer's or employee's employment status dependent on the officer's 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 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 city officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - ii. Permit a city officer or employee partisan political activity that is prohibited under federal law.
- e. No 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 South Weber City property.
- f. No city officer or employee shall promise any appointment to any position with South Weber City as a reward for any political activity.
- g. A city employee who is elected to an office with South Weber 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 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 South Weber City:

- a. No former employee shall, during the period of one (1) year after leaving 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 South Weber 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 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.

12. Ethical Behavioral Pledge

- a. All city employees and city council members are required to annual sign an Ethical Behavioral Pledge. See Exhibit A & B.

7.050. Honesty.

Employees shall be honest in the performance of their duties and responsibilities for the City and in their dealings with the public.

7.060. Confidentiality.

Unauthorized disclosure of privileged, private, and/or confidential information is prohibited and shall be grounds for disciplinary action, up to and including termination.

7.070. Outside Employment.

In order to reduce mental and physical fatigue, limit conflicts of interest, and reduce liability insurance expenses, no employee shall be permitted to engage in any outside employment except as provided herein. Any employee desiring to engage in outside employment must submit a request, in writing, to his or her Department Director. The Department Director may conditionally approve such outside employment unless it is deemed to be of an ongoing nature, in which case the City Manager's approval shall be required with the advice and consent of the Department Director. Outside employment may be approved or denied as deemed to be in the best interest of the City in consideration of the following:

- (a) Whether the outside employment will in any way interfere with the employee's ability to meet the City's work schedule, including reasonable overtime and standby assignments;
- (b) Whether the outside employment will be directly connected with or contingent upon a representation that the employee is in any way representing the City, either directly or indirectly;
- (c) Whether the outside employment is consistent and appropriate with the employee's position held with the City;

(d) Whether the outside employment will interfere with the employee's physical, mental, or emotional ability to fully and completely discharge the job duties of his or her City position.

Any request for outside employment shall be retained with the employee's personnel records. Unless otherwise prohibited by law, the City reserves the right to cancel an approval for outside employment when it is deemed such employment is not in the City's best interest. Any employee engaged in outside employment without proper approval required herein may be subject to discipline. City employees may not use City equipment in connection with outside employment nor may they engage in outside employment while on City time. In no event shall any full-time outside employment be permitted for full-time employees. Employees may not accept other employment which might impair his or her independence of judgment in the performance of his or her public duties as an employee of the City or which might interfere with the ethical performance of such duties.

7.080. Personal or Outside Activities.

Employees should not perform personal business during working hours. Except as otherwise provided herein or authorized by the Department Director or the City Manager, no personal use of City offices, facilities, supplies, or equipment shall be permitted. Use of City vehicles shall be conducted in accordance with Section 7.080. Use of City telephones for personal calls should be kept to a minimum. If authorized in advance, employees shall reimburse the City for any permitted personal use of City equipment, property, or services such as postage, copies, long-distance or cellular telephone calls, printing, etc.

7.090. Electronic Communications

(a) Policy

It is the policy of South Weber City to establish basic guidelines concerning the appropriate use of email, voice mail, text messaging, internet technology, the City's Wi-Fi network connection, and other electronic communication systems owned and provided by the City. All communications over and activities conducted on these systems are the property of the City. The City has provided these systems to its employees and public officials for the purpose of performing professional responsibilities and duties. Because email is a primary way the City communicates important information, employees, appointed, and elected officials are encouraged to check for new email messages at least once a week.

Email related to City business is recognized as official correspondence. Whether printed or not, it is subject to the same policies, rules, and procedures, and must be treated in the same manner as any City correspondence sent or received in printed format.

Employees, appointed, and elected officials shall print and file with the appropriate file any and all emails containing substantive information related to City business. Deletion of emails containing substantive information without first printing said emails shall be prohibited. Employees found deleting such records may be subject to disciplinary action in accordance with Chapter 11 of this Policy.

Elected Officials are prohibited from using a personal email account from an outside email provider to conduct City business as it can be difficult to maintain appropriate records.

Purpose

To encourage the proper use of voice mail, email, internet, Wi-Fi, or other communication systems provided by the City.

Guidelines for Email, Voice Mail, Internet, Wi-Fi, and other Electronic Communications

1. The City encourages the appropriate use of all methods of communicating both internally and externally in conducting the affairs of the City. This includes the use of email, text messaging, voice mail, internet, Wi-Fi, and other electronic communication systems for both City related and personal purposes, but only in accordance with the guidelines in sections 2-5. Employees, appointed, and elected officials have no expectation of privacy when using any equipment or system provided by the City, are required to follow specific rules and procedures when utilizing these technologies for City business, and/or when using City resources. The City reserves the right to inspect the contents of any computer, telephone, cell phone, or any other equipment that is owned by the City. The City also reserves the right to inspect any web page history, email, voice mail, text message, instant message, downloaded image, or other electronic file residing on the City server as a result of use of any of the above-described items or as a result of the use of the City's internet with personally owned devices (Personal Digital Assistant (PDA), Tablets, Cell Phones). Any such inspection may occur at any time and for any reason. Personnel in Supervisory positions should be particularly aware of situations that may warrant monitoring such as:
 - a. Suspicion of a crime or violation of policy
 - b. To monitor productivity

The use of passwords is to prevent unauthorized access by other employees, elected officials, and the public and should not be construed as creating an expectation of privacy by the employee or elected official who uses the password.

2. The City encourages work-related and personal use of City email, voice mail, internet, and Wi-Fi systems for the following purposes:
 - a. To facilitate performance of job functions;
 - b. To facilitate the communication of information, both internally and externally, in a timely manner;
 - c. To coordinate meetings of individuals, locations, and City resources.
 - d. To share ideas and information;
 - e. For personal use during an employee's time off (provided the provision in section 3 (related to prohibited uses) and section 4 (relating to personal use) are followed);
and
 - f. To encourage employee's and elected official's innovation.

3. Prohibited uses of City email, voice mail, internet, Wi-Fi, and any other electronic communication systems include, but are not limited to the following:
 - a. Sending, viewing, downloading, or storing pornographic or obscene images or information on City computers, cell phones, or other City equipment. It is also a violation of the City policy to send, view, or download pornographic or obscene images or information using the City's internet or Wi-Fi systems using any personally owned electronic device (Personal Digital Assistant (PDA), Tablets, Cell Phones) **at any time**. Unsolicited pornography or obscene images are to be reported to the City Manager or the Information Technology Personnel.
 - b. Sending, viewing, or downloading any other offensive, discriminatory, disparaging, or harassing graphical images or information.
 - c. Using any form of electronic communication in a manner that violates the City's sexual harassment policy
 - d. Sending obscene or suggestive images.
 - e. Political endorsements.
 - f. Commercial or business activities not related to the City.
 - g. Personal use of the internet other than brief incidental use.
 - h. Internet usage during official meetings, unless searching for information directly related to the current discussion.
 - i. Threats of harassment.
 - j. Slander or defamation.
 - k. Other illegal activities or activities prohibited by City policy.
4. Employees using City email, internet, Wi-Fi, or other related systems for personal use will be responsible for reimbursing the City for any direct expenses incurred from that use, such as the costs of printing or long-distance calls.
5. Although commercial or business activities not related to the City are prohibited on City email, internet, Wi-Fi systems, South Weber City does allow employees to sell limited personal items using the internal e-mail system. Selling for non-City employees is prohibited.
6. Employees and elected officials are cautioned to not send e-mail to every employee listed in the e-mail system that is indicative of a person's personal beliefs or of a religious nature.
7. Email, instant messaging, texts, voice mail, and other electronic communications can be used in court proceedings as evidence. Employees and elected officials are to be professional in their use of electronic communications systems.
8. Violations of this Policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination.
9. Violations of this Policy that may be construed to be of a harassing nature or that may create a hostile work environment will be treated as a violation of the City's harassment policies.

Employees and elected officials shall keep personal email and other electronic correspondence utilizing city resources to a minimum.

The contracted Information Management Team is responsible and accountable for ensuring employees and appointed and elected officials are able to communicate using the appropriate technologies in an effective, secure method by deploying the appropriate safeguards in the appropriate way.

Electronic Communications under GRAMA

The following devices and/or technology used to conduct City business may be subject to examination for matters related to personnel matters, litigation disclosures, forensic analysis, and information requests under the Government Records Access Management Act (GRAMA):

- a. Computers, tablets, cell phones, and Personal Digital Assistants (PDAs) owned by the City;
- b. Servers and other networks and devices owned by a third party (i.e., email servers, web servers);

Standards of Conduct

Employees and elected officials are reminded of the requirement to conduct themselves appropriately in all City correspondences as outlined in this Policy. Employees, appointed, and elected officials are required to be respectful of individuals and groups in their communications related to City business. Use of profane, vulgar, inflammatory, disrespectful, or derogatory language is unprofessional and is not appropriate in any City correspondence.

Records Retention Roles and Responsibilities

All electronic communication, including instant messages and text messages, are governmental records and are subject to the same statutes, ordinances, policies, and procedures as their printed counterparts. Employees, appointed, and elected officials are required to appropriately manage the retention and disposition of electronic communications records for which they are responsible. Records deleted or altered which are required to be retained must be restored. Questions regarding record retention should be directed to the City Recorder.

Role Definition of the:

Sender. Employees, appointed, and elected officials that originate a message and send it to another person or persons are the senders of the communication. The sender has the primary responsibility for ensuring messages related to City business are consistent with the City's position on the specific topic, are appropriately managed, and comply with the applicable policies and procedures for the specific type of communication.

Recipient. Employees, appointed, and elected officials to whom a message is sent are the receivers regardless of whether he/she is the primary recipient of the message or were "cc'd or Bcc'd." The receiver has the responsibility to ensure messages related to City business not originating from a City system, such as from a member of the public, are appropriately managed and comply with the applicable policies and procedures for the specific type of message.

Creator. Employees, appointed, or elected officials generating new information or content related to City business for a web page or social media site are creators of content. Creators of content related to City business posted on a web page or other social media outlet are responsible to ensure that the information is consistent with the City's position on the specific topic and that content is appropriately managed.

Participants. Employees, appointed, and elected officials that enter information or comments related to City business in response to content or entries posted on social media outlets are participants. These employees, appointed, and elected officials are responsible for ensuring the information or comments related to City business are consistent with the City's position on the specific topic.

Open Meeting Laws. Elected and appointed officials shall comply with all open meeting laws under UCA Title 52, Chapter 4 and shall refrain from creating situations that violate such law.

Because email is a primary way the City communicates important information, employees, appointed, and elected officials are encouraged to check for new email messages at least once a week.

Email related to City business is recognized as official correspondence. Whether printed or not, it is subject to the same policies, rules, and procedures, and must be treated in the same manner as any City correspondence sent or received in printed format.

Employees, appointed, and elected officials shall archive with the appropriate format any and all emails containing substantive information related to City business. Deletion of emails containing substantive information without first printing said emails shall be prohibited. Employees found deleting such records may be subject to disciplinary action in accordance with Chapter 11 of this Policy.

Elected Officials are discouraged from using a personal email account from an outside email provider to conduct City business as it can be difficult to maintain appropriate records. However, if the elected official chooses to use a personal email account to conduct City business, then it is subject to the policy and procedures outlined above and examination for matters related to personnel matters, litigation disclosures, forensic analysis, and information requests under the Government Records Access Management Act (GRAMA) as outlined in section C. "Privacy" above.

Social Media.

Social media refers to technologies and services designed by third parties to establish virtual communities of members with a common focus of interest. These are effective tools for communicating with the public where appropriate.

Employees, appointed, and elected officials have no expectation of privacy when using any equipment or system owned by the City, and are required to follow specific rules and procedures when utilizing these technologies for City business and/or when using City

resources. The City reserves the right to inspect the contents of any computer, telephone, cell phone, or any other equipment that it provides to an employee. The City also reserves the right to inspect any web page history, email, voice mail, text message, instant message, downloaded image, or other electronic file residing on the City server as a result of use of any of the above-described items or as a result of the use of the City's internet or Wi-Fi network connection systems with personally owned devices (Personal Digital Assistant (PDA), Tablets, Cell Phones). Any such inspection may occur at any time and for any reason. Personnel in Supervisory positions should be particularly aware of situations that may warrant monitoring such as:

- c. Suspicion of a crime or violation of policy
- d. To monitor productivity

Elected and appointed officials shall not communicate with each other about public business through social media and should avoid online relationships that could create the appearance of a conflict of interest.

Social Media shall be used and viewed as a second outlet to provide information to the public and shall, whenever possible, route people back to the city's official website. Unless otherwise specified, social media shall be considered transitory in nature and shall not be subject to record retention.

(1) Twitter. The City shall actively use Twitter to alert residents of upcoming events, provide information, etc.

(2) City Website. The City shall actively maintain a website to provide the public with information of upcoming events, forms, code information, etc. An official electronic version of the site shall be retained by the website host for 30 days. Comments received and responded to from the website (sent via separate email), shall follow the email policy and procedures outlined above.

(3) Facebook. The City's Facebook page(s) shall be created in accordance with current Facebook policies. Whenever possible it shall be used to redirect the public to the city's official website for more information.

(a) Site Administrator(s). The City Manager shall direct one person and one alternate person to act as the Facebook site administrator(s). This person will be responsible for posting content, responding to comments/requests (where applicable) and overall monitoring of the site.

(b) Disclaimer Statement. The City Attorney has prepared the following disclaimer statement to be linked to any City Facebook page:

"Welcome to the official Facebook® fan page of South Weber City, where you will find recent news stories, information, and notices regarding happenings here in South Weber. All fans of our page must comply with both Facebook® Terms of Use as well as those policies and limitations set forth herein. South Weber City reserves the right to edit or remove content that violates Facebook® Terms of Use or is deemed

inappropriate by South Weber City. While South Weber City has the sole right to edit or remove content, it does not have the responsibility to do so. Content which violates Facebook® terms and/or which may be inappropriate for the site, includes but is not limited to one or more of the following: • graphic, obscene, explicit, or racial comments or submissions, including comments that are abusive, hateful, or intended to defame anyone or any organization. • Personal attacks on South Weber City employees or other users of this page. • Solicitations or advertisements, including promotion or endorsement of any financial, commercial, or non-governmental agency, as well as attempts to defame or defraud any financial, commercial, or nongovernmental agency. • Comments that suggest or encourage illegal activity. • The appearance of external links on this site does not constitute endorsement, either officially or unofficially, on behalf of South Weber City. By your participation, you agree that you are participating on this page at your own risk, and by participating you agree further that you are taking personal responsibility for your comments, your username, and any information provided, including posting of personally identifiable information (e.g., phone numbers, email addresses, etc.). In addition, you agree to indemnify and defend South Weber City and its officers and employees from any claims or damages resulting from your interaction with this site. You further agree to hold South Weber City harmless from any claims or damages you may suffer resulting from your participation and/or interaction with this site. We do not allow advertisements or the offering to sell any goods or services, or conduct or forward surveys, contests, or chain letters. We do not allow downloading of any file posted by another user of or from a forum that you know, or reasonably should know, cannot be legally distributed in such manner. You are not allowed to upload or attach files that you know or should know contain viruses, corrupted files, or any other similar software or programs that may damage the operation of another's computer. You are not allowed to delete any author contributions, legal notices, or proprietary designations or labels in any file that is uploaded. South Weber City strongly encourages parents and guardians to supervise their children's use of this page. User generated content, including video, photos, wall posts, and comments, does not reflect the opinion or policies of South Weber City, its officers, employees, contractors, or affiliates. South Weber City (a) does not represent or warrant the accuracy of any statement made herein, (b) is not responsible for any User Content on this site, and (c) does not endorse any opinions expressed on this fan page. Finally, please keep in mind that this site is run by people, just like you. We are doing our best to keep the site interesting and informative and always appreciate your constructive criticism, but please be respectful. “

(4) Prohibited Use. Personal use of social media shall not be used during official meetings or during work hours. Personal social media accounts shall not be used as a forum for city business.

(5) Prohibited Content. Prohibited content includes political activities, harassing or offensive language or images, endorsements of any product, service or private organization, and commercial and fund-raising activities, except those sponsored or sanctioned by the City.

(6) Employee Personal Use of Social Media Accounts. Because personal communications of employees may reflect on the City, personal social media accounts shall not be used as a forum for City business, especially if employees are commenting on City business, Supervisors, or City policies, and because information posted by employees on social media sites or the internet may be spread to large audiences without the employees' knowledge or permission, the City has an interest in regulating employees personal use of social media. Employees who are known as such may be seen by citizens as representatives of the City and such employees' activities on social media networks may reflect upon the City. Employees and elected and appointed officials are expected to maintain an online image that is consistent with the City's goals and objectives.

Nothing herein shall be construed to prevent an employee from speaking out on matters of public concern provided that the employee's interest in making the communication outweighs the City's interest as an employer in preventing the communication. Examples of situations where the City's interest in preventing an employee communication may outweigh the employee's interest in making the communication include, but are not limited to, situations where the speech could:

- 1) Impair discipline by superiors or harmony among co-workers,
- 2) Have a detrimental impact on close working relationships for which personal loyalty and confidence are necessary,
- 3) Impede the performance of the speaker's duties,
- 4) Interfere with the regular operation of City business, or
- 5) Undermine public confidence in the City where public confidence is important to the successful accomplishment of the City's mission.

Therefore, with respect to the personal use of social media, all employees shall:

- I. Comply with privacy protection laws, e.g., GRAMA, HIPPA, and protect sensitive and confidential information.
- II. Not use the City logo or trademarks on the employee's social media networks unless approved to do so by the City Manager. Employees shall follow all copyright laws.
- III. Not make any disparaging comments about the workplace, City policies, Supervisors, co-workers, elected officials, citizens, customers, or other persons associated with the City.
- IV. Not use personal social media channels for internal business communications or disagreements among fellow employees. It is fine for employees to disagree, but employees should not use external blogs or other online social media channels to air their differences publicly.
- V. Not discuss or comment on City business or information that has not yet been made public such as unannounced strategies or projects, potential property acquisitions or divestitures, legal or regulatory matters affecting the City, and other similar subjects that could negatively affect the City. If an employee is uncertain about the sensitivity of a particular subject, the employee should seek

advice from the employee's manager or the City's legal department before talking about it or simply refrain from the conversation.

- VI. Refrain from sharing anything via social media channels that violates the right to privacy of an employee, customer, or other person with whom the City does business. Examples of social media disclosures that may compromise the right to privacy include, but are not limited to, pictures, video or audio recorded and shared through social media channels without the permission of any single person featured, or the public disclosure of private facts or the disclosure of information gained through unreasonable intrusion. A violation of the right to privacy under this section shall be enforced on a complaint basis. An employee who receives a complaint or a request to remove a picture, video or audio featuring another person, shall promptly remove such content. An employee shall not be subject to discipline under this section unless the employee fails to promptly remove such content or unless the employee acted maliciously in the posting of content featuring another person.
- VII. Not post any information to any blog, social networking site, or other public internet site, that would discredit or disparage the City.

Any employee who identifies himself/herself as a City employee on a social media site either directly (by stating occupation or place of employment) or indirectly (by posting a photo of the employee in a City uniform or in clothing with a City logo), or whose affiliation with the City is known or can readily be inferred shall with regard to their activities on social media:

- a. Not use ethnic slurs, profanity, or statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, or any protected class of individuals.
- b. Not post any material or engage in any speech containing obscene or sexually explicit language, images, or acts.

(7) Emergency Use. If social media is used during an emergency, it shall be considered a record and shall be maintained as such.

(h) Text Messages / SMS. Employees and appointed and elected officials may use text messaging technologies where informal communication is appropriate in the conduct of City business. Text messaging shall be treated in the same manner as a phone conversation. No record of correspondence is retained once the text message has been deleted from the sending or receiving device.

Employees and appointed and elected officials are responsible for capturing information contained in a text message where that message is pertinent to City business and where, in their best judgment, the information should be retained. Text messages retained on the sending or receiving device may be reviewed as part of investigations into work related misconduct including but not limited to personnel matters, litigation disclosure, and forensic analysis,

whether or not legal action may be required to obtain those records not contained on City owned devices.

7.100. Information to the Public

It is the policy of South Weber City that City departments and other government agencies may submit information about events, programs, policies, and other items to be disseminated to the public to increase community awareness.

1. All information for the Community Newsletter, updates, utility bills, special flyers, and employee newsletters must be approved by the City Manager.
 - a. Information for the above-listed items must be submitted according to deadlines established by the City Manager.
 - b. Information for the above-listed items must meet a City purpose. No private information will be accepted.
 - c. Information for the above-listed items should be submitted through electronic format whenever possible.
 - d. Information submitted for the above-listed items is subject to editing and redesign.
2. Non-City flyers, advertisements, and/or notices will not be accepted in the Community Newsletter, utility bills, etc. unless otherwise authorized by the City Manager.

7.110. Use of City Vehicles.

(a) Purpose. The purpose of this Section is to establish guidelines for the use of City vehicles by employees. Employees using City vehicles shall comply with this Policy. Employees failing to operate City vehicles in compliance with this Policy shall be subject to disciplinary action.

(b) Official City Business. Except as provided in Subsection (k), the use of City vehicles by employees shall be limited to official City business, provided that reasonable incidental stops may be made while in route of City business or during break or lunch periods. City vehicles are not to be taken outside of the City limits without Supervisor approval. Any questionable situations should be cleared with the City Manager or his designee.

(c) Use Agreement and Driver's License Verification. Each employee using a City vehicle shall sign a Vehicle Use Agreement and Driver's License Verification Form prior to using a City vehicle and shall carry a valid Utah Driver's License corresponding to the type of vehicle being operated. The City shall have the right to review the driving records of all employees before hire and annually in order to identify unsafe or uninsurable drivers. City employees required to operate City vehicles as a function of their jobs, who are found to have poor driving records, may be subject to disciplinary action up to and including termination. Any employee having his or her Driver's License suspended or revoked shall immediately report such suspension or revocation to the Department Head.

(d) Authorized Passengers. Non-City persons may only ride in City vehicles in connection with official City business and when accompanied by a City employee. No other persons such as

family or friends of employees or strangers are permitted to ride in City vehicles unless otherwise authorized by the City Manager.

(e) Parking and Operation. All employees using City vehicles shall operate the vehicles in a safe manner and in accordance with all state and local traffic regulations, including, but not limited to, all posted and required speed limits. Employees shall exercise defensive driving skills to prevent accidents and shall wear a seat belt at all times the vehicle is in operation. The employee shall be responsible for any citation or parking ticket received for non-compliance with such regulations.

(f) Secured Loads. Drivers of City vehicles shall be responsible to secure all loads adequately to ensure that items in their vehicles do not fall off or blow off in transit.

(g) Vehicle Maintenance. Employees are responsible for the daily care and general maintenance of City vehicles under their control or assigned to them, provided however, that no repair or other alteration to the vehicle shall be made without authorization from their Supervisor. Any suspicions regarding mechanical problems or any equipment breakdown, defect, or failure involving a City vehicle shall be reported immediately to their Supervisor. No Supervisor should knowingly require a subordinate to operate an unsafe vehicle or equipment.

(h) Vehicle Abuse. Any employee abusing a City vehicle shall be subject to disciplinary action. Vehicle abuse includes any intentional or unintentional misuse or misapplication of any City vehicle for a purpose other than that for which it was intended. Vehicle abuse shall include, but shall not be limited to, failure to provide proper maintenance of the vehicle such as checking the oil, tires, and windows, and failure to observe normal driver responsibility.

(i) Accidents. Employees shall not admit fault to an accident. Employees shall immediately report any accident or damage involving a City vehicle to their Supervisor in accordance with the accident reporting procedures set forth in Chapter 8.

(j) Take-Home Vehicle Use. Employees who are issued a City vehicle shall not be permitted to use the City vehicle for commuting to and from work. All City vehicles shall be parked and locked nightly either at the Public Works building or City Hall.

(k) Private Vehicle Use. When circumstances require an employee to use his or her private vehicle for City business, the employee shall be paid mileage reimbursement approved by the Department Head in the amount specified in the Internal Revenue Code. Employees shall be required to maintain appropriate insurance for such vehicles and shall be responsible and liable for any damage to the same.

(l) Minors. Employees must be 17 years of age or older to drive a city vehicle on public roads as part of their employment. A 17-year-old employee may drive on public roads only if the following requirements are met:

(1) Driving is limited to daylight hours.

(2) The employee has a license valid for the type of vehicle being driven.

(3) The employee has successfully completed a state approved driver education course and has no record of moving violation at time of hire.

(4) The vehicle does not exceed 6000 lbs. GVW.

(5) All occupants must be in seat belts when vehicle is moving.

(6) Driving is only occasional and incidental.

(7) The minor driver may not do the following:

(i) Operate any other vehicle besides automobiles and trucks on public roads.

(ii) Transport more than three passengers, including fellow employees.

(iii) Drive more than 30 miles from the City shop.

(iv) Talking on the phone or texting while driving.

(v) Use headphones or other devices that can impair hearing.

(m) Use of Cell Phones and other Mobile Devices. Employees are prohibited from talking, texting, reading emails, and performing any other activity with a cell phone or any other mobile device while operating City vehicles and mechanical equipment. Employees who need to use a cell phone or other mobile device shall first stop the vehicle or mechanical equipment in a safe location and put the vehicle in park prior to using the device.

(n) Safety Belt Policy

In order to reduce unnecessary risk to employees and the City, it is the policy of South Weber City that all employees use available safety belts while traveling in City vehicles for or on City business.

1. All occupants of vehicles owned by the City shall use available front and rear safety belts in a proper way as long as the vehicle is in mobile operation.

2. A City vehicle should never have more passengers than there are seatbelts.

3. Occupants of privately-owned vehicles whether operated at personal or City expense shall abide by the above-stated guideline while on City business.

4. Appropriate disciplinary action may be taken for violations of this Policy. Such action may include loss or reduction of workers' compensation benefits for injuries suffered that are in violation of this Policy.

5. City employees shall not operate a City vehicle in a manner that would violate city, state, and/or federal laws.

6. The Risk Manager shall develop the means to periodically audit the implementation of this Policy.

(o) Violations. Employees who violate these directives are subject to disciplinary action, up to and including termination.

7.120. Equipment Use Policy.

(a) Use of City Equipment

Operators of equipment within the City shall be trained and certified to operate such equipment. Appropriate training records should be maintained by the department.

(b) Use of City Computers

Personal use of South Weber City computer software and applications must comply with the South Weber City Acceptable Use Policy (see Exhibit C & D), 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 South Weber City business due to volume, timing, or frequency is considered an unacceptable use of South Weber City resources.

Costs associated with applications downloaded to South Weber 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 South Weber City employees. Installation of employee personal printers must be pre-authorized.

(c) 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 the cost found in the City's Consolidated Fee Schedule, 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 South Weber City.

7.130. Drug and Alcohol Policy.

(a) Purpose. It is the purpose of this Policy to provide guidelines for the implementation and management of a drug and alcohol testing program for the City. This Policy is intended to provide a safer and more efficient work force by avoiding the negative circumstances created by employee drug and alcohol abuse. The provisions of this Policy are intended and shall be interpreted to be in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act.

(b) Definitions. As used in this Policy, the following words shall have the following meaning:

(1) "Alcohol" means the intoxicating agent in beverage alcohol, beer, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

(2) "Drugs" means any substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other recognized drug compendia, or supplement to such compendia, and its metabolite.

(3) "Employee" means any full-time, part-time, introductory, or limited employee of the City and any person employed by or providing services for the City in a safety sensitive position.

(4) "Employer" means South Weber City (hereinafter referred to as "the City").

(5) "Prospective Employee" means any person who has made application for full-time, part-time, or safety sensitive position of employment or volunteer services with the City and who has been selected as a final applicant by the City.

(6) "Refusal to Submit" to a test means that the employee (1) fails to provide adequate breath for alcohol testing as required herein without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required herein without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

(7) "Sample" means urine, blood, breath, saliva, or hair.

(8) "Safety-Sensitive Position" means any position involving duties which directly affect the safety of governmental employees or the general public, or positions where there is access to controlled substances during the course of performing job duties.

(9) "Utah Local Governmental Entity Drug-Free Workplace Act" means the Drug-Free Workplace Act set forth at Utah Code Ann. § 34-41-101, et seq., as amended.

(c) Applicability. This Drug and Alcohol Testing Policy shall apply to all City employees, including those City employees who are required to comply with the DOT Drug and Alcohol Testing Policy, to the extent permitted therein.

(d) Policy. Alcohol or drug abuse can impair an employee's ability to perform the functions of the particular job safely and effectively; increase accidents, absenteeism, and substandard performance; create poor employee morale; and/or undermine public confidence in the City's work force. It is the Policy of the City to employ a work force and create a workplace free from such adverse effects of alcohol and drug abuse. Violation of this Policy may be cause for disciplinary action up to and including termination.

(e) Regulations. No employee of the City may possess, sell, or be under the influence of any drugs or alcohol during working hours, when conducting City business, or while on City premises, as shown by the presence of such substances or their metabolites in the employee's system.

Off-the-job drug use and/or alcohol consumption, which affects an employee's job performance, jeopardizes the safety of employees, the public, or City equipment or results in behavior that is a discredit to the City, is prohibited. An employee who is on-call shall not consume alcohol or any drug which may impair his/her ability to perform assigned duties. Any employee who is called back to work during non-scheduled work hours and has recently consumed alcohol or drugs which impair his/her ability to safely perform his/her duties shall notify the Supervisor of the impairment and shall not report to work. An employee who is convicted of a drug or alcohol related offense shall provide notice to the City in writing of the conviction.

Employees in safety sensitive positions or who drive City vehicles as part of their job duties shall notify their Supervisor before beginning work, or during the work shift, when taking any medication or drugs, whether prescribed or not, that may cause a safety hazard. An employee who is injured in a work-related accident and is found to be in violation of any of the above provisions may have his/her worker's compensation disability benefits reduced.

An employee who is a drug user or alcohol abuser is encouraged to seek help either through the City's Employee Assistance Plan or through other community resources. An employee who violates any of the above provisions shall be subject to disciplinary action up to and including termination in accordance with the City's Personnel Policies and Procedures.

(f) Testing Required. In accordance with the provisions of this Policy, all prospective and current employees shall be subject to drug and alcohol testing as a condition of hiring and/or continued employment with the City. Failure to comply with this Policy may result in the City refusing to hire a prospective employee or disciplinary action for current employees, up to and including termination.

(g) Basis for Testing. Prospective and current employees shall be subject to testing for the presence of drugs and/or their metabolites and alcohol by the City in accordance with the provisions of this Policy as a condition of hiring, continued employment, and voluntary services for any of the following reasons.

(1) Pre-Employment. Final applicants selected for any full-time, part-time, or safety sensitive position with the City shall be subject to drug testing as a condition of employment.

(2) Pre-Announced Periodic. Employees may be subject to pre-selected and pre-announced drug and alcohol testing as a condition of continued employment conducted on a regular schedule.

(3) Accidents. Employees involved in any work-related accident involving the loss of life or substantial harm to any person or property shall be subject to drug and alcohol testing as determined by the employee's immediate Supervisor or City Manager.

(4) Reasonable Suspicion. Employees acting in a manner which raises reasonable suspicion that the employee has improperly used or reported to work under the influence of drugs or alcohol shall be subject to drug and alcohol testing. "Reasonable Suspicion" shall be determined by the Supervising Agent and shall mean an articulated belief based upon recorded facts and reasonable inferences drawn from those facts that the employee is in violation of this Policy.

(5) Random. Employees shall be subject to unannounced drug and alcohol testing. Employees shall be selected for random testing by using a method uninfluenced by any personal characteristics other than job category.

(6) Rehabilitation. Employees in any rehabilitation program shall be subject to drug and alcohol testing in accordance with the program requirements. Rehabilitation testing means unannounced, but pre-selected drug or alcohol testing done as part of a program of counseling, education, and treatment of an employee in conjunction with this Policy.

(7) Compliance. Employees shall be subject to drug and alcohol testing when required by state or federal law. See DOT Drug and Alcohol Testing Policy regarding additional drug and alcohol testing requirements for employees subject to commercial driver's license requirements under the Omnibus Transportation Employees Testing Act and the Department of Transportation Regulations enacted thereunder.

(h) Testing Procedures.

(1) Consent. Prior to submitting to a drug and alcohol test required herein, prospective, or current employees shall sign a Consent Form authorizing the test, permitting the release of test results to the appropriate personnel, and providing the prospective or current employee the opportunity to explain or provide information the employee considers relevant to the test, including current or recent use of prescription and non-prescription drugs or other relevant medical information.

(2) Collection. All sample collection for drugs and alcohol testing under this Policy shall be performed under reasonable and sanitary conditions. Sample collection, documentation, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration and which ensures the privacy of the individual being tested. The instructions, chain of custody forms, and collection kits, including bottles and seals used for sample collection shall be prepared by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services

Administration or the College of American Pathology. Sample collection shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an entity independent of the City.

(3) Samples. Employees shall submit a split urine sample for drug testing or retesting as required herein. The urine sample shall be divided into two specimen bottles by the collection entity in accordance with the Utah Governmental Entity Drug-Free Workplace Act. Employees shall submit to a breath alcohol test for alcohol testing required herein.

(4) Testing. Sample drug testing shall conform to scientifically accepted analytical methods and procedures and shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology.

(5) Time. Any drug or alcohol testing required by the City under this Policy shall occur during or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

(6) Costs. Except as otherwise provided, the City shall pay all costs of sample collection and testing required herein, including the cost of transporting current employees to the testing site if the testing is conducted at a place other than the work site.

(i) Results.

(1) Positive Results. Positive test results shall refer to those test results that meet or exceed the standard permissible levels of substance in the body as set forth in the Federal DOT Rules and Regulations if addressed therein, or by standards adopted by the State of Utah if not addressed by the Federal DOT Rules and Regulations. Specifically, an employee's alcohol concentration shall not exceed the limits set forth in Subsection (e) of the City's DOT Drug and Alcohol Testing Policy.

(2) Notice. Prospective and current employees shall be notified as soon as possible of any positive test results conducted in accordance with this Policy by telephone or in writing at their last-known telephone number and address and told of his or her option to have the split urine sample tested as provided in Subsection (4).

(3) Confirmation. Before the result of any test required herein may be used as a basis for action by the City, the positive test result shall be verified or confirmed using a gas chromatography, a gas chromatography-mass spectroscopy, or other comparably reliable analytical method.

(4) Second Test Option. If the test results of the urine sample indicate the presence of drugs or their metabolites, the donor of the test shall have seventy-two (72) hours from the time he or she is notified of such results to request, at his or her option, to have the split urine sample tested. The cost of the second test shall be paid by the donor, unless the second sample tests negative, in which case the City shall pay for the cost of the second

test. In addition to the initial test results, the test results of the split sample shall be considered at any subsequent disciplinary hearing if the requirements of this Policy have been complied with in the collection, handling, and testing of the samples.

(j) Action.

(1) Discipline or Refusal to Hire. The City may use confirmed positive test results, or any refusal of a prospective or current employee to take the test or to sign the Consent and Release Form, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees.

(2) Rehabilitation. The City may also require that an employee rendering positive test results under this Policy enroll in a City-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, at the expense of the employee and as a condition of continued employment.

(3) Procedure. Any disciplinary action taken by the City for violation of this Policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and proper appeal proceedings.

(k) Policy Distribution. This Policy shall be distributed to employees and made available for review by prospective employees.

(l) Records. The use and disposition of all drug and alcohol test results and records shall be considered confidential and are subject to the limitations of the Utah Government Records Access and Management Act and the Americans with Disabilities Act.

(m) Prescribed Drug Use. This Policy shall not apply to the proper use of drugs prescribed to an employee by a licensed physician who has been informed of the employee's occupation and job duties and is of the opinion that the employee can safely work while taking the prescribed drug. All employees shall inform the licensed physician of the employee's occupation and job duties and ask the physician if the employee can safely perform such duties while taking the prescribed drug. If the licensed physician is of the opinion that the employee cannot safely work or perform his or her job duties while taking the prescribed drug, the employee shall report the prescribed drug use and the physician's opinion regarding its use in writing to the employee's Supervisor or the City Manager prior to performing any work for the City.

(n) Disclaimers.

(1) Physician/Patient Relationship. A physician/patient relationship is not created between a prospective or current employee and the City or any person performing the test, solely by this Policy and the procedures set forth herein.

(2) Disabled. A prospective or current employee shall not be considered "disabled" for purposes of the Utah Anti-Discriminatory Act or the Americans with Disabilities Act solely by reason of testing positive under the terms of this Policy.

(3) Law Enforcement. The provisions of this Policy shall not apply to the possession of drugs or alcohol by law enforcement officers during the performance of and in the normal course of their duties for purposes of confiscation, undercover operations, and training.

7.140. Department of Transportation (DOT) Drug and Alcohol Testing.

(a) Purpose. It is the purpose of this Policy to provide guidelines for the implementation and management of a drug and alcohol testing program for City employees who are subject to the Commercial Driver's License drug and alcohol testing requirements under the federal Omnibus Transportation Employee Testing Act of 1991 and the Department of Transportation Regulations promulgated thereunder. The provisions of this Policy are intended and shall be interpreted in accordance with the Omnibus Transportation Act and the Department of Transportation Regulations as defined herein.

(b) Applicability. This Policy applies to all City employees who operate a commercial motor vehicle in commerce and who are subject to the Commercial Driver's License requirements of the Department of Transportation, hereinafter "CDL Employees." All other employees shall comply with the Drug and Alcohol Testing Policy rather than the provisions set forth herein. All City CDL employees shall be subject to the testing requirements of this Policy and the City Drug and Alcohol Testing Policy, subject to the following limitation. When the provisions of this Policy are applicable to a certain situation, this Policy shall be complied with and no other testing requirements may be imposed. However, when provisions of this Policy do not apply to a situation which is otherwise covered by the City's Drug and Alcohol Policy, CDL employees shall be subject to testing under the City's Drug and Alcohol Policy. For instance, if a CDL employee is involved in an accident involving loss of life requiring testing under this Policy, the employee would be subject to testing under this Policy and not subject to testing under the other Policy. However, if the employee is involved in an accident not requiring testing under this Policy but requiring testing under the other Policy, the CDL employee would be subject to testing under the other Policy. In any case, if there is any conflict between this Policy and any other Policy or regulation of the City, the requirements of this Policy shall control and no other testing requirements shall be imposed which would conflict or hinder compliance with this Policy.

(c) Policy. Alcohol or controlled substance abuse in the workplace is a threat to the safety, health, and job performance of employees and it is the Policy of the City to employ a work force and create a workplace free from such adverse effects of alcohol and controlled substance abuse. It is further the Policy of the City to balance the employee's privacy interest with the City's need to comply with the DOT Regulations and testing requirements for employees subject to the Commercial Driver's License requirements. Violation of this Policy may be cause for disciplinary action up to and including termination.

(d) Definitions. As used in this Policy, the following words shall have the following meanings:

(1) "Alcohol" means the intoxicating agent in beverage alcohol, beer, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

(2) "**Consortium**" means an entity that provides alcohol or controlled substances testing as required by the Department of Transportation rules and regulations and that acts on behalf of the City for conducting such tests.

(3) "**Controlled Substances**" shall include marijuana, cocaine, opiates, amphetamines, phencyclidine, their metabolites, and any other controlled substance or its metabolite designated for required testing by the DOT Regulations. Specimens collected under this Policy may only be used to test for controlled substances and their metabolites as defined herein and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by DOT Regulations.

(4) "**DOT Regulations**" means the rules and regulations promulgated by the U.S. Department of Transportation for alcohol and controlled substance testing requirements for employees subject to the Commercial Driver's License requirements pursuant to the Omnibus Transportation Act of 1991, including, but not limited to §§ 49 C.F.R. 40 and 49 C.F.R. 382, as amended.

(5) "**Employee**" means any person in the service of the City who is required as part of his or her job duties to operate a commercial motor vehicle in commerce and is subject to the Commercial Driver's License requirements of § 49 C.F.R. 383, as amended.

(6) "**FHWA**" means the Federal Highway Administration.

(7) "**Refusal to Submit**" to a test means that the employee: (1) fails to provide adequate breath for alcohol testing as required by the DOT Regulations without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required by the DOT Regulations without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

(8) "**Safety-Sensitive Functions**" means any duties requiring a Commercial Driver's License or other duties deemed safety-sensitive under the DOT Regulations. An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

(9) "**Substance Abuse Professional**" means a licensed physician or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders as defined in the DOT Regulations.

(e) Prohibitions.

(1) **Alcohol Concentration.** No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

(2) On-Duty Alcohol Use. No employee shall use alcohol while performing safety-sensitive functions.

(3) Pre-Duty Alcohol Use. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.

(4) Post-Accident Use. No employee may use alcohol for eight (8) hours following an accident in which the employee is required to take a post-accident test, or until he or she undergoes the post-accident test.

(5) Controlled Substance Use. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances, as shown by the presence of drugs or their metabolites in the employee's system, except when the use is pursuant to the instructions of a physician as set forth herein.

(6) Controlled Substance Testing. No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances or their metabolites in the employee's system.

(7) Refusal to Submit. No employee shall refuse to undergo a required alcohol or controlled substance test.

(f) Testing Required. All employees subject to this Policy are required to abide by this Policy and the testing requirements set forth herein as a condition of employment. Employees shall be subject to pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return-to-duty testing, and follow-up testing as set forth herein. Prior to submitting to testing required herein, employees shall sign a Consent Form authorizing the test and permitting release of the test results to appropriate personnel.

(g) Pre-Employment Drug Testing. Prior to the first time an employee performs a safety-sensitive function for the City, the employee shall undergo testing for controlled substances. The City shall not allow an employee to perform a safety-sensitive function unless the employee has been administered and the City has received a controlled substance test result from a Medical Review Officer indicating a verified negative test result. A controlled substance test may not be required if the employee has participated in a drug testing program that meets the DOT Regulations within the previous thirty (30) days and all other exception requirements as set forth in the DOT Regulations are satisfied.

(h) Random Testing.

(1) Required Alcohol Testing. Except as otherwise provided by the DOT Regulations, at least twenty-five percent (25%), of the number of City CDL employees, shall be randomly tested for alcohol each year in accordance with the DOT Regulations.

(2) Required Controlled Substance Testing. Except as otherwise provided by the DOT Regulations, at least fifty percent (50%) of the number of City CDL employees shall

be randomly tested for controlled substances each year in accordance with the DOT Regulations.

(3) Selection Technique. The selection of employees for random alcohol and controlled substance testing shall be made by a scientifically valid method, such as a random number table or computer-based random number generator that is matched with the employee's Social Security number, or other comparable identifying numbers. Under the selection procedure, each employee shall have an equal chance of being tested each time selections are made.

(4) Unannounced Tests. Random alcohol and controlled substances tests conducted hereunder shall be unannounced and the dates for administering the tests should be spread reasonably throughout the calendar year. An employee notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately.

(5) Time for Alcohol Testing. Employees shall be randomly tested for alcohol only while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

(6) Consortium. The City may contract with a consortium to administer and manage its random drug and alcohol testing requirements.

(i) Reasonable Suspicion Testing.

(1) Testing Required. Employees shall submit to an alcohol and/or controlled substances test when a trained and approved Supervisor has reasonable suspicion to believe that the employee has violated the prohibitions of this Policy.

(2) Reasonable Suspicion. The Supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion observations for use of controlled substances in violation of this Policy may include indications of the chronic and withdrawal effects of controlled substances.

(3) Suspicion Form. The Supervisor shall complete a signed and written record of his or her observations leading to a controlled substance or alcohol test under reasonable suspicion using a "Reasonable Suspicion Form" prepared by the City within twenty-four (24) hours of the determination or before the results of the test are announced, whichever is earlier.

(4) Alcohol Testing Requirements. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee. Alcohol testing under reasonable suspicion must be made during, just

preceding, or just after the period of the workday that the employee is required to be in compliance with this Policy.

(5) Time Limit for Alcohol Test. If a test required by this Section is not administered within two (2) hours following the determination of reasonable suspicion, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this Section is not administered within eight (8) hours following the determination, the City shall cease attempts to administer an alcohol test and shall prepare and maintain a record regarding the same.

(6) Records. Records required to be maintained under this Section shall be submitted to the FHWA in accordance with the DOT Regulations.

(7) Performance. Notwithstanding the absence of a reasonable suspicion alcohol test under this Section, no employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the employee to perform or continue to perform such functions until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

(8) Action. The City shall not take any action under this Section against an employee based solely on the employee's behavior and appearance, with respect to alcohol or controlled substance use, until an alcohol and/or controlled substance test has been conducted and confirmed in accordance with this Policy.

(j) Post-Accident Testing.

(1) Testing. As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances of each surviving driver when:

- (i) the driver was performing a safety-sensitive function with respect to the vehicle and the accident involved loss of human life; or
- (ii) the driver receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved; or
- (iii) bodily injury is sustained by any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (iv) one or more motor vehicles incurs disabling damage as a result of the accident, as defined by the DOT Regulations, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) Available for Testing. An employee subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to

submit to the testing. Nothing in this Section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

(3) Time Limit for Alcohol Test. If a test required by this Section is not administered within two (2) hours following the accident, the City or its agent shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this Section is not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain a record regarding the same.

(4) Time Limit for Controlled Substance Test. If a test required by this Section is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered as set forth in Subsection (3).

(5) Records. Records required to be maintained under this Section shall be submitted to the FHWA in accordance with the DOT Regulations.

(k) Return to Duty Testing.

(1) Alcohol Testing Required. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subsection (e) concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(2) Controlled Substance Testing. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subsection (e) concerning controlled substances, the employee shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

(l) Follow-Up Testing.

(1) Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances in accordance with provisions set forth herein, the employee shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional consisting of at least six (6) tests in the first twelve (12) months following the employee's return to duty and in accordance with the DOT Regulations.

(2) Time for Testing. Follow-up testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

(m) Testing Procedures. All testing conducted under this Policy shall comply with the alcohol or controlled substance testing procedures set forth in the DOT Regulation, including but not limited to § 49 C.F.R. 40, as amended. All procedures used for testing shall be conducted in a manner which protects the employee and the integrity of the testing processes, safeguards the validity of the test results, and ensures that the results are attributed to the correct employee. Employees shall be notified of any positive alcohol or controlled substance test results in accordance with the DOT Regulations.

(n) Confirmation Tests. Alcohol tests with a result of 0.02 or greater shall be confirmed by a second test that provides quantitative data of the alcohol concentration. Controlled substances tests with a positive result shall be confirmed by a second analytical procedure to identify the presences of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from the screen test in order to ensure reliability and accuracy.

(o) Results. No employee shall be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by this Policy until the procedures set forth herein are complied with. Any employee found to have violated the prohibitions set forth in Subsection (e) shall be removed immediately from safety-sensitive functions and shall be required to undergo evaluation and treatment set forth herein. Any employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, shall not be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. No other action shall be taken against the employee for test results showing an alcohol concentration of less than 0.04, unless otherwise authorized by law or City Policy.

(p) Referral. Each employee who has engaged in prohibited conduct under Subsection (e) of this Policy shall be advised by the City of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

(q) Evaluation. Each driver who engages in conduct prohibited by Subsection (e) of this Policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

(r) Treatment. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substance tests

in accordance with this Policy. Evaluation and follow-up testing required herein shall be at the expense of the employee.

(s) Action. The City may use confirmed positive test results, or any refusal of a prospective or current employee to take the test, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees. Any disciplinary action taken by the City for violation of this Policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and proper appeal proceedings.

(t) Policy Distribution. Educational materials, including this Policy, shall be distributed to all City employees subject to the requirements set forth herein. Each employee shall be responsible for reading this Policy and shall file an Employee Acknowledgment Form with the City certifying that he or she has received a copy of this Policy. Any employee questions regarding this Policy or the DOT Regulations may be addressed to the City Manager.

(u) Records and Confidentiality. The City shall maintain records of its alcohol misuse and controlled substances use program in accordance with the DOT Regulations and for the time periods required therein. The records shall be considered confidential and shall be maintained in a secure location, separate from other personnel records, with controlled access. Confidential records will be shared on a need-to-know basis only, provided that the employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substance, including any records pertaining to his or her alcohol or controlled substances tests.

(v) Prescribed Drug Use. Employees taking prescribed medications may not report to duty unless the employee advises the physician of the employee's occupation and job duties and the physician is of the opinion that the employee can safely perform such job duties while taking the prescribed drug. If the licensed physician is of the opinion that the employee cannot safely work or perform the employee's job duties while taking the prescribed drug, the employee shall report the prescribed drug use and the physician's opinion regarding its use in writing to the employee's Supervisor or the City Manager prior to performing any work for the City.

(w) Background Checks. The City shall follow the requirements for background checks for employees with past substance abuse violations in accordance with the DOT Regulations. Prospective employees shall complete and sign a Release Form to allow the City to review previous test results in accordance with the DOT Regulations. The City shall not use an employee to perform safety-sensitive functions if the City obtains information on the employee's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested by the employee, without obtaining information on a subsequent substance abuse professional evaluation and/or determination and compliance with the DOT Regulations for return to duty testing.

7.150. No Smoking Policy

1. In order to conform with local, state, and federal law, and to eliminate the health hazards of passive smoking, it is the policy of South Weber City that smoking shall not be permitted in City buildings, vehicles, and facilities. Smoking shall not be permitted in any City building, vehicle, or facility, including maintenance areas. Smoking at the City Center complex or outside of any other City buildings shall only be permitted in areas designated by ordinance.
2. Department Directors responsible for a building (FAC, Fire Station) and/or facility shall place cigarette butt receptacles and "no smoking" notices at each main entrance to the building.

7.160. Notary Public Services Policy

It is the policy of South Weber City that all certified notaries employed as part of the South Weber City Administrative Office adhere to the highest standards of competence and responsibility in the providing of notary public services. Notaries Public of the aforementioned office shall never:

- a. Perform, nor be instructed to perform, any notarial act which the notary or the notary's Supervisor knows to be false or violates notary law or correct procedures; and/or
- b. Notarize any signature without the maker of the signature first appearing personally before the notary;

Notaries public of above referenced office shall:

- a. Exercise reasonable care to properly verify the identity of the maker of the signature by means of personal knowledge or by valid satisfactory evidence;
- b. Correctly maintain a notary journal of all notarial acts they perform;
- c. Refuse to execute a notarial certificate on any document the truth or legality which is uncertain; and
- d. Exercise diligence and utmost care in the performance of all notarial acts.

7.170 Reporting Fraud and Abuse

(A) Definition

"Improper governmental action" means any action by a South Weber 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.

(B) 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 supervisor/city manager/city manager's designee shall take prompt action to assist South Weber City in properly investigating the report of improper governmental action. South Weber 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.

South Weber City employees may report information about improper governmental action directly to the city attorney 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.

South Weber 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 South Weber City in these procedures.

(C) 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 who shall provide a copy to the person charged with a violation. The complainant shall provide the city manager 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 South Weber 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. South Weber 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 South Weber City policy. A thorough investigation of complaints is South Weber City's goal. It may not be possible to conduct a thorough

investigation when a complainant remains anonymous. Therefore, South Weber 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 the Internal Auditor 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.

(D) 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.

7.180 City Hotline

(A) Introduction

The South Weber 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

(B) Filing a Complaint

Complaints should be submitted in writing using the attached form (Exhibit E). 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 South Weber 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: [Hotline@southwebercity.com

US Mail: South Weber City, Attn: Internal Auditor, 1600 E South Weber Dr, South Weber, UT 84405

(C) Entity Processing of a Hotline Complaint

1. After receipt of the complaint, the Internal Auditor 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 South Weber 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

(D) Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting government waste or violations of law in good faith, 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 entity (see *Utah Code* § [67-21-3](#)(1)(b)(iv)(A) for more information).

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.

7.190 sh Receipting and Deposit

(A) Purpose

Establish a uniform control design for all departments of South Weber City that receive cash. This policy has been developed by the Finance Director with input received from the City Treasurer, 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 Treasurer will propose changes to the City Council for review and approval.

(a) Cash Receipts at non-City Hall Locations

1. All funds received are entered into the accounting system at the time of the transaction, or in the case of the Family Activity Center (FAC) into an accounting sub-system. 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 someone who does not receive cash. If an office does not have enough employees to have adjustments made by a supervisor that does not 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 brought to the Treasurer's office in the same day.
5. When deposits are made with the Treasurer's office the employee making the deposit will turn over the funds and watch as it is counted, receive a receipt detailing the amount, date of receipt and the signature of the Treasurer's office employee who took custody of the funds. This receipt will be returned to the location and kept with the receipt records. Any discrepancy in the funds being

deposited and the supporting documentation should occur when custody of the funds changes.

6. The Treasurer's office enters the deposit into the accounting system and takes funds to the bank.
7. 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.

(b) Deposits with Treasurer

1. Treasurer's office employee will receive FAC 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 or designee 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.

7.200 Conflict of Interest

(A) Overview

South Weber 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.

(B) 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 and notarized. Completed Forms shall be submitted to the City Recorder and made available to the public upon request.

h. The City Recorder shall provide copies of all completed Forms to the South Weber City Mayor at the end of January each year.

i. The City Council Chair shall review all completed forms and consider the disclosures. The City Council Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the City.

CHAPTER 8: SAFETY

8.010. Employee Duties.

8.020. Report of Accident.

8.030. Risk Management Policies.

8.040. Occupational Injuries and Accidents

8.050. Workers' Compensation Claims

8.060. Medical Examinations.

8.070. Claims and Lawsuits

8.010. Employee Duties.

Employees shall implement safety precautions at all times and must be aware of conditions that may be hazardous. Any unsafe conditions should be reported immediately to a Supervisor or the City Manager and reasonable measures should be taken to remedy the hazardous condition. Employees shall maintain their work area in a clean and safe condition and shall adhere to all requirements of City safety rules and regulations. Failure to comply with such safety provisions may result in disciplinary action up to and including termination.

8.020. Report of Accident.

(a) Accident Defined. For purposes of this Section, accident shall be defined as any incident where possible damage to property, injury to personnel, or possible liability against the City may result. Accidents are not limited to automobile accidents, but include collision with stationary objects, individuals falling on stairs or walkways, etc.

(b) Reporting. All accidents or injuries shall be reported immediately to a Supervisor. When deemed necessary by the Supervisor, a written report shall be prepared by the employee and submitted to their Supervisor within twenty-four (24) hours from the occurrence. Any Supervisor who receives a written report of an accident or injury shall immediately refer the matter to the

City Manager. Upon receiving notice of an accident or injury and the employee's written report of the incident, and when deemed necessary, the employee's Supervisor or City Manager, as the case may be, shall fill out an Accident Report Form, including a description of the date, time, place, witnesses, circumstances, and extent of injury. The Accident Report Form should be filled out within five (5) days of the occurrence of the accident. An employee's failure to report an accident or injury may result in denial of a Worker's Compensation claim and may result in disciplinary action up to and including termination. Employees shall not admit fault to an accident.

(c) Manager Responsibility. All claims for damages, either for or against the City, as a result of an accident, and all communications and correspondence with insurance companies, attorneys and other third parties regarding accidents or injuries shall be handled by the City Manager's Office on behalf of the City. Unless otherwise authorized, employees should not discuss such matters with outside parties and shall refer all such inquiries to the City Manager.

(d) Vehicle Accidents. In addition to the above requirements, an employee involved in an accident involving a City vehicle, should immediately call the police and should not attempt to move any vehicles involved in the accident. All accidents involving City vehicles must be immediately reported to the City Manager regardless of the amount of damage. Employees shall not admit fault to an accident.

(e) Drug Testing. Employees involved in any work-related accident involving the loss of life or substantial damage/harm to any person or property, as determined by the employee's immediate Supervisor or City Manager, shall immediately submit to a drug and alcohol test. For accidents other than those determined to be substantial, the employee's Supervisor, Department Head, or the City Manager may still require the employee submit for drug and alcohol testing.

(f) Threats of Suicide. The appropriate response to a medical emergency or to a situation of imminent suicidal risk is to call 911.

South Weber City employees are advised to report all suicide threats, attempts, and preparatory efforts that occur to the appropriate authorities which may include an emergency contact, designated Employee assistance Program (EAP), etc. This includes incidents that have occurred at work as well as incidents that have occurred away from the workplace.

8.030. Risk Management Policies.

It is the policy of South Weber City to provide a safe work environment, to place responsibility for risk management with each department, to establish a City Risk Management Committee, and to reduce the potential for loss from risk exposures in all city, department, and individual employee activities.

(a) Department policies and programs shall address the following areas of concern:

1. Each Department Director is responsible for risk management in his or her department and shall be responsible to fully implement all applicable Utah Local Governments Trust (ULCT) risk reduction programs.

2. Each Director shall develop and maintain policies and practices designed to meet the particular risk management needs of his or her department. Department Directors shall be responsible for imposing appropriate discipline on employee(s) who violate established safety rules, policies, and/or procedures.
3. Citizen Safety. Department policies and procedures shall be designed to promote the safety and protection of private individuals and property.
4. Employee Safety. Individual employees shall take responsibility for their own safety as well as the safety of other employees, citizens, property, etc. Department policies and procedures shall provide appropriate levels of safety for individual employees. Adequate training, appropriate supervision, reasonable scheduling, proper equipment, and other management tools should be utilized in creating a safe working environment. Safety concerns will include the following:
 - i. All vehicles and equipment will be maintained and operated in a safe manner. Each department shall establish a method for employees to report unsafe equipment and working conditions.
 - ii. No employee shall operate or be assigned to operate any vehicle or equipment that is not in safe operating condition as determined by established standards.
 - iii. Safety features shall be a factor in the purchase of new equipment and vehicles.
 - iv. Department policies and procedures shall be designed to properly maintain City-owned property and equipment.

(b) Risk Management Committee. In order to provide review of accidents a City Risk Management Committee is hereby formed consisting of the City Manager, Finance Director, City Recorder, City Treasurer, and all Department Heads of the City, or their authorized designee.

The Risk Management Committee shall act as the Accident Review Committee that will review each vehicle accident and determine if it was preventable. In making such determinations the Committee shall ascertain the cause of the accident and how similar accidents can be avoided in the future. Any employee involved in an accident may be required to appear before the Risk Management Committee to explain his or her actions and circumstances involved. Each department in the City is expected to maintain a safe workplace for its employees consistent with federal, state, and local safety codes and regulations.

(c) Risk Manager. The Risk Manager is responsible for coordinating risk management activities in the City as follows:

1. The City Manager or designee shall act as the City Risk Manager and will be a resource and assist the Risk Management Committee, Departmental Accident Review Committee, Department Directors, and employees in the implementation of risk management and safety programs in their area and in the organization of departmental risk management activities and training.
 2. The Risk Manager is responsible for overseeing insurance coverage in the City to ensure that coverage is adequate, and policies are kept up to date.
 3. The Risk Manager shall negotiate claims settlement and resolve claims with the public and employees. The Risk Manager is responsible for reporting all property, liability, and worker's compensation claims to the City's insurance provider(s).
- SupervisorSupervisorSupervisorSupervisorSupervisorSupervisorSupervisorSupervisor

(d) Safety Incentive Program. A “Safety Incentive Program” has been established for the Public Works Department to motivate and reward employees for maintaining and creating a safe work environment. The goal of the program is to proactively promote safety and to reduce the likelihood for accidents as defined in section 8.020 of this Policy

8.040 Occupational Injuries and Accidents.

It is the policy of South Weber City that occupational injuries and accidents shall immediately be reported to the appropriate City officials. The purpose of this Policy is to provide for immediate notification and reporting of occupational injuries and accidents; and assess unsafe conditions, the extent and nature of injuries, and any liability exposures. Specific reporting policies and practices are as follows:

1. Employees shall immediately notify their Supervisor or Department Director of an occupational injury or accident.
2. Employees shall immediately notify the City's Risk Manager of a fatality or serious occupational injury. Serious injury shall include amputations, fractures of major bones (both simple and compound), and hospitalization. The Risk Manager shall immediately notify the Utah Occupational Safety and Health Offices when required by law or regulation.
3. During non-business hours, employees shall also immediately notify the Davis County Sheriff of a fatality or serious occupational injury. The Davis County Sheriff shall also notify the Risk Manager as soon as possible.
4. Upon notification of injury or accident, the Supervisor, Division Manager, or Department Director shall complete the following:
 - i. An ACCIDENT/INCIDENT REPORT filled out by the Supervisor and the employee. The ACCIDENT/INCIDENT report may be completed electronically or in hard copy form.
 - ii. The ACCIDENT/INCIDENT REPORT should be forwarded to the Risk Management office within 48 hours of the accident. Reports that are completed electronically will automatically be forwarded to the Risk Management office.
 - iii. All reports shall be reviewed by the Department Director. This review shall not delay the delivery of the report to the Risk Manager. If this review is not immediately practical, copies of incomplete reports shall be forwarded to the Risk Manager within 48 hours of the accident. Once the review is complete, an updated final copy of the report shall be forwarded to the Risk Management office.
 - iv. Failure to report a work-related injury or illness as outlined in this Policy may result in the delay of Workers' Compensation benefits and may result in disciplinary action. Workers' Compensation claims are to be conducted as outlined in section 5.040. of the South Weber City Policies and Procedures Manual.

8.050 Workers' Compensation Claims

If an Injury Should Occur

An employee, who is injured on-the-job, no matter how slight, must report the incident to their Supervisor immediately. **Employees may lose their right to workers compensation benefits if they fail to report injuries promptly.** Supervisors must contact the Risk Manager

immediately if the injury is serious or if time off work is prescribed by a medical doctor. An "Accident/Incident" form must be filled out by the employee and Supervisor on all reported injuries and returned to Risk Manager within 48 hours.

Medical

Employees requiring medical attention for an on-the-job injury that occurs during regular business hours must report to:

**Ogden Intermountain Work Med
1355 Hinckley Drive
Ogden UT, 84401
801-387-6151**

Employees exposed to blood should go to Ogden Regional or McKay-Dee Hospital.

For life or limb threatening accidents/illness, the employee should go to the nearest emergency facility. These emergencies include compound fractures, pelvis and femur fractures, unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Call 911 in these instances and the paramedics will direct the care of the employee.

Urgent situations are those requiring immediate care but are not life threatening. Examples include bone fractures other than those listed above or injuries requiring stitches. These types of injuries can be treated at Work Med, **801-387-6151**.

Except in cases of life or limb threatening accidents or illnesses, employees must seek initial medical treatment only from the facilities specifically identified in this Policy (IHC Work Med, Ogden Regional Medical Center, McKay-Dee Hospital, and Davis County Regional Medical Center). If employees seek medical treatment from another provider, employees may be required to pay any charges in excess of the customary charges for the treatment.

Failure to follow the City's Workers' Compensation policies may result in disciplinary action.

Special Medical Procedures

Procedures such as surgery, MRI's, CAT scans, physical therapy, and chiropractic sessions require prior approval from the City's Workers' Compensation Third Party Administrator. If an employee fails to obtain prior approval, the employee may be required to pay the entire bill for the unauthorized services.

Return to Work After a Work-Related Injury

1. **Return to Work – Full Duty:** Immediately following initial treatment for a work-related injury, the employee shall return to work for regular full duty unless directed otherwise by the treating medical provider. The employee shall obtain a written return to work release from the medical provider and shall immediately provide a copy of the work release to the employee's Supervisor and to the Risk Manager. Supervisors shall not allow an employee to return to work unless a written work release is provided from a medical professional.

2. **Return to Work – Modified Duty:** If the treating medical provider places work restrictions on the employee, and the employee is unable to return to full duty, the employee shall return to work either immediately following initial treatment or the next business day regardless of the employee's regular work schedule. The employee shall provide a copy of the written work restrictions to the employee's Supervisor and the Risk Manager.

3. South Weber City has a permissive return to work policy. Temporary transitional assignments are mandatory and, where practical, these assignments will be made available to all injured employees who are unable to immediately return to full duty following a work-related injury. If a transitional assignment is available and the employee chooses not to accept the transitional assignment, the employee shall not be eligible to receive Workers' Compensation wage replacement benefits and will not be allowed to use their accrued sick leave. Temporary transitional assignments shall be given in accordance with the "Return to Work after Serious Injury or Illness" section in this Policy manual.

4. **Return to Work – Off Duty:** Because the City has a permissive return to work policy, it is rare that an employee will be unable to return to a temporary transitional assignment. If an employee receives direction from the treating medical provider to remain off work for a period in excess of one full calendar day, the employee shall immediately notify the Risk Manager.

Payroll for Workers' Compensation Temporary Disability

1. An employee requiring medical attention on the same day as an on-the-job injury should not be charged sick leave or workers' compensation that day. The entire shift should be paid as regular time worked.

2. An employee begins his/her waiting period for workers' compensation wage replacement benefits effective the first full day of time off work due to an on-the-job injury as reported by the doctor. For the purpose of calculating waiting periods days with time off include weekends and unscheduled workdays.

3. The waiting period for workers' compensation wage replacement benefits is three (3) days after the time off work is confirmed by a doctor's report. Days counted as time off do not need to be consecutive. If an employee returns or has been released to return to work, a new doctor's report must confirm time off for further workers' compensation benefits. A full-time employee may use sick or vacation leave during this waiting period.

4. If time off work is required due to a workers' compensation injury, the person preparing payroll must notify the Risk Manager on the day timecards are due. The City's Workers' Compensation Third Party Administrator will determine appropriate waiting periods, leave supplements, and amounts of workers' compensation owed.

Workers' Compensation Temporary & Permanent Disability Benefits

All qualifying workers' compensation disability benefits shall be awarded in accordance to the State of Utah Workers Compensation Act. The City's Workers Compensation Third Party Administrator shall make payment of these benefits.

Reduction, Denial or Loss of Workers' Compensation Benefits

Workers' Compensation benefits may be reduced, denied, or lost as provided by state law. Failure of employees to follow procedures for reporting and processing Workers' Compensation claims as required by state law and the Utah Labor Commission may result in the reduction, denial, or loss of Workers' Compensation benefits. Employees should also be aware that benefits may be in jeopardy when:

1. An employee fails to use or tampers with safety devices provided by the City.
2. An employee fails to obey any order or reasonable rule adopted by the City for the safety of the employee.
3. The major contributing cause of an employee's injury is the employee's use of illegal substances.
4. The major contributing cause of an employee's injury is the intentional abuse of drugs in excess of prescribed therapeutic amounts.
5. The major contributing cause of an employee's injury is intoxication from alcohol.

8.060. Medical Examinations.

Post-offer applicants and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations. An applicant who has received a job offer may be required to undergo a medical examination to demonstrate ability to safely perform the essential functions of the position. Employment offers are contingent upon satisfactory completion of such examinations. As a condition of continued employment, employees may be required to undergo periodic job-related medical examinations in accordance with applicable legal restrictions and requirements. All medical examinations required by the City shall be paid for by the City in accordance with Utah Code Ann. § 34-33-1, as amended. All records regarding medical examinations of applicants and employees shall be maintained as classified in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code Ann. § 63-2-101, et seq., as amended.

8.070. Claims and Lawsuits

In order to protect employees and the City from additional risk by providing timely response to claims and lawsuits through proper claims handling procedures, it is the policy of South Weber City that claims and lawsuits against the City or its employees shall be handled in a systematic and expedient manner.

1. Any employee receiving a claim or notice threatening legal action shall immediately notify the Risk Manager and forward to the Risk Manager all written documents together with a description of the manner in which the claim or notice was received.
2. Upon receiving any claim or notice of legal action, or threat of legal action, the Risk Manager shall:
 - a. Immediately record the claim with the City Recorder's Office.
 - b. Analyze the claim to determine the appropriate action to be taken. Care shall be taken in handling claims so as not to prejudice the City's right to defend itself nor to conflict with the rights and procedures of the City's current insurance carrier.
 - c. Notify the City Attorney's office of serious claims that may develop into lawsuits.

d. Notify the Utah Local Governments Trust (ULGT) within one business day of serious occurrences likely to give rise to significant liability. Lawsuits to be covered by ULGT and Notices of Claims to be handled by ULGT are to be sent to ULGT within three business days.

3. The Risk Manager shall manage all claims as follows:

- a. Obtain the necessary information from the claimant and conduct an in-house investigation.
- b. Discuss each claim and the pertinent information with the Director of the department affected by the claim. The Risk Manager will seek input from the Department Director before deciding the disposition of the claim.
- c. Coordinate and subrogate third party claims on behalf of the City.

4. The Risk Manager shall immediately forward all lawsuit documents to the City Attorney and the Utah Local Governments Trust (ULGT) for appropriate action. The City Attorney's and the Risk Manager shall work in cooperation with the ULGT to conclude the lawsuit and mitigate losses to the City.

5. It is the general policy of the City to defend City employees against claims or actions brought against them as individuals while carrying out City activities unless the actions which bring about the claims or lawsuits are malicious, fraudulent, or occur while the employee is under the influence of alcohol or drugs or the employee is performing duties clearly outside of the assigned course and scope of his or her duties. Employees desiring indemnification shall request it in writing within 10 days of receiving the claim or lawsuit. The written request shall be submitted to the City Attorney.

CHAPTER 9: EVALUATION AND DEVELOPMENT

9.010. Performance Evaluation System.

9.020. Tuition Aid Program.

9.030. Training and Travel.

9.010. Performance Evaluation System.

(a) Purpose. The purpose of this Section is to provide guidelines for the implementation of a City employee performance evaluation system.

(b) Evaluation Periods. Performance evaluations shall be completed for all employees in their introductory period, full-time, and part-time employees at regular basis on forms provided by Personnel for the purposes of recording current job performance, setting goals and objectives, recognizing accomplishments, setting salaries, and acknowledging strengths and/or deficiencies. Performance evaluations shall also serve to assist the employee in improving performance as necessary and to aid the Supervisor in counseling the employee regarding performance and progress. Each employee shall be evaluated in accordance with the provisions set forth herein at the following times:

(1) Introductory Period. Each introductory employee shall be evaluated at the end of the introductory period, and at any other time during the introductory period deemed necessary by the Supervisor, Department Director, or City Manager.

(2) Annual. Each employee shall be evaluated annually in accordance with the City schedule. The requirement for an annual evaluation shall not guarantee that the evaluation will be completed within one year of the previous evaluation in cases where further investigation by the Supervisor is required or when there are extenuating circumstances that prohibit the completion of the evaluation at or near the end of the calendar year.

(3) Additional. Additional evaluations may be conducted during the course of employment due to specific problems related to satisfactory performance related to the duties of the position held; or at any other time at the discretion of a Department Director or the City Manager. Supervisors are encouraged to meet regularly and/or periodically with employees to monitor the progress made towards specified goals and objectives for the employee.

(c) Evaluations. Each employee shall be evaluated by his or her immediate Supervisor according to the performance criteria established by the Department Director. Performance evaluations shall be prepared by the employee's Supervisor and shall be signed by the Supervisor, the City Manager, and the employee. Each evaluation shall be discussed with the employee and the employee shall be given the opportunity to make written comments. If the employee refuses to sign the performance evaluation, it shall be noted on the evaluation. The employee may also add comments as to why the performance evaluation is not being signed.

(d) Evaluation Interview. In addition to filling out an Evaluation Form, the Supervisor shall conduct an in-person interview with each employee under his or her direction wherein the Evaluation Form is reviewed, and the employee is given a chance to comment on the evaluation. The interview should be used to improve communication between the employee and the Supervisor. The parties should discuss the favorable and unfavorable aspects of the employee's performance and set specific goals and objectives for the employee's improvement and development during the next evaluation period.

(e) Evaluation Records. Evaluation records shall be maintained with the employee's personnel records. Such records shall be maintained and accessed in accordance with the Utah Government Records Access and Management Act, as adopted and amended by the City. The employee shall be given a copy of the performance evaluation by the Department Director. Once approved by the Department Director, performance evaluations shall not be changed unless requested by Personnel.

(f) Compensation Based on Performance. Employee pay is based upon employee job performance and the compensation plan as adopted and amended by the City.

9.020. Tuition Aid Program.

(a) Purpose. It is the purpose of this program to provide educational assistance in the form of tuition aid to eligible employees for course work taken at an accredited or approved institution, when funds are available, in order to enhance the abilities of the City work force. It is the intent of this Program to benefit the individual and to benefit the City through the utilization of the employee's newly acquired skills and knowledge. The Program is not intended to train employees for opportunities with other employers or to provide reimbursement for seminars and professional training.

(b) Funds. The City shall allocate in its annual budget funds deemed appropriate for the Tuition Aid Program. All Tuition Aid shall be contingent upon sufficient funds allocated by the City.

(c) Eligibility. In order to be eligible for Tuition Aid, employees must be full-time employees of the City in good standing and must have completed their introductory period of employment with the City. A contract with the City may be required in order to be eligible.

(d) Standards.

(1) Job Related. All classes, courses, or degrees must be pre-approved by the City and must be reasonably related to the employee's present job or determined by the City to be related to the employee's probable future work with the City. In determining whether the course work is "job related," the City shall consider the knowledge, skills, and abilities required by the employee's current job description.

(2) Accredited Institution. Course work must be offered at a college, university, or educational institution accredited by the state of Utah or other institution approved by the City Manager.

(3) Credit. Course work must be taken for credit and completed. No reimbursement shall be made for audits, incomplete, or withdrawals.

(4) Time. Course work must be taken on the employee's own unpaid time. Exceptions may be approved by the City Manager based upon a written statement of the Department Head that unusual circumstances exist.

(5) Job Performance. Employees outside educational activities should not interfere with the employee's work and employee's job performance must remain satisfactory. Unsatisfactory job performance during enrollment may result in denial or forfeiture of education assistance in addition to disciplinary action.

(6) Repayment. Employee must sign a Repayment Agreement agreeing to repay the City in full for any Tuition Aid in the event the employee voluntarily leaves employment with the City or is terminated for reasons other than reduction in force or job elimination in accordance with the limitations set forth in Subsection (f). Employee shall also agree that the total refund required to be made to the City hereunder may be deducted from the employee's final paycheck from the City.

(e) Procedure.

(1) Application. Any eligible employee desiring to obtain Tuition Aid shall file a Tuition Aid Application with his or her Department Head. The Application shall be filed prior to the commencement of the course.

(2) Review. The employee's Department Head shall review the Application based upon the Standards set forth in this Policy including review of the employee's eligibility for assistance. The Department Head shall thereafter recommend approval or denial of the Application to the City Manager. The City Manager shall review the Application based upon the Standards set forth herein, verify available funds for the request, and approve or deny the Application.

(3) Reimbursement. Upon satisfactory completion of the approved course work, a portion of the employee's tuition expenses, fees, and books may be reimbursed to the employee as follows:

(i) 90% for an "A" grade (or "pass" if course is only offered as Pass/Fail)

(ii) 75% for a "B" grade

(iii) 60% for a "C" grade

(iv) 0% for lower than a "C" grade

(4) Transcript and Receipt. Prior to reimbursement, the employee must submit to the City Manager, a certified transcript of grade or certificate of completion of the course work and receipts for the actual tuition, fees, and book expenses incurred.

(f) Limitations.

(1) Funds. All Tuition Aid is contingent upon sufficient funds available in the City budget and shall be distributed on a first-come basis as determined by the date of final approval of the Application by the City Manager.

(2) Annual Maximum. Eligible employees are limited to a maximum reimbursement of \$2,000.00 per employee during any calendar year for tuition, fees, and books.

(3) Other Sources. Reimbursement is limited by the amount of financial aid the employee receives from other sources such as grants or scholarships; i.e., the employee is only eligible for reimbursement from the City for the appropriate percentage of the employee's total out-of-pocket costs after the grant or scholarship has been deducted.

(4) Repayment. Employees who voluntarily leave employment with the City or are terminated for reasons other than reduction in force or job elimination shall be required to repay the City the prorated portion of any tuition aid received from the City within two (2) years prior to the date of termination. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the amount of the approved costs incurred up to the effective date of termination. Exceptions to this Policy may only be made in writing by the City Council who must sign the decision and provide explanation as to why the exception is in the best interest of the City.

(5) Compliance. Failure to comply with this Policy may result in disapproval of Application and/or nonpayment of the reimbursement as determined appropriate in the sole discretion of the City Manager.

(g) Records. A copy of Tuition Aid records should be retained by the City.

9.030. Training and Travel.

(a) Purpose. City employees may be permitted and/or required to attend seminars, meetings, conferences, workshops, and other educational courses when it is anticipated that the training and information received by the officer or employee will increase their knowledge and effectiveness, keep current on new developments, and introduce new innovative practices and procedures that will benefit the City. It is the purpose of this Policy to provide reasonable and systematic means by which attendance and travel to such events will be approved and the cost estimated and controlled for economic, budgetary, and auditing purposes. It is the intent of this Policy to provide adequate controls over training and travel expenditures and to maintain accountability for such expenditures while allowing for flexibility.

(b) Budget. The City shall allocate in its annual budget funds deemed appropriate for training and travel expenditures. Each Department Director shall be responsible for keeping expenditures within his or her respective department budget.

(c) Eligibility. For purposes of this Policy, "travel" shall be considered any in-state or out-of-state trip taken by a City employee in the course of performing his or her duties, including trips

to or attendance at seminars, meetings, conferences, and workshops. All training and travel expenditures must be pre-approved by the City as set forth herein. All training and travel expenditures must be anticipated to serve a bona fide public purpose and confer a benefit upon the City.

(d) Procedure.

(1) Application. An employee desiring to utilize training and/or travel funds shall file a Training and Travel Application with their Department Director, stating the purpose, details, and estimated expenses of the training and travel at least two (2) weeks prior to the desired date of departure. Applications for training and travel by a Department Director shall note the name of the person to be in charge of the department during the Department Director's absence. The City Manager shall provide a copy of each Application to Personnel upon approval.

(2) Review. The City Manager shall review the Application based upon the requirements set forth herein including review of the Department's training and travel budget. The City Manager shall make the final determination for approval or denial.

(3) Advancements. Upon the request of the employee and timely submission of the Application, approved travel expenses may be advanced using the current General Administrative Service (GSA) guideline per diem rates.

(4) Receipts. The traveling officer or employee shall document expenses of the trip and keep all original receipts and credit card receipts except that receipts for meals covered by the per diem compensation shall not be required.

(5) Documents. An expense report indicating the actual expenses of the trip together with all original required receipts shall be submitted to the Department Director within thirty (30) days after the event in order to receive any payment or refund. Except for per diem advancements, if less money was spent than was advanced, a reimbursement check made payable to the City for the difference shall be attached. Except for per diem advancements, if more money was spent than was advanced, a voucher request for the difference to be paid to the employee shall be attached.

(6) Summary. The City Manager may request a written summary or an oral report on all seminars, workshops, conferences, or conventions attended.

(e) Standards.

(1) Mode of Transportation. Employees are responsible for arranging their own transportation. The most economical form of transportation shall be used considering factors such as the cost of the transportation, the availability of City vehicles, and the amount of time required. If any employee chooses a more costly form of transportation, the City will pay the lesser cost of the two forms, and the per diem rate shall be based upon the amount of time it would have taken under the less costly form of transportation.

If extra time is needed for the more costly form of transportation, the employee shall use vacation or compensatory time for the excess time needed to reach the destination.

(2) Costs. Employees are encouraged to utilize the lowest cost travel arrangements possible. Airline reservations should be made, whenever possible, at least thirty (30) days in advance. If a reduced airfare is offered for a stay over a Saturday night, and the reduced rate more than compensates for additional lodging and per diem costs, the employee is encouraged to stay over the additional night. The government or corporate rate should be requested at all hotels.

(3) Permitted Expenses. The following allowances and payments may be made for travel expenses.

(i) Transportation. The City may pay for the cost of the most economical form of transportation. Employees traveling in a City vehicle shall use the assigned fuel card.

(ii) Meals and Incidental Expenses. The City may pay employees a per diem amount to cover the cost of meals during each day of travel or training. The per diem rates for meals shall be based on the standard per diem rates identified by the General Service Administration (GSA). For business travel that does not require an overnight stay, lunch per diem is available.

(iii) Fees. The City may pay the actual and reasonable cost of registration and other fees for classes, seminars, workshops, conferences, and conventions.

(iv) Ground Transportation. The City may pay the reasonable and necessary costs for ground transportation, including airport shuttle, taxicab, rental car, and parking lot fees. Receipts must be submitted for reimbursement.

(v) Airfare. The City will pay the cost for standard coach airfare. Flight arrangements shall be made so that arrival times allow for sufficient rest to fully participate in and benefit from the conference, seminar, workshop, or meeting session. The employee's travel itinerary and other supporting cost documentation must be submitted for reimbursement.

(vii) Lodging. The City may pay for the reasonable and necessary costs of lodging if an overnight stay is required. Should an overnight stay be required, the City will provide hotel accommodations at the government rate or single room conference rate. An itemized hotel bill must be submitted with the final travel authorization. Room service shall not be reimbursed. The employee will be responsible to pay for in-room movies and/or any other hotel services including alcoholic beverages.

(viii) Miscellaneous. The City may pay for other miscellaneous costs as deemed reasonable and necessary by the City Manager.

(4) Personal Expenses.

(i) Employees. Employees traveling on City business, including employees traveling with a spouse or other companion, shall strictly distinguish expenses incurred as part of City business from personal expenses. The City will provide reimbursement only for those expenses which the employee would normally incur if traveling alone. For example, the City will pay for the employee's lodging at the single room rate and the employee shall be required to pay for any additional double occupancy lodging charge or upgrade. The City shall not pay for personal expenses such as telephone charges, personal transportation charges, room service charges, etc.

(ii) Elected Officials. Elected officials shall be paid the standard mileage allowance for any City business conducted outside the City after exceeding 150 miles one way.

1. South Weber City employees shall exercise primary access to utilize a pool car vehicle; therefore, the request for access by an employee shall be higher priority than the request for access from that of an elected official; and
2. Elected officials shall not be permitted access to a pool car vehicle if the mode of transportation is otherwise funded as a result of paid membership (or other compensation) regarding a board, committee, or other organization.

(5) Auxiliary Programs. Frequently, in conjunction with its regular program for members, a conference or convention will provide auxiliary programs for the employee's spouse/partner. These auxiliary programs generally foster understanding and compliment an employee or official's development and performance on the job. Therefore, it is the policy of the City that, where these opportunities are offered and available, the registration cost of the auxiliary program will be allowable if it has been included in the City Budget.

CHAPTER 10: GRIEVANCES

10.010. Grievances.

10.020. Informal Grievance Procedures.

10.030. Formal Grievance Procedures.

10.040. Appeal.

10.050. Retaliations.

10.060. Records.

10.010. Grievances.

Employees may appeal a decision or disciplinary action (other than demotion or dismissal which are governed by provisions of Chapter 11) by the City which affects his or her employment pursuant to the provisions set forth herein. These guidelines should not be construed as preventing, limiting, or delaying the City from taking disciplinary action, including immediate termination, in circumstances where the City deems such action appropriate. Except as required by state or federal law, the grievance procedures provided herein shall be exhausted prior to seeking alternative remedies.

10.020. Informal Grievance Procedures.

An employee with a grievance may first attempt to settle the matter through discussion with his or her Supervisor. If the grievance involves the employee's Supervisor, the matter may be discussed with the City Manager. In such event, all references in this Section to Supervisor shall refer to the City Manager. The Supervisor should review the matter and conduct any investigation as deemed appropriate under the circumstances. If the employee does not believe the problem has been satisfactorily resolved within ten (10) days after the circumstances are first discussed with the Supervisor, or any time prior thereto, the employee may pursue formal grievance procedures as provided herein.

10.030. Formal Grievance Procedures.

(a) Complaint. An aggrieved employee may file a formal written grievance with the City Manager within twenty (20) days from the date of the event giving rise to the grievance or within twenty (20) days from the date the employee has knowledge, or should have knowledge, of the event giving rise to the grievance. Grievances shall be filed using an Employee Grievance Form as provided by the City (See Appendix). The time for filing a formal written grievance shall be extended during the time for which informal grievance procedures are pursued. If the grievance involves the City Manager, the grievance may be filed with the City Council, in which case all references herein to City Manager shall refer to City Council.

(b) Investigation. Upon receipt of a grievance, the City Manager should review and investigate the matter as deemed appropriate under the circumstances.

(c) Decision. The City Manager should, within a reasonable time from receipt of the grievance, prepare and provide the employee written notice of his or her final decision in the matter.

10.040. Appeal.

An employee aggrieved by a final decision of the City Manager regarding a formal grievance filed hereunder may appeal such decision to the City Council by filing a written appeal stating the grounds therefore with the City Recorder within twenty (20) days from the date of the decision. The City Council shall conduct a review of the matter reviewing the City Manager's decision for fairness or correctness. The City Council shall prepare and provide to the employee written notice of its final decision in the matter within a reasonable time from receipt of the appeal.

10.050. Retaliations and Bad Faith Grievances.

Employees are entitled to bring good faith grievances hereunder without fear of retaliation. No person shall discriminate against another because that individual made a grievance complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein. No person shall coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Employees are further protected under the provisions of the Utah Protection of Public Employees Act, as set forth at Utah Code Ann. § 67-21-1, et seq. Notwithstanding this anti-retaliation policy, if conclusive evidence exists that an employee knowingly or recklessly brought a bad faith grievance and/or made false allegations, then appropriate disciplinary action may be taken.

10.060. Records.

The City shall maintain records pertaining to employee grievances filed hereunder and records pertaining to an appeal of such grievances in accordance with the Utah Government Records Access and Management Act, as adopted and amended by the City.

CHAPTER 11: DISCIPLINE

- 11.010. General Conduct.**
- 11.020. Responsibility for Discipline.**
- 11.030. Investigation.**
- 11.040. Levels of Discipline.**
- 11.050. Administrative Leave.**
- 11.060. Probation.**
- 11.070. Suspension.**
- 11.080. Demotion.**
- 11.090. Dismissal.**
- 11.100. Pre-Disciplinary Action Hearing.**
- 11.110. Appeals.**
- 11.010. General Conduct.**

All disciplinary actions short of termination are intended to be corrective and obtain compliance with policies, orders, procedures, standards of conduct, expected performance standards, and/or improve performance. It shall be the City's discretion as to which type of informal and/or formal disciplinary action is most appropriate. Only full-, part- time, and probationary employees shall have the right to file an appeal to disciplinary actions and then only to formal disciplinary actions. Nothing contained in these Policies and Procedures shall preclude dismissal or suspension with or without pay effective immediately without prior notice and a hearing where the continued presence of the employee would present a hazard or disruption to employees, the public, or the City. When such a dismissal or suspension is imposed, the employee shall be assured rights of a post disciplinary appeal in accordance with this procedure. The City has no obligation to make use of any of these informal actions and need not proceed with them in any particular order. All disciplinary actions shall become part of the employee's personnel record.

It is the responsibility of all employees of the City to conduct themselves in accordance with the City's policies, rules, and regulations and to perform their work in a satisfactory manner. Employees are expected to conduct themselves in a professional and competent manner and to be courteous and cooperative at all times with fellow employees, Supervisors, and the public. An action not in accordance with such policies or in violation of any City rule or regulation shall be subject to disciplinary action up to and including termination.

11.020. Responsibility for Discipline.

The basic responsibility for discipline lies with the employee's Supervisor under the direction of the City Manager, provided that any disciplinary action involving probation, suspension, demotion, or dismissal shall require prior review and approval of the City Manager in accordance with the procedures set forth herein.

11.030. Investigation.

Prior to any disciplinary action or recommendation of any disciplinary action, the Supervisor shall investigate the alleged conduct to the extent deemed necessary and appropriate under the

circumstances. Such investigation should provide the employee with an opportunity to respond verbally and/or in writing to the alleged claims.

11.040. Levels of Discipline.

When there are grounds for discipline, an employee shall be subject to appropriate disciplinary action based upon the particular facts and circumstances of each case. Disciplinary action may include one or more of the following: verbal warning, written reprimand, probation, suspension with or without pay, demotion, and/or dismissal.

Informal Action

Informal action may be appropriate when a rule, order, procedure, standard of conduct, and/or expected performance level has been violated. Any one or a combination of the following informal actions may be used as deemed appropriate by the City:

- A. Verbal Reprimand – Whenever grounds for disciplinary action exist and the Supervisor determines that more severe action is not required, the Supervisor may verbally communicate to the employee the observed deficiency. Written documentation of the warning should be prepared by the Supervisor setting forth the date, time, circumstances, and grounds for the discipline; and the date, time, and circumstances of the verbal notice. Such written documentation shall be maintained with the employee's personnel records. Failure to remedy the deficiency described in a verbal warning may result in additional disciplinary action being taken. The Supervisor(s) should make it clear to the employee that the violation is unacceptable and that any repetition may lead to stronger disciplinary action;
- B. Corrective Interviews – The Supervisor(s) confers with the employee regarding violations and develops a written corrective plan which includes target dates for the correction of violations by the employee. The plan shall be reviewed with and signed by the employee with a copy to be placed in the employee's personnel file;
- C. Written Reprimand – Whenever grounds for disciplinary action exist and the Supervisor determines that more severe action is not required, the Supervisor may reprimand an employee in writing. Written reprimands shall include a detailed statement of the date, time, circumstances, and grounds for the discipline. Written reprimands should also indicate violations and specific actions the employee is to take to correct any violations. Warning should be provided that formal disciplinary action may result if corrective action is not taken by the employee. Such written reprimand shall be signed by the employee and the Supervisor and maintained with the employee's personnel records for the sole purpose of acknowledging the receipt thereof. Should the employee refuse to sign the written reprimand, the Supervisor shall sign and note the date and time of such refusal. Copies of written reprimand shall be placed in the employee's personnel file. These informal types of corrections are intended to correct a problem without recourse to the severity of formal disciplinary action.

Formal Disciplinary Action

Formal disciplinary actions may include but are not limited to:

- A. Suspension without pay;
- B. Reduction in salary;
- C. Demotion to a lower job classification;
- D. Probation;
- E. Dismissal; or
- F. Any combination of the above.

11.050. Administrative Leave.

In the event of an emergency, or when otherwise deemed appropriate and necessary pending full investigation of alleged violations of an employee, a Supervisor or the City Manager may temporarily relieve any subordinate from duty with pay or temporarily reassign the employee to another position at the same rate of pay. Such temporary relief from duty with pay shall be considered administrative leave and shall not preclude subsequent disciplinary action against the employee.

Suspensions of Exempt Employees

Suspension of exempt employees without pay shall be made in weekly increments; provided, however, deductions from pay may be made for unpaid disciplinary suspensions of one or more days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed because of violation(s) of a written policy applicable to all employees, such as the City's policies prohibiting sexual harassment or workplace violence. Suspensions for any other reason shall be in weekly increments. This provision applies only to exempt employees

Formal Disciplinary Procedure

Any disciplinary action may be initiated and imposed at the Department Director level. If the alleged violation occurs at the Department Director level, all references to Department Director in these formal disciplinary procedures shall mean City Manager. For all disciplinary actions including dismissals, the following steps shall be followed.

STEP 1

Any alleged violation by an employee of policy, procedure, rules, regulations, directives, orders, laws, and/or expected performance levels shall be investigated by the employee's management Supervisor. The Supervisor shall prepare a written report of the investigation which includes the specific violation(s), all available facts, statements of witnesses, the employee's statement, and any recommendations for discipline the Supervisor deems appropriate. As appropriate, this report shall be forwarded to the City Manager.

STEP 2

The City Manager shall review the report, conduct an additional investigation, if warranted, and reach a determination as to whether formal disciplinary action is warranted.

STEP 3

If it is determined that formal disciplinary action is warranted, Personnel shall be notified of the action to be imposed. The employee shall then be provided a written Notice of Intent to Discipline from the Department Director, which contains the following:

- A. A statement which clearly defines the specific action to be taken and the effective date of the action. In cases of suspension, the beginning and ending time should be stated specifically. Generally, the disciplinary action shall become effective after the employee has been allowed the three days to appeal the action to the Department Director.
- B. A statement (and preferably the quoting of the reason(s) as provided in this document) of the policy or procedure that has allegedly been violated or other cause or reason for the disciplinary action.
- C. A statement of the specific action or charges which allegedly constitutes a violation of the policy or procedure.
- D. A description of the records and documents upon which the action is based and a statement that copies of the records are available to the employee upon request.
- E. A statement that the employee may request a meeting with the Department Director within three (3) working days of receiving the Notice of Intent to Discipline to discuss the discipline and present specific evidence as to why the action is not warranted.
- F. A statement that failure to request a meeting with the Department Director or to show for the requested meeting shall forfeit any additional appeal rights.

STEP 4

If the employee has requested a meeting with the Department Director to present additional evidence within three (3) working days of receiving the Notice of Intent, the Department Director shall:

1. Hold the meeting promptly;
2. Consider any additional evidence submitted by the employee;
3. Impose the disciplinary action or modify the disciplinary action as deemed appropriate;
4. Notify the employee in writing of the decision and of the employee's appeal rights; and
5. Forward a copy of the entire proceedings to Personnel.

The failure of an employee to request a meeting with the Department Director as outlined in Step 5 or the failure of an employee to appear for the meeting after requesting it shall forfeit any additional appeal rights of the employee.

11.060. Probation.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be placed on disciplinary probation for a period not to exceed six (6) months. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted. The purpose of disciplinary probation is to provide a period during which the employee's performance is carefully monitored and evaluated. Probationary status shall not preclude any other disciplinary action being taken against the employee as deemed appropriate. Any probationary period may be extended by the City Manager.

11.070. Suspension.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be suspended, with or without pay, for a period of time not to exceed fifteen (15) calendar days. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted. Any employee suspended with pay must be available to work during all regular business hours.

11.080. Demotion.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be demoted. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted.

11.090. Dismissal.

Whenever grounds for disciplinary action exist and the Supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the Supervisor may recommend to the City Manager an employee be dismissed. Written notice of such recommendation shall be prepared by the Supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances, and grounds for the recommended disciplinary action and the investigation conducted.

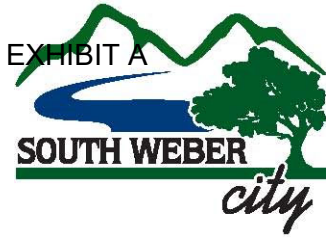
11.100. Pre-Disciplinary Action Hearing.

Upon receipt of a Supervisor's recommendation of disciplinary action involving probation, suspension, demotion, or dismissal; the City Manager shall review and investigate the matter as deemed appropriate and shall hold a pre-disciplinary action hearing. The purpose of the pre-disciplinary action hearing is to provide the employee with notice and an opportunity to respond to the alleged violations and proposed disciplinary action. The City Manager shall provide the employee with written notice of the date and time of the pre-disciplinary action hearing and shall provide the employee with a copy of the Supervisor's letter recommending the proposed disciplinary action and stating the grounds, therefore. After the pre-disciplinary action hearing, the City Manager shall provide the employee with written notice of his or her final decision stating the disciplinary action to be taken, if any, and the employee's right to appeal the same.

11.110. Appeals.

All appointed officers and employees of the City, other than the City Manager, shall hold their employment without limitation of time, being subject to discharge or dismissal only as provided in Utah Code Ann. § 10-3-1106, as amended. Any appointed officer or employee covered herein

who is discharged or transferred to a position with less remuneration for any reason shall have the right to appeal the discharge or transfer to the City Appeals Board in accordance with the provisions of Utah Code Ann. § 10-3-1106, as amended. All other disciplinary actions may be appealed in accordance with the grievance procedures set forth in Utah Code Chapter 10.



Ethical Behavior Pledge Form

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

I, _____ am the/a duly elected/appointed _____ of South Weber City.

I pledge to adhere to the ethical behavior policy as approved by the city. 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 code 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 South Weber City code of ethics.

DATED THIS _____ DAY OF _____ 2021

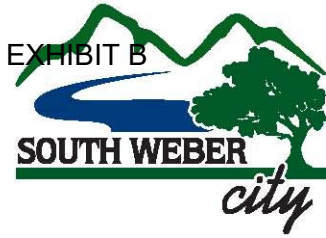
Signed by: _____

Title/Office: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ 2021

City Recorder: _____



Ethical Behavior Pledge Form

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

I, _____ am an employee of South Weber City.

I pledge to adhere to the ethical behavior policy as approved by the city. 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 code 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 South Weber City code of ethics.

DATED THIS _____ DAY OF _____ 2021

Signed by: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ 2021

Supervisor: _____

EXHIBIT C

Acceptable Use Policy

Introduction

The purpose of City-provided information technology (IT) resources is to support city departments in achieving their mission and goals, and to improve city government in general. These resources are intended to assist in the efficient and effective day to day operations of city departments, including collaboration and exchange of information with and between city departments, other branches of government and others. These resources also provide public access to public information. Corporate online systems increase company production and employee effectiveness, but they can become a *time waster instead of a production enhancer* if used without policy guidelines. The employer has total discretion over employee access privileges and the nature of public discussions on the online system, making it a productive and stable environment.

Effective use of city-provided IT resources is important to the South Weber City. To help improve the effectiveness of your use of these resources, incidental and occasional personal use is permitted, as long as such use does not:

- a. Interfere with existing rules or policies pertaining to the department and the city,
- b. Disrupt or distract the conduct of city business (e.g., due to the volume or frequency)
- c. Involve solicitation
- d. Involve a for-profit personal business activity,
- e. Have the potential to harm the city, or
- f. Involve illegal activities

Note: Any resources used for personal use that incurs a cost must be reimbursed to the city.

Privacy Issues and Legal Implications

Employees have no expectation of privacy in the use of any IT resources. The city has the right to access and disclose the contents of electronic files, as required for legal, audit, or other legitimate city operation or management. Do not transmit personal information about yourself or someone else using city-supplied IT resources without proper authorization. E-mail and other electronic files may be accessible through the discovery process in the event of litigation. Each of these technologies may create a “record” and therefore are reproducible and subject to judicial use.

Violation of the Information Systems Security Policy

Non-compliance to the minimum requirements or violation of South Weber City’s Information Systems security policy could result in action that may include, but is not limited to, the following:

- a. Suspension
- b. Termination
- c. Other disciplinary action
- d. Civil and/or criminal prosecution

Employee Responsibilities

Access only files, data and protected accounts that are your own, that are publicly available, or to which you have been given authorized access.

Use IT resources efficiently and productively. Refrain from monopolizing systems, overloading networks with excessive data, or wasting computer time, connect time, disk space, printer paper, or other IT resources.

South Weber City employees assigned a user ID and password are solely responsible for the confidentiality of that password and the consequences resulting from misuse of the password by them or anyone else:

- a. Change your passwords with regular frequency or in accordance with the city’s policy regarding the frequency of changing passwords
- b. Do not use obvious passwords
- c. When you are away from your desk, take precautions to protect your accounts

Report to the city’s appropriate authority if you:

- a. receive or obtain information to which you are not entitled

(Note: Also notify the owner or sender of such information)

- b. become aware of breaches of security, or
- c. know of any inappropriate use of city-provided IT resources.

Seek the advice of the authorized person responsible for any city-provided IT resource if you are in doubt concerning your authorization to access that resource.

Adhere to copyright law regarding use of software, information, and attributions of authorship. Upon the request of the city, delete (from any computer) and return all city-provided software used for off-site work.

Conduct yourself as a representative of both the city department and city government as a whole. As a minimum, this means that you shall not use IT resources to:

- a. *Distribute offensive or harassing statements*; disparage others based on race, national origin, sex, sexual orientation, age, disability or political or religious beliefs.
- b. Distribute incendiary statements which might incite violence or describe or promote the use of weapons or devices associate with terrorist activities.
- c. *Distribute or solicit sexually oriented messages or images.*

Unacceptable Use of IT Resources

The first and foremost rule for using these technologies is:

Don't say, do, write, view, or acquire anything that you wouldn't be proud to have everyone in the world learn about if the electronic records are made public.

Any use of city-provided IT resources for inappropriate purposes, or in support of such activities, is prohibited (unless authorized through job responsibilities). The following list is currently considered unacceptable use of city-provided IT resources.

Illegal Use

Any use of city-provided IT resources for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.

Commercial Use

Any use for commercial purposes, product advertisements or “for profit” personal activity.

Sexually Explicit

Any sexually explicit use, whether visual or textual. You should not view, transmit, retrieve, save, or print any electronic files which may be deemed as sexually explicit.

Religious or Political Lobbying

Any use for religious or political lobbying, such as using E-mail to circulate solicitations or advertisements.

Copyright Infringement

Duplicating, transmitting, or using software not in compliance with software license agreements. Unauthorized use of copyrighted materials or another person’s original writings.

Unnecessary Use of IT Resources

Wasting IT resources intentionally:

- a. Placing a program in an endless loop;
- b. Printing unnecessary amounts of paper;
- c. Disrupting the use or performance of city-provided IT resources or any other computer system or network (for example, unauthorized world wide web pages, recurrent mass communications); or
- d. Storing any information or software on city-provided IT resources which are not authorized by the department.

Security Violations

- a. Accessing accounts within or outside the city’s computers and communications facilities for which you are not authorized or do not have a business need.
- b. Copying, disclosing, transferring, examining, renaming or changing information or programs belonging to another user responsible for the information or programs.
- c. Violating the privacy of individual users by reading E-mail or private communications unless you are specifically authorized to maintain and support the system.
- d. Representing yourself as someone else, fictional or real.

Viruses

Knowingly or inadvertently spreading computer viruses: “Computer viruses” are programs that can destroy valuable programs and data. To reduce the risk of spreading

computer viruses, do not import files from unknown or disreputable sources. If you obtain software or files from remote sources, follow proper procedures to check for viruses before use. You should adhere to any city-specific policy in this area.

Awareness of the following will help reduce the occurrence of viruses:

- a. All information or files electronically down-loaded from the Internet onto a workstation must be scanned before being used.
- b. All demo disks must be write-protected and scanned before use.
- c. Any electronic information being brought into South Weber City's IT environments (i.e., diskette), must be scanned before use.
- d. Zip files are of particular concern.

Junk Mail

Distributing "junk" mail, such as chain letters, advertisements, or unauthorized solicitations.

Confidential Information

Transmitting classified information under the Government Records Access and Management Act without proper security.

Software Security

Software forms the heart of the computers' operations and maintaining it in a secure manner is essential to ensure that the systems are available for use when required and operate in the manner in which they are intended. The software also provides a means by which security of the system can be violated and uses of particularly powerful or sensitive aspects must be controlled.

Hardware Security

Due regard must be given to the degree of importance that each item of IT equipment, and the information stored on it, has within South Weber City and the value of specific pieces of hardware. Measures must be taken to ensure that hardware or information on it is not rendered inoperable. Access to computer equipment shall be restricted to authorized personnel.

Bring Your Own Device (BOYD)

Employees are allowed to purchase and use Smartphones and tablets of their choice at work for their convenience. South Weber City reserves the right to revoke this privilege if users do not abide by the policies and procedures outlined. This policy is intended to protect the security and integrity of South Weber City's data.

Employees must agree to the terms and conditions of this policy to use their devices on the City's network.

Acceptable Use

South Weber City defines acceptable business use as activities that directly or indirectly support the business of South Weber City.

Personal Use

South Weber City defines acceptable personal use on company time as reasonable and limited personal communication or recreation, such as reading or game playing.

Internet Filtering

Employees are blocked from accessing certain websites during work hours/while connected to the corporate network at the discretion of the company. Such websites may be blocked due to content or for security reasons such as viruses.

Unacceptable Use

Devices may not be used at any time to:

- a. Store or transmit illicit materials
- b. Store or transmit proprietary information belonging to another company
- c. Harass others
- d. Engage in outside business activities
- e. Etc.

Resources

Employees may use their mobile device to access the following company-owned resources: email, calendars, and contacts

Use in Vehicles

South Weber City has a zero-tolerance policy for texting or emailing while driving and only hands-free talking while driving is permitted

Reimbursement

Device Cost

At the discretion of the Department Head, South Weber City may reimburse the employee for all or part of the cost of the device

Allowance

South Weber City may pay the employee an allowance at the discretion of the Department Head while employed with South Weber City

Additional Expenses

South Weber City will not reimburse the employee for the following charges: roaming, plan overages, etc.

Devices and Support

Phones

Smartphones including iPhone, Android, Blackberry and Windows phones are allowed

Tablets

Tablets including iPad and Android are allowed

Connection Issues

Connectivity issues are supported by ISM; employees should contact the device manufacturer or their carrier for operating system or hardware-related issues

Setup

Devices must be presented to ISM for proper job provisioning and configuration for wireless access

Risks/Liabilities/Disclaimers

Termination

South Weber City reserves the right to disconnect devices or disable services without notification

Lost Devices

Lost or stolen devices must be reported to the company within 24 hours. Employees are responsible for notifying their mobile carrier immediately upon loss of a device.

Acceptable Use

The employee is expected to use his or her devices in an ethical manner at all times and adhere to the company's acceptable use policy as outlined above

Liability

The employee is personally liable for all costs associated with his or her device

Data Loss

The employee assumes full liability for risks including, but not limited to, the partial or complete loss of company and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable

Disciplinary Action

South Weber City reserves the right to take appropriate disciplinary action up to and including termination for noncompliance with this policy

Social Networking

The purpose of South Weber City's social networking policy is to allow the company to take advantage of social media's business benefits and promote its products/services, contribute to the relevant online dialog, and better engage with customers and prospects, while avoiding the significant risks involved.

South Weber City reserves the right to monitor how employees use company-owned property, including computers and networking equipment, and employees should be mindful that any and all web browsing they do on the company's premises may be monitored.

Acceptable Use

Discrimination

Employees are forbidden from using social networks to post or display comments about co-workers, supervisors or South Weber City that are vulgar, obscene, threatening, harassing, or a violation of South Weber City's policies on discrimination or harassment

Confidential Material

Employees may not use social networks to disclose any confidential or proprietary information about South Weber City or its employees, customers or business partners

Identity

When appropriate, employees should disclose their relationship with South Weber City in their online posts and refrain from speaking on behalf of South Weber City when not authorized

Unacceptable Use

Social media use is subject to the same workplace policies employees must follow in other situations, including but not limited to South Weber City's policies regarding harassment, discrimination, defamation, confidentiality, non-competition and general Internet use.

South Weber City employees should keep in mind that they are personally responsible for what they post online and be mindful that what they say will be available publicly for a long time.

Overview of Technologies

The following are examples of technologies that this policy governs. As new technologies gain popularity and use, they too will be governed by this policy. This overview will increase understanding of the uniqueness of these technologies as they relate to creating electronic 'records'. Each of these technologies creates an electronic record. This is what separates these from other forms of communications such as telephone conversation. An electronic record is reproducible and therefore deserves special recognition.

E-mail

E-mail is a major means of communication in city government, and it offers an efficient method of conducting city business. E-mail, as defined in this document, consists not only of the city-provided E-mail system, but also the act of sending and receiving E-mail through the Internet.

There are a number of characteristics that distinguish e-mail from other means of communication, such as paper records, telephones, and information stored on electronic media such as diskettes. Awareness of these characteristics should guide your use of E-mail.

a. Backups

As part of standard computing and telecommunications practices to prevent loss of data, E-mail systems and the systems involved in the transmission and storage of E-mail messages usually are "backed up" on a routine basis. This process results in copying data, such as the contents of an E-mail message, onto storage media that may be retained for periods of time and in locations unknown to the sender or recipient of a message. The frequency and retention of backup copies vary from organization to organization. While it may be difficult and time consuming, it should be assumed backup copies of e-mail messages exist and can be retrieved, even though the sender or recipients has discarded his/her copy of a message.

b. Special Status

While password protecting your E-mail account is beyond usual measures taken to protect access to paper records and telephones, it does not confer a special status on E-mail records with respect to applicability of laws policies and practices.

c. Monitoring

In the course of their work, managers, network and computer operations personnel or *system administrators may monitor the network or E-mail system*. It should be assumed that the content of e-mail messages may be seen by these authorized individuals during the performance of their duties.

d. Forgeries

No system of communication is completely secure, including E-mail. Just as with paper communications, an E-mail message can be forged, and it can be distributed beyond the address list originally defined by its author.

e. Viruses

Executable files (e.g. *.exe, *.com) can be transmitted via E-mail. You must always check executable files attached to E-mail messages for viruses before they are executed on city-provided IT resources.

f. Legal Implications

E-mail and other electronic files may be accessible through the discovery process in the event of litigation.

Facsimile (Fax)

Fax machines, in the past, simply created a paper copy of the original message. With today's technology, this is becoming less and less true; and electronic copy may be created. The same rules governing acceptable use of other city-provided IT resources also apply to the use of fax technology. The faxed message may be "backed up" onto other storage media. As with other technologies the content of faxed messages may be seen by authorized individuals during the performance of their duties.

Use of fax technology does not always require a password for access. Recipients should not assume that the sender is always reported. A fax should always be perceived as a non-private communication method. Remember, anyone at the other end may read your fax.

Internet

The Internet provides the ability to communicate, collaborate with others and access information throughout the world. However, there is little in the way of hierarchy or control of the information available. Increased access to computers and people all over the world also brings the availability of controversial material that may not be considered of value to an individual or the city.

Even if you are able to encrypt your data, anything you transmit over the Internet is subject to interception, reading, and copying by other people. This includes E-mail, personal information and passwords that are transmitted when you log into an account or log into another computer. The following guidelines should be followed when accessing the Internet:

- a. Internet access will only be authorized after formal approval is granted by South Weber City.

- b. It is forbidden for South Weber City personnel to use the Internet in a way that violates the privacy rights of others or in a way that breaches restrictions under relevant laws and legislation (e.g., advertising, copyright, libel and defamation).
- c. South Weber City's Internet access should never be used for personal gain. Games, or other personal recreation, letter writing campaign, chain letters, solicitation or other activities that might be construed as illegal or unethical.
- d. Data or other information downloaded from any Internet site must be scanned for viruses.
- e. The Internet is an unsecured communication medium and must not be used to transmit confidential, sensitive or proprietary business information.

Voice Mail

Voice mail is a means of communication that is in and of itself unique. It is similar to a telephone conversation, but it creates a "record". This should always be remembered by anyone using this technology. By the very definition of a record, the sender must remember that the message can also be saved, replayed, and shared with others that the sender did not intend. It also can be used in litigation. The same rules of password protection and confidentiality that concern other technologies also apply here.

Emerging Technologies

This policy does not address the specific details of technologies that are not yet to be invented or implemented within city government. This policy should be sufficient to allow you to determine the acceptable use of any new or emerging technology. If you have any questions regarding appropriate use of particular technology not specifically covered in this policy, please contact the appropriate individual in the city.

1. *Your judgement regarding incidental and occasional personal use is important. While this policy does not attempt to articulate all required or proscribed behavior, it does seek to assist in such judgement by providing the above guideline. If you are unclear about the acceptable "personal" use of a city-provided resource or wish to use the resource for what may be considered as a good cause, seek authorization from the city department's appropriate authority.*

2. *Use caution when sending classified information. Always display "CONFIDENTIAL" on the screen when sending classified information. Confirm that encryption has been enabled. Inform the recipient of the information's classification, their responsibility to keep it private, and their responsibility to dispose of it in a secure manner at the end of its retention period.*

EXHIBIT D

SOUTH WEBER CITY

COMPUTER ACCESS AGREEMENT

Please **read and initial** each of the following:

- _____ 1. As an employee of South Weber City, I have received a copy of South Weber Information Technology Resources Acceptable Use Policy. I hereby accept and agree to abide by the standards set in the policy and as outlined below for the duration of my employment with South Weber City including, but not limited to the following:
- _____ 2. The computer system is **South Weber City property** and has been developed for city business. The use of IT resources are for the benefit of the city government.
- _____ 3. I understand that **personal** e-mail and personal Internet browsing should not be done on city time.
- _____ 4. Installation or introduction of **unauthorized software** to a city owned computer network is prohibited.
- _____ 5. I understand that **unauthorized copying** of software from city computers to personal computers is illegal.
- _____ 6. I will access only files, data and protected accounts that are my own, that are publicly available, or to which I have been given **authorized access**.
- _____ 7. I understand **data stored on city equipment is for city use**. Any unauthorized transmission or copying of information, electronically or otherwise, is prohibited.
- _____ 8. I will not view or transmit any **crude, vulgar, or sexually explicit material**, whether visual or textual. I understand that I should not view, transmit, retrieve, save, or print any material which may be deemed inappropriate.

- _____ 9. It is the employee's responsibility to demonstrate the need for city related access to the **Internet**. I understand that I will need to be able to justify my Internet use periodically.

- _____ 10. It is the employee's responsibility to **report any inappropriate use of e-mail or the Internet**.

- _____ 11. Under no condition shall you give your password to another person. To **protect your password**, change it frequently, and don't use obvious passwords.

- _____ 12. Violation of any of these policies **could result in termination** of employment.

Employee Signature

Date

EXHIBIT E

HOTLINE REPORTING FORM

Email completed form to:

Hotline@southwebercity.com

or Mail to:

South Weber City

Attn: Internal Auditor

1600 E South Weber Dr

South Weber, UT 94405

Complainant Information:

Complainant to remain anonymous? Yes No		
Complainant would like a response? Yes No		
Complainant Name	Check One <input type="checkbox"/> Elected Official <input type="checkbox"/> Entity Employee <input type="checkbox"/> 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.

Appendix A

Bereavement Leave Form

Grievance Leave Form

Health Compensation Form

Jury Duty Form

Mileage Reimbursement Form

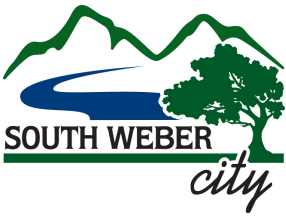
Outside Employment Form

Sick Leave Form

Travel Request Form

Tuition Reimbursement Form

Vacation Leave Form



#11 HAFB CUP
CITY COUNCIL MEETING
STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

David Larson
City Manager

ITEM TYPE

Legislative

ATTACHMENTS

[HAFB CUP Executive Summary](#)

[HAFB CUP Full Plan](#)

PRIOR DISCUSSION DATES

[February 16, 2022 Packet](#)

AGENDA ITEM

RES 22-12 Accepting the Hill Air Force Base (HAFB) Compatible Use Plan (CUP)

PURPOSE

Accept the HAFB CUP and endorse the implementation strategies

RECOMMENDATION

Staff recommends approving Resolution 22-13 Accepting the HAFB CUP

BACKGROUND

In early 2020, work began on the collaborative land use planning effort of HAFB, surrounding cities (including South Weber), Davis & Weber Counties, and other agencies and stakeholders that would reduce potential conflicts between HAFB and surrounding communities.

On February 16, 2022, the consulting firm who completed the work to create the HAFB CUP presented an overview of the planning process and the information in the CUP.

ANALYSIS

The CUP contains recommendations for the implementation of strategies, policies, and actions intended to promote collaborative and compatible land use planning, minimize the impact of military operations on nearby communities, increase public awareness of military operations and other activities at Hill AFB, and to prevent incompatible land uses and other community impacts to the Hill AFB missions.

The City is not required to support all recommendations of the CUP. However, endorsing and supporting the plan shows that the City is acting in good faith to encourage and participate in compatible land use development around HAFB, which is a benefit to our residents as well as HAFB and surrounding communities.



SAMPLE MOTION LANGUAGE

Approve – Move to approve Resolution 22-13 Accepting the Hill Air Force Base Compatible Use Plan

Deny – Move to deny Resolution 22-13 Accepting the Hill Air Force Base Compatible Use Plan

Continue – I move to continue Resolution 22-013 Accepting the Hill Air Force Base Compatible Use Plan

May state reasons

RESOLUTION 22-12

A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL ACCEPTING THE HILL AIR FORCE BASE COMPATIBLE USE PLAN IN GOOD FAITH AND ENDORSING THE IMPLEMENTATION STRATEGIES AS IDENTIFIED IN THE COMPATIBLE USE PLAN

WHEREAS, the Hill Air Force Base (AFB) Compatible Use Plan (CUP) is the result of a collaborative planning effort by Layton City, Clearfield City, Ogden City, Riverdale City, Roy City, South Ogden City, South Weber City, Sunset City, Uintah City, Washington Terrace City, Davis County, Weber County; Hill AFB including the Utah Test and Training Range and Little Mountain Test Facility; regional, state and federal agencies; and other interested and affected stakeholders; and

WHEREAS, the CUP is sponsored by the U.S. Department of Defense Office of Local Defense Community Cooperation with the primary goal to study land use compatibility and develop strategies designed to safeguard the quality of life of community residents, the growth and economic development of the communities, and the mission of Hill AFB; and

WHEREAS, the CUP contains recommendations for the implementation of strategies, policies, and actions intended to promote collaborative and compatible land use planning, minimize the impact of military operations on nearby communities, increase public awareness of military operations and other activities at Hill AFB, and to prevent incompatible land uses and other community impacts to the Hill AFB missions; and

WHEREAS, the CUP Policy Committee and Advisory Committee have guided and overseen the CUP process and development of the CUP, met to review and provide input on the CUP, and have supported several virtual public meetings providing an opportunity for the public to participate in the process and provide comments on the draft CUP; and

WHEREAS, the CUP was completed and reviewed with the Policy Committee and Advisory Committee on December 16, 2021 and can be found at matrixdesigngroup.com.

NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, State of Utah, as follows:

Section 1. Acceptance: The Hill AFB CUP is accepted in good faith and South Weber City endorses and supports the strategies described therein that are intended to encourage compatible land use development around Hill AFB, ensure the continued community benefits from Hill AFB, and sustain the long-term viability of Hill AFB missions.

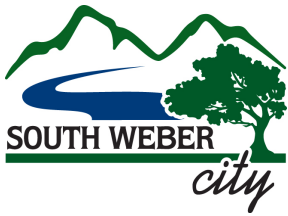
Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 22nd day of March 2022.

Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

Rod Westbroek, Mayor

Attest: Lisa Smith, Recorder



#12 HAFB Committee
CITY COUNCIL MEETING
STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

David Larson
City Manager

ITEM TYPE

Legislative

ATTACHMENTS

[HAFB CUP Executive Summary](#)

[HAFB CUP Full Plan](#)

PRIOR DISCUSSION DATES

[February 16, 2022 Packet](#)

AGENDA ITEM

RES 22-13 Endorsing the Hill Air Force Base (HAFB) Compatible Use Plan (CUP) Implementation Coordination Committee (ICC)

PURPOSE

Endorse the creation of and designate a city representative in the HAFB CUP Implementation Coordination Committee

RECOMMENDATION

Staff recommends approving Resolution 22-## Endorsing the Hill Air Force Base (HAFB) Compatible Use Plan (CUP) Implementation Committee and selecting Trevor Cahoon, Community Services Director, as the City's representative.

BACKGROUND

Upon completion of the HAFB CUP, a committee of representatives from the various communities that were involved in the creation of the plan will be created to track the implementation of the CUP's recommendations.

Our Community Services Director, Trevor Cahoon, who oversees the community development division in South Weber will be the most knowledgeable to provide great representation of the City in the ICC.

ANALYSIS

SAMPLE MOTION LANGUAGE

Approve – Move to approve Resolution 22-13 Endorsing the Hill Air Force Base Compatible Use Plan Implementation Committee

Deny – Move to deny Resolution 22-13 Endorsing the Hill Air Force Base Compatible Use Plan Implementation Committee

Continue – I move to continue Resolution 22-13 Endorsing the Hill Air Force Base Compatible Use Plan Implementation Committee

May state reasons

RESOLUTION 22-13

A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL ENDORING THE FORMATION OF THE HILL AIR FORCE BASE COMPATIBLE USE PLAN IMPLEMENTATION COORDINATION COMMITTEE

WHEREAS, the South Weber City Council recognizes the value of Hill Air Force Base (AFB) missions to national defense, the local and regional economies, and supports execution of the implementation strategies developed as part of the Hill AFB Compatible Use Plan (CUP) in order to protect current future operational capabilities; and,

WHEREAS, the South Weber City Council recognizes the importance of continued participation in the implementation phase of the Hill AFB CUP and coordination with Hill AFB project partners as it will benefit the health, safety and general welfare of the public, benefit the economic development of local communities, and ensure the continued viability of Hill AFB as a national defense strategic asset; and,

WHEREAS, the South Weber City Council endorses the formation of a CUP Implementation Coordination Committee which is responsible for direction and guidance for the implementation of the CUP recommendations and strategies, oversight of actions taken to implement CUP strategies and recommendations, and reporting/tracking on the status of recommended CUP strategies and implementing actions; and,

WHEREAS, the Hill AFB CUP Implementation Coordination Committee will meet regularly as necessary to ensure continued progress of the Hill AFB CUP strategies and recommendations; and,

WHEREAS, Layton City, Clearfield City, Ogden City, Riverdale City, Roy City, South Ogden City, South Weber City, Sunset City, Uintah City, Washington Terrace City, Davis County, Weber County; Hill AFB including the Utah Test and Training Range and Little Mountain Test Facility; regional, state and federal agencies; and other interested and affected stakeholders, as members of the CUP Policy Committee and Advisory Committee, have the institutional knowledge and requisite background to participate on the Hill AFB CUP Implementation Coordination Committee.

NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, State of Utah, as follows:

Section 1. Endorsement: South Weber endorses participation in the Hill AFB CUP Implementation Coordination Committee is necessary to carry out the necessary actions to implement the strategies and recommendations identified in the Hill AFB CUP.

Section 2. Representative: The Hill AFB CUP Implementation Coordination Committee representative for South Weber City is Trevor Cahoon. Other staff members will support the Hill AFB CUP Implementation Coordination Committee as necessary.

Section 3: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

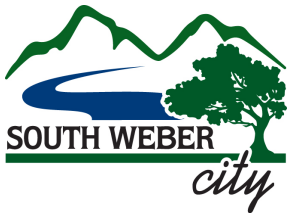
RES 22-13 HAFB CUP Implementation

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 22nd day of March 2022.

Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

Rod Westbroek, Mayor

Attest: Lisa Smith, Recorder



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

David Larson
City Manager

ITEM TYPE

Administrative

ATTACHMENTS

ECG Scope & Fee Proposal
Professional Services
Agreement

PRIOR DISCUSSION DATES

[November 17, 2020](#)

[December 15, 2020](#)

AGENDA ITEM

RES 22-14 Multi-Hazard Mitigation Plan Project Award

PURPOSE

Select a contractor to assist the City in creating a Multi-Hazard Mitigation Plan

RECOMMENDATION

Staff recommends approving Resolution 22-14, awarding the project to ELWELL Consulting Group, PLLC (ECG) for a not to exceed amount of \$66,501.

BACKGROUND

In November/December of 2020, City Council committed to fund the creation of a Multi-Hazard Mitigation Plan if awarded a Building Resilient Infrastructure and Communities (BRIC) Planning Grant. The City hired a grant writer to assist in the intricacies of a FEMA grant application which was due December 1, 2020 and ultimately were awarded the grant in February 2022.

Based on our grant application, the total budget for the project is established at \$67,000. The grant portion is \$50,000 and the City contribution is \$17,000.

ANALYSIS

ECG is well-known by emergency management professionals in the state of Utah who comes highly recommended for being an expert in the creation of these Multi-Hazard Mitigation Plans and being able to manage the details of federal grant tracking and reporting. Bryon Elwell, President of ECG, is very familiar with the City's project as he personally assisted in writing the City's grant application.

ECG is well-experienced and equipped to complete this project, having done many in the past and is currently completing other like projects within the state. For example, through former City Councilmember Wayne Winsor we know that ECG is also currently assisting the Metropolitan Water District of Salt Lake and Sandy with their BRIC grant-funded project. Staff is confident and excited to work with ECG if the Council awards the project based on our past experience working with Bryon and the favorable recommendations we've received.

SAMPLE MOTION LANGUAGE

Approve – Move to approve Resolution 22-14 awarding the Multi-Hazard Mitigation Plan Project to ELWELL Consulting Group for an amount not to exceed \$66,501

Deny – Move to deny Resolution 22-14 awarding the Multi-Hazard Mitigation Plan Project

Continue – I move to continue Resolution 22-14 awarding the Multi-Hazard Mitigation Plan Project

May state reasons



3014 W. Chimney Rock Circle Taylorsville, UT 84129
Phone: 801.870.9709

March 4, 2022

David Larson, City Manager
South Weber City
1600 E. South Weber Dr
South Weber City, Utah 84405
Telephone: (801) 479-3177

Subject: South Weber City Multi-Hazard Mitigation Plan Project – Scope & Fee Proposal

Dear Mr. Larson:

ELWELL Consulting Group, PLLC (ECG) is pleased to submit the following Scope & Fee Proposal on behalf of the ECG Team to South Weber City (City) for development of a Multi-Hazard Mitigation Plan (MMP) for the City's critical facilities/assets (i.e., buildings, infrastructure, etc.). The ECG Team includes ECG and subconsultants, CRS Engineers, and Geo Strata. This Proposal is submitted in response to a request made by the City Manager on February 17, 2022, to ECG for preparation of a Scope & Fee Proposal for the South Weber City Multi-Hazard Mitigation Plan Project. The proposed scope of services, fee, schedule, and terms & conditions of this Multi-Hazard Mitigation Plan Project Proposal are presented in the paragraphs below.

1.0 SCOPE OF SERVICES

The scope of work for the South Weber City's Multi-Hazard Mitigation Plan (MMP or Plan) has been divided into four phases (A-D) that correspond to the FEMA guidance referenced planning elements of A) Planning Process, B) Risk Assessment, C) Mitigation Strategy, and D) Plan Review and Adoption. The ECG Team will facilitate the planning process, identify the data requirements, conduct research & hazard assessment, assist with mitigation strategy development, develop & facilitate the public input process, document the planning process, produce the draft and final Plan, and facilitate the Plan approval and adoption process. The details of the scope of work by phase and task are presented in the following paragraphs.

Phase A – Planning Process

Task 1 – Organize Resources

This task will begin the Planning Process and will consist of building a planning team, laying out the planning process, and initiating document/information gathering. The City Planning Team will be built from a core group of representatives from each of the City's four primary departments including: administration, public works, public safety, and recreation. In addition to the City's core planning team there will be coordination with regional planning agencies who will be invited to participate in the planning process. A kickoff meeting with the City Planning Team and ECG Team will be used to review the scope of work, schedule, and budget for the MMP project. The roles and responsibilities of the planning team members will also be established during this meeting. In addition, the kickoff meeting will be used to start the information and document gathering process, which will continue throughout the planning process in support of completing all elements of the project. The planning process will also include periodic Planning Team meetings throughout the duration of the project. These will be used to gather information from the various City departments that make up the Planning Team, as well as to

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review and discuss results of the various project element tasks. These meetings will also be used for making key decisions on the planning elements before moving to the next step in the planning process. Therefore, it has been estimated that there will be three Planning Team meetings with durations of up to 2 hours each held during the MMP project.

ASSUMPTIONS:

- The ECG Team will facilitate a Kickoff meeting of up to 2 hours in duration with the City Planning Team. This and all other project meetings maybe held online rather than in person due to COVID-19 restrictions and/or for greater efficiency in conducting the project.
- The City will provide requested documents in a timely manner (within 7 to 10 calendar days of request) to the ECG Team in order to keep the project on schedule.
- The City will provide timely reviews of all deliverables for the project and provide any comments and/or approvals in a timely manner (within 7 to 10 calendar days of request) to the ECG Team in order to keep the planning process moving forward and the project on schedule.

DELIVERABLES:

- Hold a kickoff meeting and submit meeting summary notes.
- Submit a preliminary list of project related documentation and information at the Kickoff meeting for collection from the City.
- Submit up to 3 follow-up information request lists during the project as needed for collection from the City.

Task 2 – Develop Outreach Strategy & Plan Maintenance Procedures

A public outreach strategy for this MMP project will be developed and reviewed with the City Planning Team at the beginning of the planning process. The outreach strategy will identify stakeholders for inclusion in the MMP planning process. The outreach strategy will at a minimum consist of conducting an estimated four Stakeholder/Public Outreach meetings during the course of the MMP project. These meetings will be spread across the planning process with one stakeholder meeting planned for each of the four phases (Elements A – D) to brief the public on plan activities and allow for Stakeholder/public input throughout the MMP project. In addition, the City will also implement any other outreach strategy items developed during Task 2, which may include website and social media postings, questionnaire and/or information mailers, City Council meeting updates, etc.

The second part of the task will be used to identify Plan Maintenance Procedures, which are required for an approvable MMP. The ECG Team will assist the Planning Team in developing plan maintenance procedures for maintaining the MMP throughout the five-year period following FEMA’s approval of the MMP. The procedures will also include maintenance of the public participation process during this same period. The procedures identified and developed for the MMP will also be documented in the MMP.

ASSUMPTIONS:

- The ECG Team will facilitate up to four Stakeholder meetings, each with a duration of up to 2 hours. Note: These meetings will be held during each of the four phases of the project towards the end of each phase with the exception of Phase D Plan Review and Adoption where the Stakeholder meeting will be held after the Draft Plan has been submitted to the City for review in order to allow for City, Stakeholder, and public comments.

DELIVERABLES:

- Submit Draft Outreach Strategy for City review and approval.
- Submit Draft Plan Maintenance Procedures for City review and approval.

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Task 3 – Review Other Existing Plans and Resources

City existing hazard assessments and other existing plans and resources, including the recently updated General Plan, will be reviewed, and used to supplement portions of the City’s MMP. Other City resources relevant to the natural hazard assessment of the City’s critical facilities/assets (i.e., buildings, infrastructure, etc.) will also be reviewed in support of the development of the City’s MMP. These other existing plans and resources reviews and evaluations will be documented as part of the planning process.

DELIVERABLES:

- Hold Planning Team meeting at end of Phase A Planning Process and combine with Task 4 Asset Prioritization meeting.
- Hold Stakeholder meeting #1 after completion of Phase A Planning Process tasks.

Phase B – Risk Assessment

Task 4 – Identify Assets

During this task, the Planning Team and ECG Team will identify the City’s key facilities/assets that should be included in the scope of the Plan. This will include facilities/assets that are deemed critical to the City and the services it provides to its citizens. Consultant will hold a meeting with the Planning Team to perform a prioritization of these key facilities/assets to determine their relative criticality regarding the City’s operations and services, and the City’s mission objectives. The City facilities/assets criticality ranking will be one of the criteria used by the City in prioritizing the Mitigation Actions under Task 9.

ASSUMPTIONS:

- The list of the City’s critical facilities/assets to be identified for potential assessment in the MMP will be limited to no more than 15 facilities/assets by assessing representative assets from the different facility groups (i.e., city buildings, storm water/flood control facilities, parks, water system, sewer system, roads, etc.).
- The ECG Team will facilitate an Asset Prioritization meeting with a duration of up to 4 hours that will be combined with Phase A Planning Team meeting referenced in Task 3 above.

DELIVERABLES:

- Hold an Asset Prioritization meeting to facilitate a pair-wise comparison of critical assets selected by City and submit a summary of prioritization results after the meeting.

Task 5 – Hazard Identification & Profiling

The natural hazards affecting the City’s planning area and key assets will be identified during this task, starting with the hazards identified in the recently updated General Plan and adding any other applicable natural hazards that are discovered under Task 3 or during this hazard identification and profiling task. One means of identifying and documenting hazards will be through GIS mapping of key facilities/assets overlain with spatial hazards across the City’s planning area, as applicable. These identified applicable natural hazards will then be profiled to determine which hazards are most significant to the City planning area and assets. Hazard significance will be determined based on geographic area affected, the magnitude/strength of a hazard, and probability of a future hazard event, all of which will be documented during this task. Hazard events that have occurred for the City’s key facilities/assets and planning area will be documented including those previously identified in the General Plan or other existing plans and resources. National Flood Insurance Program (NFIP) insured structures within the City that have been repetitively damaged by floods will be addressed including if this is not applicable.

ASSUMPTIONS:

- The ECG Team will only perform hazard profiling of natural hazards that should be eligible for potential FEMA BRIC grant application funding for the South Weber City MMP.

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- City to provide GIS baseline mapping for their City's critical facilities to be used for hazard maps in support of developing their City MMP.
- City Planning Team to review and approve the natural hazards to be advanced for asset-hazard pair screening and selection during Task 6.

DELIVERABLES:

- Submit a Hazards Profile Table for the applicable natural hazards for City review and approval.

Task 6 – Vulnerability Assessment

This vulnerability assessment task will include research, document reviews, interviews of key City staff, and site visits, where necessary to determine the vulnerability of City assets to the various significant natural hazards identified in Task 5. The vulnerability assessment will be accomplished in two stages. First, a hazard rating of High, Medium, or Low will be assigned to each asset-hazard pair based on determining the characteristics of the asset in relation to potential impacts of the hazard. Second, those assets with combined significant hazard ratings and upper tier criticality rankings (Task 4 asset prioritization) will be further evaluated to determine the assets' specific vulnerabilities to a hazard event. This further evaluation will include some minor calculations and/or site visits which will be performed by the ECG Team with input from City staff. An overall summary of hazard vulnerability will be documented for each facility/asset against each hazard, which will include rating of the impact of each hazard.

ASSUMPTIONS:

- The City will select up to 15 asset-hazard pairs for risk assessment during the risk screening planning meeting with a duration of up to 2 hours.
- Site visits of 2 to 3 days for conducting the vulnerability assessment of the up to 15 asset-hazard pairs selected by the City. City will provide knowledgeable escort(s) for the ECG Team to perform the site visits.

DELIVERABLES:

- Submit an asset-hazard pair screening table with preliminary consequence scoring for hazard screening meeting.
- Hold a planning meeting to screen the potential asset-hazard pairs for risk assessment and submit meeting summary notes.

Task 7 – Consequence Assessment

The consequence assessment task will be performed after Task 6 has been completed, such that the results of the vulnerability assessment can be used to define anticipated damage scenarios/levels associated with each asset-hazard pair. The consequences of each natural hazard event in relation to the asset vulnerabilities will be estimated by the Planning Team and the ECG Team to complete the risk assessment. Risk assessment will include determination of the system loss of service, economic loss, and/or loss of life/injury associated with each identified asset-hazard vulnerability thus establishing the consequence of the hazard. This assessment will be performed on the up to 15 asset-hazard pairs selected by the City Planning Team during Task 6.

ASSUMPTIONS:

- Only the top 10 asset-hazard pairs identified by the risk assessment of the up to 15 asset-hazard pairs selected by the City during Task 6 will be advanced for development of mitigation projects that will receive conceptual level cost estimates and benefit/cost ratios, where applicable.

DELIVERABLES:

- Hold a risk assessment workshop of up to 2 hours in duration to review the consequence assessment results and submit meeting summary notes.
- Hold Stakeholder meeting #2 after completion of Phase B Risk Assessment tasks.

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Phase C – Mitigation Strategy

Task 8 – Identify Mitigation Goals & Actions

This task will first consist of identifying the City’s mitigation goals which will include consideration of mitigation strategies and goals from previous planning (i.e., General Plan) and the consideration of current priorities and operational conditions. Secondly, specific mitigation actions will be identified to address the vulnerabilities with adverse consequences determined under Tasks 6 and 7 of the MMP project. Mitigation actions identified will reduce the hazard effects on the City’s assets and operations. Only those facilities/assets with identifiable risk reduction potential will have mitigation actions included in the Plan. Finally, conceptual design descriptions and rough order of magnitude cost estimates will be developed for each of the identified mitigation actions.

ASSUMPTIONS:

- For budgeting purposes it is assumed that there will be up to 10 high risk asset-hazard pairs that will be addressed with risk reduction (mitigation) projects during Phase C Mitigation Strategy. It is also assumed that there will be no more than 5 assets in the top 10 asset-hazard pairs for development of up to 5 mitigation projects that will receive conceptual level cost estimates and benefit/cost ratios, where applicable.

DELIVERABLES:

- Submit draft list of mitigation goals and actions to City for review and approval.

Task 9 – Prioritize Action Items

Mitigation action items will be prioritized using evaluation criteria developed by the Planning Team with assistance of the Consultant including but not limited to technical feasibility, political acceptance, and economics of proposed actions. A benefit-cost (B/C) analysis will be performed for each action item by evaluating the benefit (mitigated consequences from Task 7) of the proposed action item against its cost (estimated in Task 8). This B/C will be used to determine economic feasibility; only those mitigation actions with a B/C of 1.0 or higher will be scheduled for implementation. The criticality of the asset (see Task 4) to which the action item applies will be used for the initial prioritization and ranking of action items followed by the other criteria (socio-economic, B/C, etc.) developed by the Planning Team with assistance of the ECG Team.

ASSUMPTIONS:

- Only the top 10 asset-hazard pairs identified by the risk assessment of the up to 15 asset-hazard pairs selected by the City during Task 6 will be advanced for development of mitigation projects that will receive conceptual level cost estimates and benefit/cost ratios, where applicable (see Task 8 assumptions above).

Task 10 – Develop Action Plan for Implementation

An implementation strategy will be developed by the Planning Team with the ECG Team’s assistance which will include all action items prioritized in Task 9. Information documented for each mitigation action item will include identifying the mitigation action’s priority, the lead party (i.e., City department) responsible for implementation, potential funding sources, and the timeline for implementation. This information will be used to develop a limited number of mitigation projects for programming into a City mitigation implementation plan for identified mitigation actions over the next 5 years. The implementation plan can then be coordinated with the City’s capital facilities plans on an annual basis and updated as necessary each year in preparation for the MMP’s five-year update. This will ultimately also allow the City to use the Plan for pursuing FEMA BRIC project grant funds.

ASSUMPTIONS:

- The Implementation Plan will focus on the near-term risk reduction mitigation actions and projects that the City can accomplish over the next 5 years. Emphasis will be on the project(s) that have potential for FEMA BRIC grant funding.

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DELIVERABLES:

- Submit a Draft Implementation Plan to the City for review and approval, and for incorporation into the Draft Plan.
- Hold Planning Team meeting after completion of Phase C Mitigation Strategy tasks.
- Hold Stakeholder meeting #3 after completion of Planning Team meeting.

Phase D – Plan Review and Adoption

Task 11 – Review Final Draft Plan

A South Weber City MMP will be prepared that will include the results from the work performed during the Planning Process, Risk Assessment, and Mitigation Strategy elements of the project. The Plan will be prepared in compliance with FEMA's local hazard mitigation guidance and will be cross referenced with the FEMA Local Mitigation Plan Review Tool for local hazard mitigation Plans. Consultant will prepare a draft South Weber City Hazard Mitigation Plan document that will first be reviewed by the City planning team, then presented to the public at a final Stakeholder meeting.

ASSUMPTIONS:

- City comments to be provided to ECG Team within 14 days of receipt of Draft Plan.

DELIVERABLES:

- Hold Draft MMP Review meeting with City.
- Hold Stakeholder meeting #4 after completion of Draft MMP Review meeting.
- Submit Draft MMP (1 electronic & 2 hard copies) to City.

Task 12 – Submit Plan to State & FEMA

After incorporation of any City and/or public comments, the Final Draft Plan will be submitted to the State of Utah for review. Any State comments will be addressed, and an updated Final Draft Plan will be submitted to FEMA for review. It is anticipated that FEMA will have some comments that need to be addressed before granting approval; therefore, the Plan will be revised in accordance with FEMA comments and a Final Plan document will then be resubmitted to FEMA for conditional approval.

ASSUMPTIONS:

- There will on be one round of comments from State and FEMA on the Final Draft MMP.
- FEMA will provide the City with conditional approval after their review of the Final Draft MMP.

DELIVERABLES:

- Submit Final Draft MMP (1 electronic copy) to State of Utah, after incorporating any comments from the City. Also provide (1 electronic copy) to City.
- Submit Final Draft MMP (1 electronic copy) to FEMA for review, after incorporating any comments received from the State. Also provide (1 electronic and 2 hard copies) to City.
- Submit Final MMP (1 electronic copy) to FEMA after incorporating any conditional approval items including inserting the City Council's Plan Adoption documentation from Task 13. Also provide (1 electronic and 2 hard copies) to City. (See Task 13 Deliverable below)

Task 13 – Adopt Plan

After receipt of FEMA's conditional approval of the Final Plan document, it will be presented to the City Council for acceptance and adoption. The City Council's letter of adoption will be submitted to FEMA as the City's final step in the FEMA approval process. The ECG Team's proposed project schedule has allowed for an additional 45-day period for FEMA to review the Final City submission of its City Council Plan Adoption Letter and any other documentation for meeting conditions from FEMA's conditional approval received under Task 12 above. This will achieve the City's goal of receiving a FEMA Approval Letter on their South Weber City MMP prior to

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the FY2023 BRIC grant application deadline that is anticipated to be at the end of January 2024 based on the recent FY2021 BRIC grant application deadline of January 28, 2022.

ASSUMPTIONS:

- City will hold a City Council Meeting in May 2023 that will allow for the MMP plan to be adopted by the City Council.

DELIVERABLES:

- Submit Final Plan documentation (see Task 12 Final MMP deliverable above) including the City Council's Plan Adoption documentation (1 electronic copy, final deliverable) to FEMA to allow for final Plan Approval. Also provide (1 electronic copy) to City.

Project Management

ECG will provide project management for the project to ensure quality and timely completion of this project. ECG will accomplish this through maintaining contact with the City's project manager and overseeing internal Quality Control (QC) reviews performed by a senior QC team member of all ECG Team deliverables for this project. ECG is committed to achieving total quality and client satisfaction. The estimated time commitment for Project Management is 3 hours per month, which includes preparation and submission of a monthly invoice with progress report as well as the project coordination with City's project manager, coordination with the ECG Team members, and oversight of QC reviews described above. The cost for project management has been distributed equally between the four Phases in accordance with the FEMA budget narrative for Phases A-D and is based on a project duration of up to 14 months .

DELIVERABLES:

- Monthly Progress Reports with Monthly Invoices

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2.0 FEE

The ECG Team proposes to perform the above Scope of Services on a time and materials basis for a not to exceed price of Sixty-Six Thousand, Five Hundred and One Dollars (\$66,501). The fee includes labor at the fully burdened hourly bill rates in Table 2-1 for the ECG Team personnel, as well as expenses for personal mileage and report production costs. Personal mileage charges will be billed at the federal travel rate of \$0.58 per mile used in the FEMA BRIC grant application; and the cost to produce draft and final Plan hard copies is \$50 per copy. The agreed to fee for the Project shall not be exceeded without prior authorization from the City. Table 2-1 lists the proposed labor and expenses for completing the Scope of Services in Section 1.0, above.

Table 2-1. South Weber City 2022/2023 Multi-Hazard Mitigation Plan Cost Proposal

South Weber City - Multi-hazard Mitigation Plan - FY2020 BRIC																
		CRS Engineers						ECG	GeoSrata							
		Wilson, Mike	Hettich, Mandy	Nebecker, Craig	Rood, Ben	Jones, Kaitie	Reynolds, Daniel	Elwell, Bryon	Alba, Hiram	Agopian, Sofia						
		\$ 175	\$ 60	\$ 140	\$ 165	\$ 130	\$ 100	\$ 180	\$ 180	\$ 145						
Phase	Phase Description	Sr. Project Manager	Admin	Structural Engineer	Drainage Engineer	Project Engineer	GIS	PM/HMP Lead	GeoTech Engineer	GIS	Total Labor Hours	Total Labor Effort	Total Expense Cost	Total Project Cost		
A	Planning Process	4	0	0	0	2	4	45	3	2	60	\$ 11,100	\$ 181	\$ 9,391		
B	Hazard ID & Risk Assessment	8	0	4	8	6	18	61	12	14	131	\$ 20,760	\$ 322	\$ 19,192		
C	Mitigation Strategy Plan Development,	10	0	3	4	4	2	49	8	5	85	\$ 15,345	\$ 45	\$ 13,500		
D	Review, Evaluation, & Adoption	18	8	0	2	4	4	72	7	4	119	\$ 18,310	\$ 437	\$ 16,857		
GRAND TOTAL		40	8	7	14	16	28	227	30	25	395	\$ 65,515	\$ 986	\$ 66,501		

Services performed by the ECG Team will be billed on a monthly basis throughout the project duration.

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3.0 SCHEDULE

The ECG Team proposes to complete this South Weber City MMP project within approximately fourteen months of project startup as discussed with the City Manager, although the FEMA grant allows for up to 36 months to complete the project with a period of performance of December 30, 2021 to December 29, 2024. The proposed project schedule has an assumed project start date of March 24, 2022, and project completion date of May 24, 2023 (*Note FEMA's Approval Letter could take up to 45 days after project completion to be issued, which is July 2023*). This will allow for FEMA's 45-day review period of the Final Plan revisions and ability for FEMA to issue the City a Plan Approval letter well in advance of the anticipated FEMA BRIC 2023 Grant Application deadline of the end of January 2024. The schedule in terms of duration (number of days/months) for the Project Phases, Tasks, and Project Management described in Section 1 above are presented in column 2 of Table 3-1. The proposed completion dates and/or ranges for each of the Project Phases and some of the Tasks are presented in the third column of Table 3-1 that will meet the City's desired 14-month project completion in May 2023.

Table 3-1. Proposed Schedule Duration and Completion Schedule by Phases/Tasks

Project Phases / Tasks	Duration	Completion Schedule
Phase A Planning Process	60 Days	3/24/22 to 5/25/22
Project Startup	NA	March 24, 2022
Task 1: Organize Resources		
Task 2: Develop Outreach Strategy & Plan Maintenance Procedures		
Task 3: Review Other Existing Plans and Resources		
Phase B Risk Assessment	120 Days	5/26/22 to 9/29/22
Task 4: Identify Assets		
Task 5: Hazard Identification & Profiling		
Task 6: Vulnerability Assessment		
Task 7: Consequence Assessment		
Phase C Mitigation Strategy	60 Days	9/30/22 to 11/30/22
Task 8: Identify Mitigation Goals & Actions		
Task 9: Prioritize Action Items		
Task 10: Develop Action Plan for Implementation		
Phase D Plan Review & Adoption	6 Months	12/1/22 to 5/24/23
Task 11: Draft Plan Review & Submission	60 days	12/1/22 to 2/1/23
Task 12: <i>State Review</i> *	30 days	2/2/23 to 3/3/23
Task 12: Final Draft Plan Revisions	10 days	3/3/23 to 3/13/23
Task 12: <i>FEMA Review</i> **	45 days	3/13/23 to 4/26/23
Task 13: City Council Plan Adoption	13 days	4/26/23 to 5/9/23
Task 12: Final Plan Revisions ***	14 days	5/10/23 to 5/24/23
Task 13: <i>FEMA MMP Approval Letter</i> **	45 days	5/24/23 to 7/7/23
Project Management	14 Months	3/24/22 to 5/24/23

*State of Utah standard review time of up to 30 days.

**FEMA standard review time of up to 45 days.

*** ECG Team Final Deliverable.

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4.0 TERMS AND CONDITIONS

The ECG Team will provide the above Section 1 Scope of Services for the Section 2 Fee in accordance with the Section 3 Schedule and in accordance with the ECG Professional Services Agreement (PSA) terms and conditions for this Multi-Hazard Mitigation Plan project (see ECG PSA provided as a separate document).

Please contact Mr. Bryon Elwell at 801-870-9709 if any aspect of this proposal requires clarification or you need any additional information for this project.

Sincerely,
ELWELL Consulting Group, PLLC

A handwritten signature in black ink, appearing to read "Bryon Elwell".

Bryon Elwell, P.E., President
3014 Chimney Rock Circle
Taylorsville, UT 84129
bryonelwellsr@gmail.com
(801) 870-9709

RESOLUTION 22-14

**A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL
AWARDING MULTI-HAZARD MITIGATION PLAN PROJECT**

WHEREAS, in late 2020 Council committed funds for the creation of a Multi-Hazard Mitigation Plan; and

WHEREAS, the City hired a professional grant writer to help apply for a Building Resilient Infrastructure and Communities (BRIC) Planning Grant; and

WHEREAS, the Federal Emergency Management Agency (FEMA) awarded South Weber a BRIC grant in February; and

WHEREAS, Elwell Consulting Group (ECG) is an expert in both creating the mitigation plan and tracking/reporting the details as required by FEMA;

NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, State of Utah, as follows:

Section 1. Award: The Multi-Hazard Mitigation Plan Project is hereby awarded to Elwell Consulting Group with terms and conditions outlined in the agreement attached as Exhibit 1.

Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 22nd day of March 2022.

Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

Rod Westbroek, Mayor

Attest: Lisa Smith, Recorder



PROFESSIONAL SERVICES AGREEMENT

3014 W. Chimney Rock Circle Taylorsville, Utah 84129
PH 801-870-9709

South Weber City ("CLIENT"), HEREBY AUTHORIZES **ELWELL CONSULTING Group, PLLC** ("ENGINEER"), A UTAH PROFESSIONAL LIMITED LIABILITY COMPANY, TO PROVIDE THE SERVICES DESCRIBED BELOW SUBJECT TO THE TERMS AND CONDITIONS SET FORTH BELOW.

CLIENT is a(n): Individual Corporation Partnership Sole Proprietorship

<p>A. CLIENT INFORMATION:</p> <p>Client Name: South Weber City</p> <p>Representative: David Larson</p> <p>Address: 1600 E. South Weber Dr South Weber City, Utah 84405</p> <p>Phone: (801) 479-3177</p>	<p>B. PROJECT DESCRIPTION:</p> <p>Project Name and Location: South Weber City MMP</p> <p>Estimated Begin/End Dates: 3/24/22 to 5/24/23</p> <p>ECG Project No.: 2022-002</p>
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C. ENGINEER’S SERVICES:

ENGINEER shall provide the services set forth below or within the Scope of Services attached hereto and by this reference made a part hereof. Services not expressly set forth below or within attached Scope of Services or otherwise incidental to or implicit in those services, as determined solely by ENGINEER, are not a service of ENGINEER.

Description of Services: South Weber City Multi-Hazard Mitigation Plan Project (see attached ELWELL Consulting Group, PLLC (ECG) Scope and Fee Proposal dated 3/4/22)

D. COMPENSATION:

ENGINEER shall be compensated as described in this paragraph D and within the Scope of Services attached hereto and by this reference made a part hereof, and Article 1 herein. CLIENT shall pay a **retainer fee of \$0.00** prior to **commencement** of ENGINEER'S services. Said fee shall be applied to the final invoice for services provided hereunder. In the event there is conflict between the compensation provision of this paragraph D and the Scope of Services, this paragraph D and Article 1 herein shall control.

Time and Materials with not to exceed ceiling of Sixty-Six Thousand, Five Hundred and One Dollars (\$66,501).

HAVING READ, UNDERSTOOD AND AGREED TO THE FOREGOING, **AND THE TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE HEREOF,** CLIENT AND ENGINEER, BY AND THROUGH THEIR AUTHORIZED REPRESENTATIVES, HAVE SUBSCRIBED THEIR NAMES HERETO EFFECTIVE THE LAST DATE APPEARING BELOW.

SOUTH WEBER CITY

ELWELL CONSULTING Group, PLLC

Authorized Signature

Authorized Signature

By (print): David Larson

By (print): Bryon Elwell, Sr.

Title (print): City Manager

Title (print): President

Date:

Date:

ARTICLE 1. COMPENSATION

- 1.1 Reimbursable Expenses. Reimbursable expenses include all expenditures made by or on behalf of ENGINEER in performing its services hereunder and in the interest of the project.
- 1.2 Payments. CLIENT will be invoiced at the end of the first calendar month following the effective date of this Agreement and at the end of each calendar month thereafter. Invoices shall reflect billing for work performed by ENGINEER during the month invoiced. Payment on an invoice is due upon receipt of the invoice by CLIENT. ENGINEER anticipates services will be performed during regular working hours and will not require overtime; if overtime hours or an accelerated work schedule is required, additional fees will be negotiated prior to performing these services. In the event of a dispute regarding an invoice, CLIENT shall pay all undisputed amounts as per this Article and disputed amounts shall be reserved for resolution.
- 1.3 Late Payment/Collection. ENGINEER may assess a carrying charge of 1.5 percent per month on progress payments not made within thirty (30) days of the date of invoice, which charge CLIENT warrants will be paid on demand. ENGINEER may, in its sole discretion and without notice, suspend or terminate its services under this Agreement should CLIENT not pay the amount invoiced within forty-five (45) days of the date of invoice. ENGINEER further reserves the right to withhold from CLIENT any instruments of ENGINEER's service, or copies thereof, developed for CLIENT under this Agreement pending payment on CLIENT's outstanding indebtedness. If it becomes necessary to refer the account to a collection agency CLIENT agree to pay all costs, not limited to, attorney's fees, court costs, costs of preparing documents for court and collection agency fees, whether incurred by filing a lawsuit or otherwise.
- 1.4 Estimates of Compensation. Estimates of ENGINEER'S compensation or fee where surveying services are to be provided only represent ENGINEER's opinion given the then existing information and circumstances and are not binding upon ENGINEER. Actual compensation or fee for surveying services may vary substantially depending upon conditions beyond ENGINEER'S knowledge or control, including but not limited to adverse weather, lack of adequate monumentation or control, and/or site conditions.

ARTICLE 2. SPECIAL TERMS AND CONDITIONS

- 2.1 Additional Services. Services not expressly or implicitly included with those herein specified, as determined by ENGINEER, are not covered by this Agreement. Such services may be provided only upon the execution of an amendment in compliance with this Agreement.
- 2.2 Construction Estimates. Estimates of construction cost, material quantities and construction time estimates provided by ENGINEER under this Agreement represent its opinion and are subject to change and are contingent upon factors over which ENGINEER has no control. ENGINEER makes no warranty, express or implied, as to the accuracy of such estimates.
- 2.3 Construction Services. Except as may be expressly provided by this Agreement, CLIENT recognizes that ENGINEER'S compensation for any services rendered during construction contemplates one (1) construction contract being let and construction completion within the time period set forth herein. Should the period for construction be exceeded through no fault of ENGINEER or more than one (1) construction contract be let, ENGINEER'S compensation shall be increased for services rendered in relation to such additional contract(s) or beyond said time period. ENGINEER is not responsible for the means, methods or sequences of construction nor for the safety of workers or others at the construction site. Construction review services are neither exhaustive nor continuous and consist of periodic visits to the project site intended only to determine whether construction is in general conformance with construction contract documents. ENGINEER is not responsible for the performance or non-performance of the construction contractor or its subcontractor(s).
- 2.4 Termination. This Agreement may be terminated by either party upon written notice should the other party fail substantially to perform in accordance with this Agreement through no fault of the party initiating the termination. This Agreement may be terminated by CLIENT upon seven (7) days written notice to ENGINEER in the event that the Project is permanently abandoned. If this Agreement is terminated through no fault of the ENGINEER, CLIENT shall pay ENGINEER for services performed and Reimbursable Expenses incurred in accordance with this Agreement and, upon request, a Termination Adjustment equaling fifteen percent (15%) of the estimated fee remaining to be earned at the time of termination to account for ENGINEER'S rescheduling adjustments, reassignment of personnel and related costs incurred due to termination. If this Agreement is terminated by CLIENT for cause, CLIENT shall pay ENGINEER for services performed and Reimbursable Expenses incurred in accordance with this Agreement.
- 2.5 Representatives. ENGINEER and CLIENT shall designate in writing a person authorized to act as their Representative. Said Representative shall receive and examine documents submitted by the other party and shall interpret and define policies and render decisions and authorizations promptly to prevent unreasonable delay in the progress of the Project.
- 2.6 Prohibition Against Hiring. During the term of this contract ENGINEER and CLIENT shall be prohibited from hiring or otherwise retaining, in any capacity, each other's personnel. This applies to employees and others under contract at any level.
- 2.7 Limitation of Liability. CLIENT agrees to limit the liability of ENGINEER and ENGINEER'S consultants, employees and agents to CLIENT and to all contractors, subcontractors and to all other persons which may arise from or be due directly or indirectly to any strict liability, breach of contract or other duty and/or any professional or other negligent act, error and/or omission of ENGINEER and/or ENGINEER'S consultants, employees or agents in connection with the performance of services for this Project, such that the total aggregate liability of ENGINEER and ENGINEER'S consultants, employees and agents to those named shall not exceed the total contract value or One Hundred Thousand Dollars (\$100,000.00), whichever is the lesser total amount. For the purposes of computing the total aggregate liability to be limited hereunder, the total aggregate liability shall include the attorneys' fees and costs of litigation reasonably incurred by ENGINEER and ENGINEER'S consultants, employees and agents in the defense of such claims. Said limit of liability may be increased prior to the execution of this Agreement up to ENGINEER'S then effective professional liability insurance limits upon CLIENT'S written request and payment of an additional fee as agreed upon by both parties.

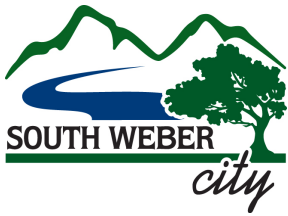
- 2.8 Ownership of Documents. All plans, specifications, tracings, notes, data and other documents, including electronic media/disks, are instruments of professional service and ENGINEER shall retain the ownership and all common law, statutory and other reserved rights, including copyright, in such data and documents. Such instruments are prepared and intended only for use as an integrated set on the particular project and for the limited purposes specified. Modification or use on other projects of such instruments of service, or copies thereof, without ENGINEER'S prior express written consent shall be at CLIENT'S sole risk. CLIENT shall hold harmless, indemnify and defend ENGINEER and ENGINEER'S consultants, employees and agents from and against any and all claims and/or liability arising out of any such non-permissive modification or use. Final project deliverable(s) are contingent upon receipt of full payment.
- 2.9 CLIENT Information. ENGINEER and ENGINEER'S consultants shall have the right to rely on any and all information supplied to ENGINEER or ENGINEER'S consultants by or through CLIENT, and shall not have a duty to verify the accuracy of such information unless otherwise expressly agreed herein. CLIENT shall disclose information or knowledge of hazardous materials on the project site. CLIENT shall hold harmless, indemnify and defend ENGINEER and ENGINEER'S consultants, employees and agents from and against any claims and/or liability related, directly or indirectly, to ENGINEER'S or ENGINEER'S consultant's use of or reliance upon any such information.
- 2.10 Record Drawings. Any Record Drawings called for herein will be developed based upon bid specifications and plans as modified by actual construction. Information related to such modifications may be provided by others, including the Construction Contractor, who is to document such modifications as part of its performance. ENGINEER may rely upon such information and is not responsible for the accuracy of such information as it affects the Record Drawings. Record Drawings serve to document substantial alterations between bid plans and actual construction and do not document minor alterations or differences.
- 2.11 Site Access. CLIENT shall secure rights of access for ENGINEER to all property reasonably necessary to the performance of ENGINEER'S services.
- 2.12 Subpoenas and testimony. If ENGINEER is required by provisions of law or by court order, including if a third-party subpoenas ENGINEER'S records or requires ENGINEER to testify concerning work or services performed or which ENGINEER has performed for CLIENT, ENGINEER will consult with CLIENT to determine whether CLIENT intends to assert any objections or privileges (to the extent CLIENT may properly do so). CLIENT hereby agrees to pay ENGINEER for ENGINEER'S time and expenses reasonably incurred, and at the then prevailing rates, in relation to any such demand or obligation, including but not limited to, time and expenses for searching and copying records, reviewing documents, consulting with legal counsel, designating privileged documents, asserting objections, appearing at depositions or hearings or trials, litigating issues raised by such request(s), and for ENGINEER'S actual attorney's fees and costs incurred relating to these obligations and services.

ARTICLE 3. GENERAL TERMS AND CONDITIONS

- 3.1 Applicable Law. This Agreement shall be interpreted and enforced in and according to the laws of the State of Utah.
- 3.2 Assignment; Subcontracting. Neither CLIENT nor ENGINEER shall assign its interest in this Agreement without the written consent of the other, except that ENGINEER may subcontract any portion of its services without such consent. CLIENT is primarily responsible for the compensation of any person(s) providing such subcontracted services and such person(s) shall have a right of action directly against CLIENT for CLIENT'S nonpayment. This Agreement shall be binding upon and inure to the benefit of the successors, assigns or any other transferees of the signatories hereto. Except as expressly provided in this paragraph, no rights or benefits are conferred to third parties by this Agreement.
- 3.3 Force Majeure. Any delay or default in the performance of any obligation of either party under this Agreement resulting from any cause(s) (excluding financial inability) beyond said party's reasonable control shall not be deemed a breach of this Agreement. The occurrence of any such event shall suspend the obligation of said party as long as performance is delayed or prevented thereby.
- 3.4 Attorney's Fees. In the event of CLIENT'S default, CLIENT shall pay all costs incurred by ENGINEER as a result of said default, including reasonable attorney's fees, whether incurred through initiation of legal proceedings or otherwise.
- 3.5 Severability; Waiver. In the event any term, condition or other provision(s) or any portion thereof of this Agreement is held to be unenforceable, the remaining provisions or portions shall remain valid and binding upon the parties. One or more waiver of any term, condition or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.
- 3.6 Amendments; Merger. This Agreement may be amended only by written instrument expressly referring hereto and duly signed by the parties. This Agreement constitutes the entire and integrated Agreement between the parties hereto and supersedes all prior negotiations, representations and/or agreements, written or oral.

ARTICLE 4. CONFIDENTIALITY

- 4.1 Confidential Information. Confidential Information means any information disclosed by either party to the other party, either directly or indirectly. In writing, orally, or by inspection of tangible objects (including, without limitation documents, samples, equipment, drawings, etc) that is designated as "Trade Secret", "Confidential", "Proprietary" or some similar designation, or is of such a nature or has been disclosed in such a manner that it should be obvious to the receiving party that such is claimed confidential. Confidential Information includes without limitation a disclosing party's trade secrets, know-how, intellectual property, and proprietary information.
- 4.2 Non-Use and Non-Disclosure. Each party agrees not to use any Confidential Information of the other party for any purpose other than intended as pertains to the Scope of Services defined herein. Each party agrees not to disclose any Confidential Information of the other party to employees or third parties except those who are required to have the information in order to complete the services as defined in the Scope of Services.



CITY COUNCIL MEETING STAFF REPORT

MEETING DATE

March 22, 2022

PREPARED BY

David Larson
City Manager

ITEM TYPE

Administrative

ATTACHMENTS

None

PRIOR DISCUSSION DATES

[August 24, 2021](#)

[October 26, 2021](#)

[March 8, 2022](#)

AGENDA ITEM

Reallocation of American Rescue Plan Act (ARPA) Funds

PURPOSE

Determine best use of ARPA money considering the Treasury’s final ruling that allows use of the money in different ways than previously established

RECOMMENDATION

Staff recommends utilizing the ARPA funding for item numbers 1 through 9 and then waiting to see exactly how much funding remains before allocating the remainder

BACKGROUND

During the March 8, 2022 City Council meeting, the Council determined to review options for how to use the City’s ARPA money and potentially reallocate the funds. Staff has since brainstormed a list of potential items, prioritized the list, and established cost estimates for those items they recommend the Council consider using the money for.

The list of items was generated through review of the parks’ priority projects list, previous budget conversations and requests that were not funded, and additional brainstorming of staff.

ANALYSIS

Previously, the Council determined to use the ARPA money on cybersecurity and water/sewer projects. The question today is whether the other items now open for consideration should take priority over those water/sewer projects. The Council may choose to still utilize the funds on those projects if desired.

Staff feels that ARPA money can be best utilized on projects that do not already have a funding source or have been budgeted, especially general governmental items typically paid for out of the capital projects fund, which is why the list of additional items for consideration are heavy on citywide, Fire, and Parks department items.

The list of items below that include a cost estimate (items 1-9) are the items staff feels should receive the strongest consideration for ARPA funds and are listed in staff priority order. The remaining items that do not include a cost estimate are not

priority items for ARPA funding in staff’s mind and are not listed in a priority order. However, they are items that the City has discussed at some point in the past and are eligible for ARPA funding if the Council chooses to prioritize them.

The 10 self-contained breathing apparatus (SCBA) were discussed briefly in a previous City Council meeting on February 22, 2022. Options were discussed at the time and staff recommends a 1-time capital purchase. The exact quote amount is included in the table below.

The fire auxiliary building project (item 3) bids came back much higher than estimated. With the Mayor’s assistance, staff has value engineered the design and rebid the project. Once the bid period closes that project will come to the Council for award. Even if lower bid prices are received, there is a gap between the current budget and the amount needed to complete the project. The amount below is an estimate of what it will take to bridge that gap.

Time locks for park restrooms and smart sprinkler timers (items 6 & 7) can only be installed if there is Wi-Fi in the parks first (item 5). An exact cost of item 5 is still unknown and will require additional time to establish an estimate.

The Petersen Memorial and bike track (items 8 &9) were items initially included in the current Canyon Meadows Park West Phase I Project that had to be cut due to budget constraints. The \$10,000 for each is a suggestion and could be altered as the Council sees fit.

The estimated cost of items 1-9, excluding item 5, is \$733,075.51. The City’s total ARPA allocation is \$927,395 (half of which has been received and the other half will be received next fiscal year).

REF #	ITEM	DEPARTMENT	COST ESTIMATE
1	Cybersecurity	Citywide	\$40,000
2	10 SCBAs	Fire	\$107,075.51
3	Fire Auxiliary Building	Fire	\$350,000
4	Padding under playground equipment (all 4 major parks)	Parks	\$200,000
5	Wi-Fi in the Parks	Parks	?
6	Time locks for Park restrooms	Parks	\$6,000
7	Smart Sprinkler Timers in Parks	Parks	\$10,000
8	Petersen Barn Memorial at Canyon Meadows West	Parks	\$10,000
9	Canyon Meadows West bike track	Parks	\$10,000
10	Cedar Cove Park restrooms new	Parks	\$200,000
11	Posse Grounds park restrooms upgrade	Parks	\$300,000
12	Canyon Meadows East Ball Field	Parks	\$500,000
13	City Hall property or renovation of current facility	Citywide	
14	Public Works Facility	Parks/Streets	
15	Canyon Meadows West restrooms/pavilions	Parks	
16	Cherry Farms Ball Field	Parks	
17	Canyon Meadows West additional basketball court	Parks	
18	Central Park restrooms	Parks	
19	Move City Digital Sign	Citywide	
20	Additional Streetlight Replacement	Streets	
21	Archway Across South Weber Drive	Streets	
22	Cherry Farms Volleyball Pit Update	Parks	
23	Upgrade City Stage	Parks	



24	Dust Monitors	Citywide
25	Trails vehicle (side by side)	Parks
26	Revisit Parks Master Plan completed by GSBS	Parks
27	Memorial restrooms	Parks
28	Lester Drive Extension	Streets
29	Right of Way Property Purchase(s)	Streets

Approve – Move to allocate ARPA funds according to staff’s recommendation

Approve – Move to allocate ARPA funds to items ...

List Item Numbers

Continue – Move to continue the ARPA funds allocation discussion

May state reasons